

ZONING LAW

of the

VILLAGE OF DANSVILLE

Dansville, New York

ADOPTED MAY 27, 1971

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ZONING REGULATIONS

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ARTICLE I
ENACTMENT AND DEFINITIONS

SECTION 101 TITLE

- 101.1 This law shall constitute and be known as the "Zoning Law of the Village of Dansville, New York" and may be cited as such.

SECTION 102 PURPOSE AND INTENT

- 102.1 The purpose of this law is to encourage the most appropriate use of land throughout the village and to conserve the value of property, with due consideration for the character of the zones and their peculiar suitability for particular uses; all in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population, and to that end to regulate the height, design appearance, number of stories and size of buildings and other structures, and land for trade, industry, residence or other purposes; and the height, size and location of these uses within the limits of the Village.

- 102.2 **WORD USAGE: CONSTRUAL OF MINIMUM MEASUREMENTS.** Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "district" includes the plural "districts"; the word "lot" includes "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; ; "occupied" or "used" shall be construed as though followed by the words "or intended, arranged or designed to be used or occupied"; and the words "occupancy" or "use" shall be construed as similarly qualified.

- 102.3 All minimum measurements pertaining to lots or spaces shall be exclusive of the rights-of-way of any and all highways, streets or roadways.

SECTION 103 INTERPRETATION

- 103.1 In interpreting, construing and applying the provisions of the Law, they shall be held to be the minimum requirements for the protection of the public safety, convenience, prosperity, and general welfare of the public. It is not intended that this Law shall conflict, abrogate, or annul any other law, rule or regulation of the Village of Dansville, previously adopted or which may hereafter be adopted and not in conflict with these Laws, nor is it intended by this Law to interfere with or abrogate or annul any easements, covenants or other agreements between parties; however, that where this Law imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of this Law shall control.

SECTION 104 CONFLICT WITH OTHER LAWS

- 104.1 Whenever the requirements of this Law are at variance with the requirements of any other lawfully adopted rules, regulations or laws, the most restrictive of those imposing the higher standards shall govern.

SECTION 105 VALIDITY AND SEVERABILITY

- 105.1 In case any section or provision of this Law shall be held invalid in any court the same shall not affect any other section or provision of this Law, except so far as the section or portion so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 106 REPEAL OF PRIOR ORDINANCES

- 106.1 All prior Zoning Ordinances of the Village of Dansville, regulating or restricting buildings, the use of lands, setoffs and setbacks are hereby repealed and rescinded.

SECTION 107 AMENDMENTS

- 107.1 This chapter may be amended by changing the boundaries of districts or by changing any other provision thereof, whenever the public necessity and convenience and the general welfare requires such amendment, by following the procedures set forth herein and the applicable requirements of state law.

- 107.1-1 Authorization to initiate amendments. An amendment to the text or the Zoning Map may be initiated by :

- (1) Resolution of intention of the Village Board.
- (2) Resolution of intention of the Planning Board.
- (3) Application by one (1) property owner or their agent.

- 107.1-2 Application for an amendment. A property owner or his agent may initiate a request for an amendment to this chapter by filing an application with the Village Clerk, using forms provided for such requests by the village. Such application shall be accompanied by a legal description of the property or properties affected, a map showing the property or properties affected and all properties within a radius of five hundred (500) feet of the exterior boundaries thereof and a filing fee as required in the Village's fee schedule established by resolution.

- 107.1-3 Public hearing on amendment. A public hearing shall be held by the Village Board on all proposals for an amendment. Notice of said hearing shall be provided as specified by the applicable provisions of state law.

- 107.1-4 Referral to Planning Board. The Village Board shall refer all applications for a zoning amendment to the Planning Board, when such was not initiated by such Board, for review and recommendation. The Village Board may also specify the time limit on the review by the Planning Board.

- 107.1-5 Hearing before the Village Board. When applicable, in no case shall any amendment or change be finally considered by the Village Board until all provisions of this chapter have been met. If the Village Board proposes to adopt an amendment that is substantially altered from the recommendation of the Planning Board, the Village Board may refer said proposed amendment back to the Planning Board for report and recommendation before adoption.

- 107.1-6 Notification of decision. The Village Board shall notify the applicant for amendment in writing of the Village Board's decision within five (5) days after the decision has been rendered.
- 107.1-7 Records of amendments. The Village Clerk shall maintain separate files and records of each amendment to this chapter, which shall be open to the public inspection upon request.
- 107.1-8 Whenever any petition for an amendment, supplement or change or the zoning or regulations herein contained or subsequently established shall have been denied by the Village Board, then no new petition including the text and/or map covering the same property or the same property and additional property shall be filed with of or considered by the Village Board until one (1) year shall have elapsed from the date of the first petition.

SECTION 108 EFFECTIVE DATE

- 108.1 This Law shall take effect immediately after the same shall have been published and posted, as provided by the Law of the State of New York.

SECTION 109 DEFINITIONS

Accessory Building: A building or use incidental and subordinate to the principal structure or use on the same lot.

Accessory Use: A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.

Alley: A public or privately owned service-way less than twenty-four (24) feet in width providing a secondary means of access to the abutting properties.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another or demolition.

Apartment: Any structure housing three or more families or housekeeping units.

Basement: A story partly underground and having more than one-half (1/2) of its height above the average level of the finished grade at the front of the building.

Board: The Board of Trustees of the Village of Dansville.

Boarding House: A dwelling other than a hotel or rooming house, where five (5) or more persons are housed or lodged for hire without meals.

Building: Any structure having a roof supported by columns, piers or walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

Building Area: The aggregate of the areas of all enclosed and roofed spaces of the principal building and all accessory buildings. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

Building Height: The vertical dimension measured from the average elevation of the

finished lot grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of a mansard roof and to the average height between the plate and the ridge of a gable, hip or gambrel roof.

Building Line: A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of a building or projected roof or porch, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

Building Permit: See Zoning Permit.

Cellar: A story partly underground and having more than one-half (1/2) of its clear height below the average level of the finished grade at the front of the building.

Certificate of Occupancy: A certificate issued by the Zoning Enforcement Officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Law and such adjustments thereto granted by the Board of Appeals.

Certificate of Occupancy (Pre-Existing): A certificate issued by the Zoning Enforcement Officer, acknowledging that a building was pre-existing to the adoption of this Ordinance and that its use has continued without change and, therefore, may be occupied and used for the same purpose.

Child Day Care Center: Shall include buildings and structures occupied by persons of age eighteen or under, who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

Club, Private: A nonprofit social organization whose premises are restricted to its members and their guests.

Cluster Development: A development of residential lots, each containing less area than the minimum lot area required for the zone within which such development occurs, but maintaining the density limitation imposed by said minimum lot area through the provision of open space as a part of the subdivision plan.

Commercial or Business: Means and includes the purchase, sale or transaction involving the disposition of any article, substance, commodity or service; the maintenance or conduct of offices, professions or recreational or amusement enterprises conducted for profit and also includes the renting of rooms, business offices and sales display rooms and premises.

Curb Level: The officially established grade of the curb in front of the midpoint of the lot.

Driveway: A roadway providing a means of access from a street to the property or off-street area. An access way may also be deemed a "driveway".

Dwelling: A building or portion thereof used exclusively as the residence or sleeping place of one or more persons.

Dwelling Unit: One or more rooms providing living facilities for one family including equipment for cooking, living and sleeping purposes and provisions for the same.

Dwelling, One-Family: A building or dwelling unit designed for or occupied exclusively by one (1) or more persons living as a single, nonprofit housekeeping unit.

Dwelling, Two-Family: A building containing two dwelling units and used exclusively for occupancy by two (2) families living independently of each other; or 2 one-family dwelling units having a party wall in common.

Dwelling, Multifamily: A building or portion thereof containing 3 or more dwelling units and used for occupancy by 3 or more families living independently of each other.

Dwelling, Row: A row of attached or semidetached one-family dwellings or two-family dwellings containing a total of 3 or more dwelling units; or a building in such a row.

Dwelling, Detached: A dwelling having no party wall in common with another building.

Dwelling, Special Placement: Any building or premises occupied by three or more persons not related to the owners, lessee or operator by blood, marriage or adoption, who upon their release as patients from any recognized mental institution, treatment ward for alcoholism, treatment ward for narcotic addicts or as an inmate of any correctional penal institution, use such building or premises as living facilities in order to secure non institutionalized care in their attempt to reenter society as healthy, happy and useful human beings. The operator must reside at such premises.

Family: One(1) or more persons, related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

Farm: Any parcel containing ten (10) acres or more of land which is used for gain in the raising of agricultural crops, but not including livestock, poultry or dairy products.

Farm Building: Any building used for the housing of agricultural equipment, produce, livestock, or poultry, or for the incidental or customary processing of farm products, and provided that such building is located on, operated in conjunction with, and necessary to the operation of the farm as defined by this Article. The term "Farm Building" shall not include "farm dwelling".

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials erected for the enclosure of yard areas.

Flammable Liquid: Liquids having a flash point below 200 degrees Fahrenheit, closed cup tester. Class I flammable liquids (e.g., gasoline, ether, liquid petroleum gas) are those having a flash point below 25 degrees Fahrenheit. Class II flammable liquids are those having a flash point below 70 degrees Fahrenheit but not below 25 degrees Fahrenheit.

Floor Area Total: The sum of the gross horizontal areas of the floor or floors of a building which are enclosed and useable for human occupancy or the conduct of business. Said areas shall be measured between the inside face of exterior walls, or from the center line of walls separating two (2) uses. Said areas shall not include areas below the average level of adjoining ground, garage space, or accessory building space.

Frontage: That portion of a parcel of property which abuts a street or highway.

Front Yard: An open space extending the full width of the lot between a main building and the front lot line, unoccupied and unobstructed by buildings or structures from the

ground upward, the depth of which shall be the least distance between the front lot line and the front of such main building.

Garage: An accessory building used in conjunction with a primary building which provides for the storage of motor vehicles and in which no occupation, business or services for profit are carried on.

Garage, Public: Any garage other than an accessory building, available to the public, operated for gain, and which is used for storage, repair, rental, servicing or equipping of automobiles or other vehicles.

Home Occupation: Any occupation carried on as a subordinate use by a member of the family residing on the premises of a residential lot.

Hospital: An establishment for the medical and/or surgical care of sick or injured persons.

Hotel: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by transient guests and/or the general public and where only a general kitchen and dining room are provided within the building or in an accessory building.

Industry or Industrial: Means and includes storage, manufacture, preparation, processing or repair of any article, substance, or commodity and the conduct of the industrial trade but shall not mean such preparation, processing or repair as are customarily applied to articles, substances, or commodities in retail businesses or trade for on the premise transactions.

Junkyard: A lot, land or structure or part thereof used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. Two (2) or more disabled vehicles allowed to remain unhoused on a premises more than thirty (30) days will constitute a junkyard.

Kennel: Any premises on which four (4) or more dogs over four (4) months of age are kept.

Living Space: The gross area of the floors of a dwelling not including the areas of porches, garages, cellars, breezeways, furnace room and areas not used for home occupation.

Lot: A parcel or area of land, the dimensions and extent of which are determined by the latest official records or by the latest approved map of a subdivision of which the lot is a part.

Lot Area: An area of land which is determined by the limits of the lot lines bounding that area and expressed in terms of square feet or acres. Any portion of a lot included in a public street right-of-way shall not be included in calculating lot area.

Lot, Corner: A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The property lines bounding the lot. In the case of a lot abutting on more than one street, the owner may elect any street lot line the front lot line. the rear line shall be

the lot line most distant from the front line.

Lot, Through: An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot Depth: The horizontal distance between the front and rear lot lines, measured at right angles to the front lot line.

Lot Width: The horizontal distance between the side lot lines measured at right angles to its depth at the building line.

Manufactured Home: Any building which is of closed construction which is made or assembled in a manufacturing facility on or off the building site for installation on the building site specifically designed to be placed on a permanent foundation intended for shelter, housing or enclosure of persons hereinafter referred to as a "dwelling". * Must comply with New York State Building and Fire Code Regulations. This shall not include a mobile home.

Minimum Floor Area: Both habitable and non habitable space inside a structure but not to include the basement, cellar, attic thereof, and also not to include any exterior decks, porches or garage areas of the structure whether said garage is attached or not.

Motel: A building or group of buildings, whether detached or in connected units used as individual sleeping units designed primarily for transient automobile travelers and providing accessory off-street parking; and, if desired, restaurant facilities. The term "motel" shall also include tourist courts, motor lodges and similar uses.

Nonconforming Use: Any use of a building, structure, or land existing at the time of enactment of this Law which does not conform to the use regulations of the district in which it is situated.

Nonconforming Building: A building which in its design or location upon a lot does not conform to the regulations of this Law for the zone in which it is located.

Nonconforming Lot: A lot of record existing at the date of passage of this Law which does not have the minimum width or contain the minimum area for the zone in which it is located.

Planned Unit Development: For the purpose of this Law, a planned unit development is a cluster development consisting of a minimum of 250 homes plus business uses as described herein.

Planning Board: The Village of Dansville Planning Board.

Plat: A map, plan or layout of a city, town, section or subdivision indicating the location and boundaries of individual properties.

Pre-constructed Storage Building: Any building which is of closed construction which is made or assembled in a manufacturing facility on or off the building site for construction or assembly and installation on the site exclusively for storage purposes, and requiring no permanent foundation.

Principal Building: A building in which is conducted the main or principal use of the lot on which said building is situated.

Principal Use: The main use to which a building or lot is to be used.

Rear Yard: An open space extending the full width of a lot between the rearmost main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as hereinafter specified, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

Restaurant: Any establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises. However, a snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park operated by the agency or group of an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

Rooming House: A building in which three (3) or more rooms are rented and in which no table board is furnished.

Right-of-Way: The line determining the street or highway public limit or ownership.

Satellite Receiving Antenna: A device to receive television microwave transmissions.

Service Station or Motor Vehicle Service Station: Any building, structure or land used primarily for the dispersal, sale or offering for sale of automotive fuels, oils or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement or rebuilding, body and fender repair or painting.

Setback: The distance from a street or lot line to the wall or that part of a structure nearest said lot line, not including entrance steps, marquees or roof overhangs which are open to light, air and visibility. If a structure is of cantilever construction or is supported by beams or poles instead of walls, the setback shall be measured from the line to a point on the ground determined by dropping a plumb line vertically from the exterior wall of said structure nearest said line. All measurements shall be made at right angles to or radically from the line to the structure.

Side Yard: An open space extending from the front yard to the rear yard between any building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of any building.

Sign, On-Premise Advertising: A sign shall be deemed to be any advertising display on which is shown the products sold, the name of the enterprise located on that lot or parcel of land or any other wording which reflects directly upon any on-site business or other usage thereof.

Signboard, Billboard, Off-Premise Advertising: Any advertising display on which is shown any advertisement for products or businesses other than which are sold or have occupancy on that lot or parcel of land.

Sign Area: The area defined by the frame or edge of a sign. Where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the said sign.

Site Plan: A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

Solar Panels:

Story: That portion of a building between the surface of any floor and the surface of the floor next above; also any portion of a building used for human occupancy between the top-most floor and the roof. For the purposes of height measurement, in determining the permissible number of stories, a basement shall be counted but a cellar shall not be counted.

Story, Half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite side exterior walls are not more than two (2) feet above the floor of such story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property.

Street Line: That line determining the limit of the highway rights of the public, either existing or contemplated.

Structural Alterations: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Swimming Pool, Private: A swimming pool operated as a secondary use to a residential dwelling unit or units and located on an individual residential lot.

Swimming Pool, Public: A public or privately owned pool open to the general public or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

TECHNICALLY INFEASIBLE: An alteration of a building or a facility that has little likelihood of being accomplished, because the existing structural conditions require the removal or alteration of a load bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features that are in full and strict compliance with the minimum requirements for new construction and that are necessary to provide accessibility.

Temporary or Seasonal Occupancy: The use of any premises, structure or use for living and/or sleeping purposes for one hundred eighty (180) days or less in any calendar year. Temporary Use: An activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this Law. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

Trailer or Mobile Home: A vehicle used for living or sleeping purposes, and standing on wheels or rigid supports.

Trailer Park: A tract of land where two or more trailers are parked, or which is used or held out for the purpose of supplying the public parking space for two (2) or more trailers.

True Value: The value of a property as a dollar amount derived from the assessed value shown on the tax card, divided by the equalization rate prescribed by the State, as shown on the following example:

$$\frac{\text{Assessed Value}}{\text{Equalization Rate}} = \text{True Value}$$

Use: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

Variance: To vary the strict application of any of the requirements of this law.

Windmills: An alternate energy device which converts wind energy, by means of a rotor, to mechanical or electrical energy. A wind generator may also be deemed as a "windmill".

Zoning Board: The officially established Zoning Board of Appeals of the Village of Dansville.

Zoning Permit: A permit issued by the Zoning Enforcement Officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under the Law for the zone in which it is located or is to be located.

ARTICLE II ADMINISTRATION

SECTION 201 ENFORCEMENT

- 201.1 The duties of administering and enforcing the provisions of this chapter is hereby conferred on the Zoning Enforcement Officer who shall have such powers as are conferred upon him by this chapter and as reasonably may be implied. He shall be appointed annually by the Village Board and shall receive such compensation as the Village Board shall determine.

SECTION 202 DUTIES OF THE ENFORCEMENT OFFICER

- 202.1 The duties of administering and enforcing the provisions of this chapter are hereby conferred on the Zoning Enforcement Officer who shall have such powers as are conferred upon him by this chapter and as reasonably may be implied. He or she shall be appointed annually by the Village Board and shall receive such compensation as the Village Board shall determine. It shall also be the duty of the Zoning Enforcement Officer to notify the Village of Dansville Building Inspector and the Superintendent of Public Works of all zoning permit applications within seventy-two (72) hours of their receipt.
- 202.2 Where the Zoning Enforcement Officer, in the course of his or her duties, determines that any plans, buildings or premises are in violation of the provisions of this Law, he shall order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered and the time permitted for such action, the penalties and remedies which may be invoked by the Village and the violator's rights of appeal: all as provided for by this Law.
- 202.3 The Zoning Enforcement Officer shall have the authority to secure from the appropriate Village Justice a stop order to constrain the continuance of the violation until the conditions of the violation have been remedied.
- 202.4 On the serving of the notice by the Zoning Enforcement Officer to the owner of any violation of any provisions of the Law, the Certificate of Occupancy for such building or use shall be held null and void. A new Certificate of Occupancy shall be required for any further use of such building or premises.
- 202.5 The Zoning Enforcement Officer shall maintain a permanent record of all matters considered and all actions taken by him. Such records shall form a part of the records of his office and shall be available for the use of the Village Board and other officials of the Village. The records to be maintained shall include at least the following:
- 202.5-1 **APPLICATION FILE.** An individual permanent file for each application for a permit provided for by this Law shall be established at the time the application is made. Said file shall contain one (1) copy of the application and all supporting documents, maps and plans, notations regarding pertinent dates and fees, and the like; as appropriate, one (1) copy of the resolution of the Board of Appeals in acting on the application; and the date the permit applied for was issued or denied by the Zoning Enforcement Officer.
- 202.5-2 **MONTHLY REPORT.** The Zoning Enforcement Officer shall prepare a monthly report for the Village Board. Said report shall cite all actions taken by the Zoning Enforcement Officer including all referrals made by him; all permits and certificates issued and denied; and all complaints of violations received and all violations found by him, and the action taken by him consequent thereon. A copy of the monthly report shall also be

transmitted by the Zoning Enforcement Officer to the Tax Assessor, Planning Board and the Board of Appeals at the same time it is transmitted to the Village Board.

SECTION 203 CERTIFICATES AND PERMITS

- 203.1 The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Law. A Zoning Permit or Special Use Permit shall be a prerequisite to the erecting or altering of a building, structure, or use thereof. Building/use and special use permits issued pursuant to this section shall expire in one (1) year unless the project is completed. If the project is not initiated within six (6) months the permit issued shall be considered null and void. If the project is not completed in one (1) year the applicant may request an extension for a period of up to one (1) year. Applicant shall justify the need for the proposed extension.
- 203.1-1 **BUILDING and/or ZONING PERMIT.** The Zoning Enforcement Officer is hereby empowered to issue a Zoning Permit for any plans regarding the construction or alteration of any building or part of any building, or the change in the use of any land or building or part thereof, where he shall determine that such plans are not in violation of the provisions of this Law.
- 203.1-2 **SPECIAL USE PERMIT.** Upon written direction of the Board of Appeals, the Zoning Enforcement Officer is hereby empowered to issue any Special Use Permit provided for by this Law.
- 203.1-3 **CERTIFICATE OF OCCUPANCY.** The Zoning Enforcement Officer is hereby to issue a Certificate of Occupancy for a new structure, or before an occupancy for an existing structure which has been structurally altered or removed, or has had a change in proposed use, which shall certify that all provisions of this chapter have been complied with in respect to the location and use of the building structure or premises in question and complies with the New York State Building and Fire Code Regulations.

SECTION 204 APPLICATION PROCEDURE

- 204.1 **PROCEDURES FOR A BUILDING and/or ZONING PERMIT.** All applications for Zoning Permits shall be made to the Zoning Enforcement Officer in the detail specified in Section 205 of this Law. Where the proposed use is farm-related or a single family residential use in a residential or agricultural zone, the Zoning Enforcement Officer shall carefully consider the application and supporting documents for compliance with this Law and either issue or deny the Zoning Permit applied for. When the application is for any other use, including mobile home parks, in any zone, within seven (7) days the Zoning Enforcement Officer shall, prior to the issuance of any Permit, refer one (1) copy of such plans, drawings and statements to the Planning Board and one (1) copy to the Village Engineer for their review and recommendations. The Planning Board shall determine that the proposed site plans and structures will compare favorably with community standards, other neighborhood improvements and the properly intended and planned appearance throughout any street or neighborhood. When applicable, the Planning Board shall request recommendations and/or a review of said application by the Village of Dansville Building Inspector and/or Superintendent of Public Works. The Planning Board may require that a bond be posted for possible damage to Village property along the road or roads of construction-related vehicles to and from the building site.

The Planning Board shall, within thirty (30) days after receipt of said material, approve or disapprove the proposed development or construction. In the event of disapproval, the reasons shall be stated clearly to the Zoning Enforcement Officer in writing. The Zoning Enforcement Officer shall deny a Zoning Permit for the proposed construction until such conditions as the disapproval is based upon have been corrected and written approval of the Planning Board is obtained. The absence of a reply from the Planning Board within the thirty (30) day period shall constitute approval and the Zoning Enforcement Officer shall proceed on the basis of such approval.

204.2 **PROCEDURE FOR A SPECIAL USE PERMIT.** All applications for Special Use Permits shall be made to the Zoning Enforcement Officer. The Zoning Enforcement Officer, after determining that an application is in the proper form, within seven (7) days, shall transmit one (1) copy of the application and all supporting documents to the Secretary of the Board of Appeals for referral to the Board for action thereon. At the same time, the Zoning Enforcement Officer shall transmit one (1) copy of the application and all supporting documents to the Planning Board for review of the site plan, and for an evaluation of the proposed use and its relationship and conformity to the goals and objectives and policies established by the Village Comprehensive Plan.

204.2-1 Within thirty (30) days, the Planning Board shall review the application, then the Planning Board shall make a written report to the Board of Appeals setting forth its findings and recommendations concerning the application within seven (7) days of its findings. In making its recommendations, the Planning Board may suggest any revisions to the site plan or other plans as will, in its opinion, cause the proposed use to be in substantial conformance with the Comprehensive Plan and its principles of land use and development.

204.2-2 Within Fourteen (14) days of receipt of the recommendations of the Planning Board, the Board of Appeals shall conduct a public hearing on applications referred to it by the Zoning Enforcement Officer in accordance with the procedures and requirements established elsewhere in this Law. Within seven (7) days from the date of such public hearing, the Board of Appeals shall by resolution either approve or disapprove the application so heard. In approving an application, the Board may impose only those modifications or conditions specified in this Law to protect the health, safety or general welfare of the public.

A. If an application is approved by the Board of Appeals, the Zoning Enforcement Officer shall be furnished with a copy of the approving resolution of the Board and he shall issue the permit applied for in accordance with the conditions imposed by the Board of Appeals.

B. If an application is disapproved by the Board of Appeals, the reasons for such denial shall be set forth in the Board's resolution and a copy of such resolution shall be transmitted to the Zoning Enforcement Officer. The Zoning Enforcement Officer shall deny the application accordingly by providing the applicant the applicant with a copy of the Board's reasons for disapproval.

C. The Zoning Enforcement Officer shall transmit one (1) copy of all approved or denied applications to the Planning Board and one (1) copy of approved applications to the Village Tax Assessor.

204.3 **PROCEDURES FOR A CERTIFICATE OF COMPLIANCE / OCCUPANCY**

204.3-1 Following the completion of the construction, reconstruction, an increase in number of dwelling units in any structure or structural alteration of any building, but prior to its

occupancy, the applicant shall transmit a written statement to the Zoning Enforcement Officer stating that such construction has been completed and has been approved by the Village of Dansville Building Inspector and Superintendent of Public Works when required. In the event that all approvals have not previously been obtained, the Zoning Enforcement Officer shall, within seventy-two (72) hours, direct the appropriate Village Officers to complete the necessary inspections. Within seventy-two (72) hours of the receipt of this notification, the Zoning Enforcement Officer shall make all necessary inspections of the completed structure to determine compliance with this chapter. A Certificate of Occupancy shall be issued only if the building inspector finds that the construction and proposed use comply with all the requirements and provisions of this chapter and the New York State Building and Fire Code.

- 204.3-2 A record shall be kept of all Certificates of Occupancy issued and original applications shall be kept on file in the same manner as application for all permits.
- 204.3-3 No owner, tenant or other person shall use or occupy any building or structure hereafter erected or altered use of which shall be changed after the passage of this chapter without first obtaining a Certificate of Occupancy, provided that a Certificate of Occupancy, once granted, shall continue in effect as long as there is no change of use regardless of any change in owner, tenant or occupancy.
- 204.3-4 Any person desiring the change of use of his premises shall submit a site plan to Zoning Enforcement Officer. Said site plan shall conform to the requirements of this chapter. The procedures in this section shall apply in consideration of a request for the issuance of a Certificate of Occupancy for a change in use and shall be transferred to the Planning Board for review and recommendation prior to issuance of a Certificate of Occupancy.
- 204.3-5 Zoning Enforcement Officer after determining that off-street parking and/or loading facilities required by this chapter are not being maintained in full compliance may revoke a Certificate of Occupancy issued for the building, structure or premises for which the off-street parking or loading facilities are required. The Zoning Enforcement Officer may also revoke or withhold the Certificate of Occupancy if specific mandates of any one or more of the advisory boards of the Village of Dansville are not complied with.
- 204.3-6 The Zoning Enforcement Officer may issue a Certificate of Occupancy (Pre-Existing) acknowledging that a building was pre-existing to the adoption of this Law, and its present use has continued without change and, therefore, may be occupied and used for the same purpose.

SECTION 205 APPLICATION DETAILS

Each application for a Building and / or Zoning Permit, or Special Use Permit shall be made in triplicate and with accompanying site plan. The materials to be submitted with each application shall clearly show the conditions on the site at the time of application, the features of the site which are to be incorporated into the proposed use or building, and the appearance and function of the proposed use or building. As a minimum the application shall include the following information and plans for both "before" and "after" conditions:

- 205.1-1 The location, use, design and dimensions and height of each use and building.
- 205.1-2 The location and arrangement of vehicular access ways, and the location size and capacity of all areas used for off-street parking, loading and unloading.

- 205.1-3 The location and dimensions of sidewalks, walkways and other areas established for pedestrian use.
- 205.1-4 The design and treatment of open areas, buffer area and screening devices maintained, including dimensions of all areas devoted to lawns, trees and other landscaping devices.
- 205.1-5 Provision for water supply, sewage disposal, storm drainage and solid waste collection and disposal including the location of dumpsters, if any.
- 205.1-6 Property boundaries including the precise location of the centerline of the road, dimensions, scale, North arrow, date, general location map and easements and deed restrictions, if applicable.
- 205.1-7 Physical features, including geodetic markings, existing swails, elevations, streams, wetlands and swamp areas, location of trees and a description of existing vegetation.
- 205.1-8 Location and type of lighting to be provided.
- 205.1-9 Proposed route or routes of construction related vehicles to and from the building site.
- 205.1-10 Such other data and plans as the Zoning Enforcement Officer, the Board of Appeals and the Planning Board may require to properly take action on the application.

ARTICLE III
BOARD OF APPEALS

SECTION 301 CREATION, APPOINTMENT AND ORGANIZATION

301.1 A board of Appeals is hereby created. Said Board shall consist of five (5) members appointed by the Village Board, who shall also designate a Chairman. No person who is a member of the Village Board shall be eligible for membership on such Board of Appeals. Of the members of the Board, first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years from and after his or her appointment. Their successors shall be appointed for the five years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expired term, it shall be filled by the Village Board by appointment for the unexpired term.

SECTION 302 POWERS AND DUTIES

302.1 The Board of Appeals shall have all the powers and duties prescribed by Chapter 64, Section 179b of the Village Law of the State of New York and by this Law which are more particularly specified as follows:

302.1-1 To hear and to decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of this chapter.

302.1-2 To authorize upon appeal in specific cases such variance from the specific terms of this chapter as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, provided that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done as hereinafter provided.

302.1-3 To hear and decide applications for interpretation of the Zoning District Map where there is any uncertainty as to the location of a district boundary.

302.1-4 To hear and decide upon applications for such permits as specified in this Law.

302.1-5 No such variance shall be authorized by the Board unless it finds that:

A. The strict application of this chapter shall produce undo hardship.

B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity and is not self-imposed.

C. The authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by granting of the variance, the Board of Appeals shall prescribe any condition that it deems to be necessary or desirable.

302.1-6 The variance granted by the Zoning Board of Appeals shall expire after one (1) year if substantial construction or change has not taken place in accordance with the plans for which variance was granted.

SECTION 303 **PROCEDURE**

- 303.1 The Board of Appeals shall act in strict accordance with the procedure specified by law and by this Law. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board, and available from the Zoning Enforcement Officer. Every appeal or application shall refer to the specific provision of the Law involved and shall exactly set forth the interpretation that is claimed, the use for which the special use permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted as the case may be.
- 303.1-1 All applications for appeals shall be filed with the Zoning Enforcement Officer and Village Clerk within sixty (60) days of the date of denial of a permit by the Zoning Officer.
- 303.1-2 All applications shall be forwarded by the Village Clerk to the Secretary and members of the Zoning Board of Appeals.
- 303.1-3 The Zoning Board of Appeals shall review each application - and following such review shall either; schedule a public hearing within the time frame required by New York State law to return the application to the applicant, should the application lack the necessary information required by law, or needed by the Zoning Board of Appeals in order to conduct an appropriate review.
- 303.1-4 Subsequent to the scheduling of a Public Hearing the application for appeals shall be forwarded to the Town-Village Planning Board, and the Livingston County Planning Board when appropriate, for its review of the site plan and investigation related to any particular question raised by the Zoning Board of Appeals.
- 303.1-5 Within thirty (30) days of receipt of the request for review the Planning Board shall file the results of its review with the Secretary of the Zoning Board of Appeals. It shall include the results of its site plan review, any other information requested by the Zoning Board of Appeals, and when appropriate, any information that the Planning Board may assist the Zoning Board of Appeals in its review of the Application. It shall not include any recommendations relating to the granting or denial of the application for appeal.
- 303.1-6 Following the Public Hearing, the Zoning Board of Appeals shall render its decision within the time frame required under New York State Law.
- 303.1-7 Within five (5) days of rendering a decision, the decision shall be forwarded, in writing, to the Village Clerk, who forwards the decision, in writing, to the applicant.
- 303.1-8 Should the appeal be granted by the Zoning Board of Appeals, a permit shall be issued by the Zoning Officer thirty one (31) days following the filing of the decision with the Village Clerk.

SECTION 304 **BOARD OF APPEALS OFFICE**

- 304.1 The office of the Village Clerk shall be the office of the Board of Appeals and every rule, regulation, amendment, or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in said office as required by Section 179b of the Village Law of the State of New York.

SECTION 305 **NOTICE OF BOARD HEARINGS**

- 305.1 The Board shall fix a reasonable time for the hearing of appeals and shall give due notice of the time set for the hearing to the applicant. Such notice shall be served upon the applicant. Public notice shall be the publication of a notice in the official newspaper of

the Village and shall briefly describe the nature of the appeal and the time and place of the hearing. The applicant shall, at least seven (7) days prior to the date of the hearing, give notice in writing by registered mail or by service in person, with adequate proof of contact thereof to all property owners within two hundred (200) feet of the property to be affected by said appeal or to all property owners of contiguous land or properties adjoining said property to be affected, and other interested property owners as may be designated by the Board of Appeals. The applicant must furnish proof of services in writing and properly notarized.

ARTICLE IV PENALTIES

SECTION 401 PENALTIES

- 401.1 Any person, firm, company or corporation owning, controlling or managing any building, structure or premises therein or where shall be placed on or there exists anything in violation of any of the provisions of this chapter and any person, firm, company, organization, department, public entity or corporation who shall assist in the commission of any violation of this chapter or any conditions imposed by the Planning Board or the Zoning Board of Appeals or who shall build contrary to the plans or specifications submitted to the Zoning Enforcement Officer and by him certified as complying with this chapter and any person, firm, company, organization, department, public entity or corporation who shall omit, neglect or refuse to do any act required by this chapter shall be guilty of an offense and subject to a fine of not more than two hundred fifty dollars (\$250.00) or to imprisonment for a period of not more than fifteen (15) days, or both, and in addition may be ordered to pay all costs and expenses involved in the case. Every such person, firm, company, organization, department, public entity or corporation shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.
- 401.2 In case of any violation of any of the provisions of this chapter, or conditions imposed by the Planning Board or Board of Appeals, in addition to other remedies herein provided, the Village Board may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- 401.3 Any violation of this law occurring on any premises shall be deemed a violation of all owners of the premises as well as all persons actually occupying the premises and all persons legally entitled to possession thereof.
- 401.4 In addition to all other remedies allowed, each person who violates any portion of this law shall owe to the Village of Dansville all legal fees, court costs and disbursements incurred by the Village to enforce this law and cure each said violation.

ARTICLE V DISTRICTS

SECTION 501 ESTABLISHMENT

501.1 The Village of Dansville shall be divided into the following types of districts which shall be differentiated according to use and area, and for the purpose of which they shall be hereafter used and developed:

- A** - Agricultural-Conservation District
- LR** - Low Density Residential District
- LR-2** - Low Density Residential-2 District
- HR** - High Density Residential District
- B-1** - Central Business District
- B-2** - General Business District
- I-1** - Light Industrial District
- B/LI** - General Business/Light Industrial

SECTION 502 OFFICIAL ZONING MAP

502.1 The above districts shall be located, bounded, and described as shown by the Amended Zoning Map of the Village of Dansville which has been designated the Official Map of the Village, now on file in the Office of the Village Clerk, and together with the boundaries and designations therein is made part of these Zoning Laws.

SECTION 503 INTERPRETATION OF DISTRICT BOUNDARIES

503.1 Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

503.1-1 Distances shown on the zoning map are perpendicular or radial distances from street lines of measured back to the zone boundary line, which lines in all cases, where distances are given, are parallel to the street line.

503.1-2 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

503.1-3 Where district boundaries are so indicated that they approximately follow the lot line, such lot lines shall be construed to be said boundaries.

503.1-4 Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefore as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale on said zoning map.

503.1-5 Where the boundary of a district follows a railroad line or is parallel thereto, such boundary shall be deemed to be located, or shall be measured from a point midway between the main tracks of said railroad line.

503.1-6 Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village of Dansville, unless otherwise designated. If no distance is given the dimension shall be determined by the use of the scale shown on said zoning map.

SECTION 504 REGULATIONS

- 504.1 Except as herein provided no building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the uses listed as permitted uses in each zone by this Law and in conformity with the requirements set forth in the Schedule of Section 609.1; nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the area and bulk requirements, off-street parking requirements, and all other regulations designated in the Schedule and this Law for the zone district in which such building or space is located. In the event of any such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this Law and the Certificate of Occupancy shall become void.

ARTICLE VI
ZONING DISTRICT REGULATIONS

SECTION 601 AGRICULTURAL DISTRICT, A

- 601.1 Permitted Principal Uses
- 601.1-1 Farms and related farming activities, excluding the keeping of livestock, provided that no storage of manure or odor or dust-producing substance shall be permitted within one hundred (100) feet of an adjoining lot line.
- 601.1-2 Single-family dwellings.
- 601.1-3 Churches and other similar places of worship, parish homes, convents and other such facilities of recognized religious groups.
- 601.1-4 Public buildings, libraries, museums, public and nonprofit private schools, accredited by the State of New York Education Department.
- 601.1-5 Municipal parks, playgrounds, and recreation areas deemed necessary and appropriate by the Village Board.
- 601.1-6 Landscape nurseries.
- 601.1-7 Mobile home parks, subject to the regulations of Section 601.4.
- 601.2 Permitted Accessory Uses.
- 601.2-1 Private garages.
- 601.2-2 Customary residential storage structures.
- 601.2-3 Animal shelters for domestic pets of the household.
- 601.2-4 Other customary residential structures such as private swimming pools, trellises, lamp posts, and the like.
- 601.2-5 Customary farm buildings and/or nursery buildings for the storage of products or equipment located on the same parcel as the principal use.
- 601.2-6 Sign in accordance with Article XI.
- 601.2-7 Parking in accordance with Article X.
- 601.2-8 Satellite receiving antenna.
- 601.2-9 Solar panels.
- 601.3 Uses permitted with a Special Use Permit subject to the requirements of Article XII.
- 601.3-1 Hospitals, philanthropic and charitable uses, nursing and convalescent homes, retirement and custodial homes.
- 601.3-2 Motor vehicle service station.

601.3-3 Public utility uses.

601.4 Regulations Applicable to Mobile Home Parks.

601.4-1 Mobile home parks may be permitted in Agricultural (A) and Low Density Residential (LR) districts provided that the following standards and procedures are adhered to:

601.4-2 **Tract Requirements**

A. The minimum tract size shall be ten (10) acres and such tract shall front upon a collector street as designated in the Comprehensive Plan of the Village of Dansville and such streets shall be improved to collector street standards as set forth in the Village of Dansville Subdivision Regulations.

B. A front yard setback of fifty-five (55) feet shall be observed from the centerline of any road bordering the site to any mobile home in the park.

C. A setback of forty (40) feet shall be observed from any property line not also a street line or street centerline to any mobile home in the park.

D. Within each setback required by C above, there shall be a landscape screen planted and maintained which shall consist at a minimum of the planting of two staggered rows of evergreen trees no further apart than six (6) feet on center and at least four (4) feet in height. The base of any such planting shall be no closer than ten (10) feet or more than forty (40) feet from the property line and shall be so arranged around entrances and exits to preclude interference with sight distance or vehicular safety. Said planting shall be posted with the Village Board in an amount equal to twenty-five (25) percent of the estimated cost of trees and planting. Said guarantee shall be released only after the passage of the second growing season (May through September) after planting at which time a pro rata amount shall be deducted up to the full amount of the guarantee for trees not living.

E. The tract shall be located and laid out so that no mobile home shall be closer than one hundred (100) feet to any existing single-family detached or two-family dwelling.

F. All interior roads shall be improved to the construction standards for minor streets set forth in the Subdivision Regulations for the Village of Dansville.

G. Entrance and exits shall be so located to provide a minimum sight distance on the adjacent public road in both directions from the interior road at the point of intersection of not less than three hundred (300) feet.

H. Each mobile home park shall provide a water reservoir or an approved water supply system for fire protection use, which shall be certified as adequate by the Dansville Fire Department.

I. Each mobile home park shall set aside twenty (20) percent of the total acreage of the site as open space and recreation area. A portion of such area shall be set aside for and equipped as a playground. A building shall be constructed within such area for the common use of residents for recreational purposes. Such building shall not contain less than two hundred (200) square feet of gross floor area or less than two (2) square feet for each mobile home lot created within the park.

J. Sidewalks shall be constructed along at least one side of all interior streets having a minimum width of three (3) feet in accordance with specifications of the Village Engineer.

K. Appropriate street lighting shall be installed on the interior streets with the minimum number of lights being one at each intersection of interior streets with each other or with abutting public roads, and one at least every two hundred (200) feet where such intersections are more than two hundred (200) feet apart.

601.4-3

Lot Requirements

A. Each mobile home lot or site shall have an area of at least seven thousand (7,000) square feet, with a minimum width of sixty-five (65) feet.

B. No mobile home shall be closer than thirty (30) feet to another mobile home or other structure within the park.

C. Not more than one (1) mobile home may be placed on any lot or site and there shall be no detached accessory structures on a lot or site.

D. Each lot or site shall be provided with approved connections for water and sewer in accordance with the regulations of the Livingston County and New York State Department of Health, and electricity and telephone.

E. A surface parking pad shall be provided on each lot or site for one mobile home and one automobile.

F. At least one (1) shade tree of not less than two (2) inches in diameter one (1) foot above ground level shall be planted on each lot or site which shall be guaranteed in the manner and according to the conditions set forth in Section 701.4-2D.

G. Each lot or site shall front upon an approved interior street.

H. Temporary storage of trash and refuse should be in a manner approved by the Livingston County Health Department and in such a manner as to be shielded from public view.

I. No front or side yard shall be used for storage.

601.4-4

At the time of application for a zoning permit for a mobile home park, the applicant shall submit to the Zoning Enforcement Officer the required plans and supporting documents sufficient to show that each of the above requirements are met, in accordance with Section 204.1.

SECTION 602 LOW DENSITY RESIDENTIAL, LR

602.1 Permitted Principal Uses

602.1-1 Includes all uses permitted in Section 601.1 except 601.1-1 and 601.1-7.

602.1-2 Cluster residential development subject to the requirements of Section 602.4.

602.1-3 Planned unit development subject to the requirements of Section 602.5.

602.2 Permitted Accessory Uses

- 602.2-1 Includes all uses permitted in Section 601.2.
- 602.3 Uses Permitted with a Special Use Permit Subject to the Requirements of Article XII.
- 602.3-1 Includes all uses permitted in Section 601.3, except 601.3-2.
- 602.4 Regulations Applying to Cluster Residential Development
- 602.4-1 This section is intended and designed to provide a means for the development of large tracts of land on a unit basis by allowing greater flexibility in overall residential site design and building location than the conventional single-lot method provided in other sections of this Law. It is the intent of this section that the basic principles of an integrated system of residential and open space development be encouraged through special zoning regulations and Village Planning Board site review.
- 602.4-2 Permitted uses: Single-family residences.
- 602.4-3 minimum site size: Twenty (20) acres.
- 602.4-4 Development procedure: As provided for in the Land Subdivision Regulations of the Village of Dansville.
- 602.5 **Regulations Applying to Planned Unit Development (PUD)**
- The intent of the Planned Unit Development provision is to provide a greater degree of flexibility for the development of large tracts of land proposed for development under a single or corporate ownership, which proposes to provide residential, commercial, and industrial activities on the same parcel in a planned, controlled environment. A Planned Unit Development proposal may contain both individual building sites and common property which are proposed for development as an integrated mixed land use unit. Limited retail and service commercial uses, closely related to the residential sections of a proposed Planned Unit Development are encouraged to provide a limited, daily convenience level of nearby shopping needs, in a manner blending area land uses into an aesthetically complementary whole, within the framework of the Comprehensive Plan.
- 602.5-1 To implement the intent of the Planned Unit Development provision, the following objectives must be met:
- A.** The proposed project area shall encompass a contiguous minimum land area of twenty (20) acres of the Village of Dansville.
 - B.** In no case shall there be less than twenty (20) percent of the total land area in common open space. All such land area proposed for common open space shall be offered for dedication to the Village Board of the Village of Dansville.
 - C.** Commercial activities shall be planned and constructed in a manner architecturally similar and complementary to the residential units within the proposed development.
 - D.** The proposed plan shall contain no less than one hundred fifty (150) dwelling units.
 - E.** The requirements of the Law, insofar as density, minimum lot area, minimum lot width, minimum side and rear lot areas, and maximum lot coverage are as specified in

the Schedule of this Law. All other requirements of this Law shall be adhered to.

602.5-2 **Application Procedure** (Tentative)

In order to provide for an expeditious method of processing a proposed Planned Unit Development application, the application in the form of a letter of intent and an accurate preliminary plan drawn to scale shall be provided in triplicate to the Village Board. The Village Board, upon receipt of the proposal, shall send one (1) copy to the Village of Dansville Planning Board for review and recommendations. All planning, zoning and subdivision matters relating to the platting, use and development of the proposed plan shall be determined and established by the Village Board after recommendation to the Village Board by the Village Planning Board.

602.5-3 The application shall explain and show the following information:

- A.** Location and extent of all proposed land use including open space.
- B.** All interior streets, roads, easements and their planned public or private ownership, as well as all points of access and egress from existing public rights-of-way.
- C.** Specific delineation of all uses indicating the number of residential units and the density of each residential housing type, as well as the overall project density.
- D.** The overall water and sanitary sewer system with proposed points of attachment to existing systems; evidence of preliminary discussion and approval of the New York State Department of Health of the proposed sewer and water system or their recommended modifications.
- E.** Description of the manner in which any areas that are not to become publicly owned, are to be maintained, including open space, streets, lighting and others according to the proposals.
- F.** If the development is to be phased, a description and graphic representation of the phasing of the entire proposal in terms of length of time, type and number of units or activities completed per phase.
- G.** Evidence as required by the reviewing Boards of the applicant's ability to complete the proposed Planned Unit Development.
- H.** A description of any covenants, grants or easements or other restriction proposed to be imposed upon the use of the land, buildings or structures, including proposed easements for public utilities.
- I.** A written statement by the landowner setting forth the reasons why, in his opinion, the proposal would be in the public interest and would be consistent with the Village goals and objectives.

602.5-4 Within sixty (60) days after receipt of the recommendations of the Village Planning Board, the Village Board shall hold one or more public hearings, as needed, public notice of which shall have been given in accordance to Section 178 of the Village Law to determine the advisability of the proposal. The Village board shall, within forty-five (45) days following the conclusion of the hearings, either (a) grant tentative approval of the Planned Unit Development as submitted, (b) grant tentative approval of the Planned Unit Development subject to specified written conditions imposed by the Village Board, or (c) deny tentative approval of the proposal.

In the event that tentative approval is granted, either of the proposal as submitted, or with conditions, the Village Board shall, as part of its resolution, specify the drawings, specification and performance bond that shall be required to accompany an application for final approval, the landowner shall within thirty (30) days notify the Village Board of his acceptance of or refusal to accept all specified conditions. If the landowner refuses to accept the conditions outlined, the Village Board shall be deemed to have denied tentative approval. If the landowner accepts, the proposal shall stand as granted.

Tentative approval shall not qualify a proposal for recoding nor authorize development or the issuance of building permits.

602.5-5

Factors for Consideration

The Planning Board's review of a preliminary plot development plan shall include, but if not limited to, the following considerations:

- A.** Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures and traffic controls.
- B.** Adequacy and arrangement of pedestrian traffic access and circulation including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience.
- C.** Location, arrangement, appearance and sufficiency of off-street parking and loading.
- D.** Location, arrangement, size and design of buildings, lighting and signs.
- E.** Adequacy, type and arrangement of trees, shrubs and other landscaping constituting visual and/or noise deterring buffer between and adjacent uses.
- F.** In case of multiple-family dwellings, the adequacy of usable open space for playgrounds and informal recreation.
- G.** Adequacy of storm water and sanitary waste disposal facilities.
- H.** Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- I.** Protection of adjacent properties against noise, glare, unsightliness, or other objectionable features.
- J.** The relationship of the proposed land uses to adjacent land uses and the use to buffer areas and open space to provide a harmonious blending of existing and proposed uses.
- K.** Conformance with other specific recommendation of the Village Board which may have been stated in the Board's resolution under Section 602.5-4.

602.5-6

Application for Final Approval

- A.** An application for final approval may be for all the land included in a plan, or the extent set forth in the tentative approval, for a section thereof. Said application shall be made to them official of the Village Board and of the Planning Board designated by the

Law and within the time or times specified by the resolution granting tentative approval. The application shall include such drawings, specifications, covenants, easements, conditions and form of performance bond as were set forth by written resolution of the Village Board at the time of tentative approval. A public hearing on an application for final approval of the plan, or part thereof, shall be required, unless the plan, or the part thereof, submitted for final approval, is in the judgment of the Village Board, in substantial compliance with the plan theretofore given tentative approval.

B. In the event a public hearing is not required for final approval, and the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, and as required by the resolution of tentative approval, the Village Board shall, within thirty (30) days of such filing and after receipt of a report thereon by the Village municipal planning board grant such plan final approval; provided, however, that, in the event the plan as submitted contains variations from the plan given tentative approval but remains in substantial compliance with the plan as submitted for tentative approval, the Village Board may, after a meeting with the landowner, refuse to grant final approval and shall, within thirty (30) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of said refusal the landowner may (1) file his application for final approval without the variations objected to by the Village Board on or before the last day of the time within which he was authorized by the resolution granting tentative approval to file for final approval, or within thirty (30) days from the date he received notice of said refusal whichever date shall last occur; or (2) treat the refusal as a denial of final approval and so notify the Village Board.

C. In the event the plan as submitted for final approval is not in substantial compliance with as given tentative approval, the Village Board shall, within thirty (30) days of the date the application for final approval is filed, so notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance. The landowner may: (1) treat said notification as a denial of final approval; or (2) re-file his plan as tentatively approved; or (3) file a written request with the Village Board that it hold a public hearing on application for final approval. If the landowner shall elect either alternative (2) or (3) above, he may re-file his plan or file a request for a public hearing, as the case may be, on or before the last day of time within which he was authorized by resolution granting tentative approval to file for final approval, or thirty (30) days from the date he received notice of said refusal, whichever date shall last occur. Any such public hearing shall be held within (30) days after request for the hearing is made by the landowner, and notice thereof shall be given and the hearings shall be conducted in the manner prescribed in Section 178 of the Village Law. Within forty-five (45) days after the conclusions of the hearing, the Village Board shall by resolution either grant final approval to the plan or deny final approval to the plan. The grant or denial final approval of the plan shall, in cases arising under the paragraph (c), be in the form and condition the findings required for a resolution on an application for tentative approval set forth in Section 602.5-4.

D. A plan, or any part thereof, which has been given final approval by the Village Board shall be so certified without delay by the Village Clerk and shall be filed on record forthwith in the office of the County Clerk before any development shall take place in accordance therewith. Upon filing of record of the plan, the zoning and subdivision regulations otherwise applicable to the land included in the plan shall cease to apply thereto. Pending completion within five (5) years of said planned development or of that part thereof, as the case may be, that has been finally approved, no modifications of the provisions of said plan, or part thereof, shall be made nor shall it be impaired by act of the Village, except with consent of the landowner.

E. In the event that a plan, or section thereof, is given final approval and thereafter the landowner shall abandon said plan or section thereof that has been finally approved and shall so notify the Village Board in writing, or in the event the landowner shall fail to commence and carry out the planned unit development within a reasonable period of time after final approval has been granted, no further development shall take place on the property included in the plan until after said property is re-subdivided and is reclassified in accordance with the applicable provisions of law.

602.5-7

Review of laws and plans by county and regional planning agencies. No section of the Law enacted under provisions of this Article shall become effective or plan submitted under this section be granted tentative or final approval until such tentative or final plan has been referred for review and comment to the county planning agency as prescribed herein.

Upon enactment of such Law or receipt of application for tentative or final approval of such plan, a copy shall be referred to the county planning agency. Such planning agency or directory shall within thirty (30) days of receipt of the copy of such law or tentative or final plan report its recommendations thereon to the referring Village Board body; if such planning agency or director recommends modification of a law or plan so referred, the Village Board shall not act contrary to such recommendations except after adoption of a resolution fully setting forth reasons for such contrary action.

In its review, the Planning Board may consult with the Village Engineer, architectural or planning consultants, and other Village and County officials, as well as with representatives of Federal and State agencies including the Soil Conservation Service and the New York Department of Conservation. The Planning Board may require that the design of all structures be made by, or under the direction of, a registered architect whose seal shall be affixed to the plans. The Planning Board may also require such additional provisions and conditions that appear necessary for the public health, safety and general welfare.

602.5-8

Changes in Final Plan After Approval

No changes may be made in the approved final plan during the construction of the planned development except upon application to the appropriate agency under the procedures provided below:

A. Minor changes in the location, siting and height, length and width of buildings and structures may be authorized by the Planning Board if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may increase the cube of any building or structure by more than ten (10) percent.

B. All other changes in use, any rearrangement of lots, blocks, and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final plan must be approved by the Village Board, under the procedures authorized by this Law for the amendment of the Zoning Map. No amendments may be made in the approved final plan unless they are shown to be required by changes in the development policy of the community.

SECTION 603 LOW DENSITY RESIDENTIAL-2, LR-2

603.1 All uses permitted in Section 602

SECTION 604 HIGH DENSITY RESIDENTIAL, HR

604.1 Permitted Uses

604.1-1 Includes all uses permitted in Section 601.1, except 601.1-1.

604.1-2 Two-family dwellings, following a site plan review by the Planning Board, and subsequent to the approval of that site plan based upon its conforming with all the requirements contained in this Law.

604.1-3 Boarding and rooming houses, transient homes.

604.1-4 Apartments subject to the requirements of Section 604.4.

604.2 Permitted Accessory Uses

604.2-1 Includes all uses permitted in Section 601.2 except 601.2-5.

604.3 Uses Permitted with a Special Use Permit Subject to the Requirements of Article XII.

604.3-1 Public Utility Uses.

604.4 Additional Requirements Applicable to Apartment Projects and Two (2) Family Dwellings

604.4-1 Apartment structures may not exceed a density of fifteen (15) dwelling units per net acre of lot area minus street area.

604.4-2 Driveways for ingress and egress for apartment developments shall connect with other than minor streets; wherever possible; shall not be located within two hundred (200) feet of an existing street intersection and shall have a pavement width of at least twenty-two (22) feet except where they are within a parking area in which case they shall not be less than twenty-five (25) feet in width.

604.4-3 The minimum yard requirements of the schedule apply only to the entire tract and no buildings shall be located within such yard areas. The minimum distance between buildings in an apartment development shall be twenty-five (25) feet except that no wall containing an entrance to an apartment shall be closer to another apartment building than fifty (50) feet. No apartment building shall be closer to a pre-existing single-family or two-family dwelling than fifty (50) feet.

604.4-4 Parking areas may be located in any yard other than the required front yard but not closer than ten (10) feet to any property line and shall comply with all other requirements of the Regulations Applicable to All Zones in this Law.

604.4-5 Every apartment building shall have a minimum setback of twenty (20) feet from all interior roads, driveways and parking areas.

604.4-6 Every apartment development shall be provided with garbage and refuse collection and storage area screened from view and away from the fronts of apartment buildings.

604.4-7 In addition to any storage area within individual apartment dwelling units, two hundred

(200) cubic feet of storage area shall be provided for each dwelling unit in a convenient centrally located area in the basement or ground floor or elsewhere, where personal belongings and effects may be stored under lock and separated from the belongings and effects of other occupants.

- 604.4-8 A wall of an apartment structure or parallel walls of adjacent apartment structures shall not continue in the same plane for a length of more than seventy-five (75) feet without an offset of at least four (4) feet.
- 604.4-9 Each apartment development shall provide a playground area or areas at a standard of five hundred (500) square feet for each ten (10) dwelling units. Outdoor play equipment shall be installed in each playground in sufficient amount and variety to service the occupants of the development.
- 604.4-10 The entire area of an apartment development not improved for driveways, parking area or covered by building or walkways shall be attractively landscaped and seeded and properly maintained at all times.

SECTION 605 CENTRAL BUSINESS DISTRICT, B-1

605.1 Permitted Uses

605.1-1 Retail businesses and office establishments, such as but not limited to the following:

- A.** Stores selling groceries, meats, baked goods, and other such food items.
- B.** Drugstores, florists.
- C.** Stationery, tobacco and newspaper stores, luncheonettes, and confectionery stores.
- D.** Hardware, radio and television stores, small repair shops.
- E.** Clothing, accessory and jewelry and variety stores.
- F.** Restaurants and drinking places, not including drive-ins.
- G.** Automotive supply stores.
- H.** Financial institutions, business and secretarial schools.
- I.** Department and general merchandise stores.
- J.** Automotive equipment; sales and service and public garages, including major repair in an enclosed building only.
- K.** Hotels and motels.
- L.** Dry cleaning and laundry service shops providing only items of customer supply shall be serviced on the premises. Service to any product or item from collection points or pickup stations (other than retail route trucks) shall be prohibited.
- M.** Furniture and appliance stores.
- N.** Paint stores, photo shops and studios.
- O.** Indoor theaters and assembly halls.
- P.** Commercial recreation areas, billiard rooms.

605.1-2 Personal services uses such as, but not limited to:

- A.** Beauty and barber shops.
- B.** Music stores and studios.

605.2 Permitted Accessory Uses

605.2-1 Private garage space for storage of commercial vehicles used in conjunction with a permitted business use.

605.2-2 Dwelling units, accessory to the principal business use, provided said units are:

- 605.2-2 cont. **A.** Located in the principal building.
- B.** Comply with the area and yard requirements of the HR District, except side yard requirements which shall be waived when the dwelling unit is above the first floor and the first floor is used commercially.
- 605.2-3 Signs in accordance with Article XI.
- 605.2-4 Parking in accordance with Article X.
- 605.3 Uses permitted with Special Use Permit subject to requirements of Article XII.
- 605.3-1 Public utility uses.
- 605.3-2 Motor vehicle service stations.

SECTION 606 GENERAL BUSINESS DISTRICT, B-2

- 606.1 Permitted Principal Uses
- 606.1-1 Includes all uses permitted in Section 605.1-1, and 605.1-2.
- 606.1-2 Drive-In eating and drinking establishments, amusement centers.
- 606.1-3 Personal services establishments such as but not limited to:
- A.** Barber and Beauty shops.
 - B.** Shoe and other repair shops.
 - C.** Tailor shops, dry cleaning pick-up stations and self-service laundries.
 - D.** Business and professional offices, banks and financial institutions.
 - E.** Funeral homes.
 - F.** Establishments servicing uses such as those permitted under Section 605.1-1.
 - G.** Animal hospitals and clinics.
 - H.** Auto, truck and farm equipment sales and service.
 - I.** Used car sales, trailers and camper sales.
 - J.** Motor vehicle service stations.
- 606.1-4 Other business uses which are similar in nature and scale to those permitted above.
- 606.2 Permitted Accessory Uses
- 606.2-1 Includes all uses in Section 605.2.
- 606.3 Uses permitted with a Special Use Permit Subject to the Requirements of Article XII.
- 606.3-1 Public utility uses.

SECTION 607 LIGHT INDUSTRIAL USES, I-1

607.1 Permitted Principal Uses

607.1-1 Any use of light industrial nature is permitted which involves only the processing, assembly, packaging or storage of previously or refined materials, provided that at no time will such use result in or cause:

A. Dissemination of dust, smoke, smog, observable gas, fumes, or odors, or other atmospheric pollution, electrostatic interference, objectionable noise, glare or vibration.

B. Hazard of fire or explosion or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the use.

607.1-2 The following uses are indicative of those which are intended to be permitted:

A. Manufacture of machinery such as, but not limited to small machine parts, office and household machinery, tool and die products, etc.

B. Fabrication of metal products such as but not limited to metal foil sheet metal products and household furnishings.

C. Fabrication of paper products such as but not limited to packaging material, office and household supplies, stationery, toys, etc.

D. Fabrication of wood products such as but not limited to boats, boxes, home cabinets, and woodworking, furniture and toys, etc.

E. Food and associated industries such as but not limited to bakeries, bottling of food and beverage, food and cereal mixing and milling, food processing, food sundry manufacturing, etc.

F. The manufacturing and processing of pharmaceutical and cosmetic products.

G. The manufacturing and processing of plastics and chemical products.

H. Landscape nurseries, including retail and wholesale distribution.

I. Office buildings for executive, engineering and administrative purposes.

J. Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.

K. The warehousing of storage of goods and products such as building materials, farm supplies, and the like, which may be sold from the premises to the general public. The bulk storage of fuel for resale is specifically excluded from the intent of the above.

L. Dry cleaning plants and industrial laundries.

M. Airports and related general aviation industrial operations including maintenance shops.

607.2 Permitted Accessory Uses

- 607.2-1 Private garage and storage buildings which are necessary to store any vehicles, equipment or materials on the premises.
- 607.2-2 Signs in accordance with Article XI.
- 607.2-3 Parking in accordance with Article X.
- 607.3 Uses Permitted with a Special Use Permit Subject to the Requirements of Article XII.
- 607.3-1 Includes all uses permitted in Section 605.3.
- 607.4 Other Provisions and Requirements
- 607.4-1 Each use established in this zone shall set aside a minimum of fifteen (15) percent of the tract for seeding and landscaping and use this area for no other purpose.
- 607.4-2 All industrial processes shall take place within an enclosed building. Incidental storage of materials out of doors shall be permitted. Industrial uses shall be located so as to be a minimum of twenty-five (25) from any property line abutting a nonindustrial district. This twenty-five (25) foot buffer strip shall be perpetually maintained with landscape plant material to provide a visual screen between the industrial use and the adjoining non-industrial use. Said buffer strip to be exclusive of required yard setbacks as prescribed in the Schedule 609.2.

No use shall be permitted except as approved by the Village Board after public hearing, and after report and recommendations by the Planning Board of the Village of Dansville. In its determination upon the particular uses at requested location, the Village Board shall consider all of the following provisions:

- A.** That the proposed locations, designs, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
- B.** That such use shall not impair an adequate supply of light and air to surrounding property;
- C.** That such use shall not unduly increase congestion in the streets, or public danger of fire and safety; and
- D.** That such use shall not diminish or impair established property values in adjoining or surrounding property.

SECTION 608 COMBINATION GENERAL BUSINESS/LIGHT INDUSTRIAL DISTRICT, B/LI

608.1 Permitted Principal Uses

608.1-1 Includes all uses permitted in Section 606.1 (General Business District) and 607.1 (Light Industrial Uses).

608.2 Permitted Accessory Uses

608.2-1 Includes all uses permitted in Section 605.2 and 607.2

608.3 Uses permitted with a Special Use Permit subject to the requirements of Article XII.

608.3-1 Includes all uses specified in Section 605.3

608.4 Other Provisions and Requirements

All industrial processes shall take place within an enclosed building. Incidental storage of materials out of doors shall be permitted. Industrial uses shall be located so as to be a minimum of twenty-five (25) feet from any property line abutting a nonindustrial district. This twenty-five (25) foot buffer strip shall be perpetually maintained with landscape plant material to provide a visual screen between the industrial use and the adjoining nonindustrial. Said buffer strip shall be exclusive of required yard setbacks as prescribed in the Schedule 609.2.

No use shall be permitted except as approved by the Village Board after public hearing, and after report and recommendations by the Planning Board of the Village of Dansville. In its determination upon the particular uses at requested location, the Village Board shall consider all of the following provisions:

A. That the proposed locations, designs, construction and operation of particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;

B. That such use shall not impair an adequate supply of light and air to surrounding property;

C. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety; and

D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

SECTION 609 ZONING SCHEDULE

609.1 The schedule of area, lot and bulk requirements enclosed herein is part of this Law. The regulations included in said Schedule are hereby established in minimum regulations of this Law; municipal facilities deemed necessary and appropriate by the Village Board are hereby exempted from such bulk area requirements. **(SEE SCHEDULE)**

*****insert schedule sheet*****

ARTICLE VII GENERAL PROVISIONS

SECTION 701 REGULATIONS FOR PRESERVATION OF NATURAL FEATURES

- 701.1 No structure shall be built within fifty (50) feet of the stream bed carrying water on an average of six (6) months of the year, or on land subject to periodic overflow.
- 701.2 No persons, firm or corporation shall strip, excavate, or otherwise remove top soil for sale or other use other than on the premises from which taken, except in connection with the construction or alteration of a building on such premises and excavating or grading incidental thereto, except as hereinafter specified.
- 701.3 Any area of land having an area of more than one acre from which top soil has been removed or covered over by fill, such area shall be seeded to provide as effective cover crop within the first growing season following the start of said operation.
- 701.4 Existing natural features such as trees, brooks, drainage channels, and views shall be retained. Whenever such features interfere with the proposed use of such property, retention of the maximum amount of such features consistent with the use of the property shall be required.
- 701.5 No excavation in conjunction with the construction or structural alteration of a building and/or adjacent land areas to serve said construction shall be commenced without a zoning permit issued by the Zoning Enforcement Officer. Applications for a permit shall be accompanied by evidence that the provisions of this chapter are adhered to.

SECTION 702 OTHER REGULATIONS APPLICABLE TO ALL ZONES

- 702.1 No lot shall have erected upon it more than **one (1) principal building**. No yard or other open space provided about any building for the purpose of complying with the provisions of this Law shall be considered to provide a yard or open space for any other building.
- 702.1-1 **More than one (1) principle building** may be erected on one (1) parcel in the **General Business District (B2)** provided that each building meets the requirements of Section 609.1 - Zoning Schedule.
- 702.1-2 All new structures in each zone shall have the minimum floor area as required by Section 609.1 Zoning Schedule
- 702.2 An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Law for the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building, and if located in a side yard area shall conform to side yard requirements of this Law.
- 702.3 Every principal building shall be built upon a lot with frontage upon a public street improved to meet the Village's requirements.
- 702.4 At the intersection of two (2) or more streets, no hedge, fence or wall other than a single post or tree, which is higher than three (3) feet above curb level, nor any obstruction to vision shall be permitted in the triangular area formed by the intersecting street lines and a line joining each, thirty (30) feet distance from said intersections along said street line.

- 702.5 Where a building lot has frontage on a street which is proposed for right-of-way widening, the required front yard area shall be measured from such proposed right-of-way line.
- 702.6 All yards, open space, off-street parking, and required landscaping, must be contained within the zone in which the use is permitted.
- 702.7 For the purpose of regulating the locations of accessory buildings on corner lots, and on lots extending through between two parallel streets, all portions of a corner lot or a through lot which fronts on a public street shall be subject to the front yard requirements of the zone district in which said corner lot or through lot is located.
- 702.8 When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of the Law either with respect to any existing structure or use and any proposed structures or use.
- 702.9 **ANY FENCE ERECTED IN THE VILLAGE SHALL ADHERE TO THE FOLLOWING:**
- 702.9-1 These restrictions shall not be applied so as to restrict the erection, alteration or reconstruction of fences used in connection with farms except insofar as such farms might affect the public safety.
- 702.9-2 These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth.
- 702.9-3 Fences may be erected, altered or reconstructed to a height not to exceed three (3) feet above ground level when located within twenty-five (25) feet of the right-of-way line regardless of depth or required front yard.
- 702.9-4 Fences may be erected, altered or reconstructed to a height not to exceed eight (8) feet above ground level when located in any required yard when more than twenty-five (25) feet from a right-of-way line.
- 702.9-5 The face side of any fence erected in any district shall face the nearest abutting property and all posts or supports shall be on the inside of said fence unless said posts or supports constitute an integral part of said face side.
- 702.9-6 No person shall construct or maintain a fence of barbed wire or an electrified fence, or any of which barbed wire is a part, along the line of the street or sidewalk. No person shall construct or maintain a fence of barbed wire elsewhere within the Village without written permission from the Board of Trustees.
- 702.9-7 A single strand of wire shall not be erected, placed or maintained so as to be dangerous to life or limb of any person because of its height.
- 702.10 Storage of Flammable Liquid or Gas: No storage of any flammable liquid or gas in quantities exceeding two-hundred- eighty (280) gallons shall be allowed except with prior approval of the Fire Inspector and in conformance with the recommendations of the National Board of Fire Underwriters.
- 702.11 Lots in Two Districts: Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for less restricted portion of such lot shall extend not more than thirty (30) feet into the more restrictive portion, provided the lot has frontage on a street in the less restricted district.

- 702.12 The permitted accessory uses in any district shall not include any use first specified in a less restricted district. In the interpretation of this provision, an "I" District shall be considered the least restricted and an "A" District the most restricted.
- 702.13 Dumping of refuse, waste materials and other substances is prohibited for all districts in the Village except in specified areas or area designated as a Village dump by the Village Board, or except for the purpose of being filled to established grades for which a permit must be obtained from the Village Board.
- 702.14 The following uses are **specifically prohibited within any zone district** within the Village:
1. Junkyards.
 2. Kennels.
 3. Mobile homes. Exception of construction trailers used for temporarily as on site offices or any otherwise provided for in this Law.
 4. Windmills.
- 702.15 In any district, during the construction of a dwelling, it shall be unlawful to occupy all or any part of the cellar for sleeping purposes for a period in excess of twelve (12) months.
- 702.16 All structures erected in the vicinity of the airport shall conform to the current Federal Aviation regulations.
- 702.17 A zoning permit shall be issued by the Zoning Enforcement Officer to allow a pre-constructed storage building not exceeding ten (10) feet in length nor ten (10) feet in width, nor seven (7) feet six (6) inches in height to be placed in the rear yard, upon receipt of signed affidavits of adjoining owners, within (10) feet of proposed location of building, noting no objection to the installation of said building and its location.
- 702.18 Yards and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation, and animal debris and waste, in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access by the public. All temporary excavations shall be kept covered or barricaded so as to protect the general public from injury.
- 702.19 All land must be kept free of dead or dying trees and accumulations of brush, shrubs, weeds, grass, stumps, roots, excessive and/or noxious growths, garbage, refuse or debris which would either tend to start a fire or increase the intensity of a fire already started or cause poisoning or physical irritation or other people or animals or cause or tend to cause or enhance an unhealthy or dangerous condition or exist an unhealthy or unpleasant odor on said property or on any adjacent or neighboring property.
- 702.20 No exterior accumulation of garbage, crates, rubbish, refuse or debris shall be permitted at any time. All such garbage, rubbish, refuse or debris shall be stored in an acceptable enclosure in a rear yard and shall be regularly collected and removed from the premises. Such enclosures, with the exception of dumpsters, may be moved to the curbside for collection.
- 702.21 Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse in accordance with the provisions of applicable codes. Each owner of any building from which garbage, rubbish, mixed

refuse, ashes or other wastes are collected shall provide refuse containers sufficient in number to hold all collectible wastes which may accumulate. Containers must be rodent and insect proof and watertight and must be kept covered at all times. Such containers may not be stored in a front yard or exterior side yard.

SECTION 703 REGULATIONS APPLICABLE TO AGRICULTURAL AND RESIDENTIAL DISTRICT (A, LR, LR-2, HR)

- 703.1 In any Agricultural or Residential District, the permitted uses shall not include:
- 703.1-1 Storage of flammable liquids known as Class I or Class II in Quantities exceeding two hundred eighty (280) gallons.
- 703.1-2 Any use which is noxious or offensive by reason of refuse, matter, dust, odor, smoke, gas, fumes, noise, vibration, unreasonable use of lights or night-time operation.
- 703.2 No accessory structure exceeding twelve (12) feet of height, except farm and religious, public or quasi-public structures.
- 703.3 No accessory structure shall be located within ten (10) feet of a principal building or other accessory building.
- 703.4 No front yard shall be used for the open storage of boats, camping trailers, utility trailers, motorized camping vans or similar vehicles. Except in case of emergency when granted a permit for same by the Zoning Enforcement Officer, no such vehicle wherever located on the premises shall not be connected to municipal services nor shall any vehicle be used as a dwelling while stored on the premises.
- 703.5 Not more than one (1) commercial vehicle shall be parked out of doors overnight or on Sunday in conjunction with a residential property in a residential zone. No vehicles for commercial display purposes shall be stored in any district at any time.
- 703.6 In any Agricultural or Residential District, no accessory building shall be erected in any yard except that accessory buildings may occupy in the aggregate no more than twenty-five (25) percent of a rear yard.
- 703.7 **Residential swimming pools** located on residential premises, for private use only, and applying to a permanently constructed pool used for bathing or swimming, twenty-four (24) inches or more in depth or with a water surface exceeding two hundred fifty (250) square feet shall not be constructed or maintained unless:
- 703.7-1 Such pool shall be no closer than four (4) feet from side or rear property line and shall have a setback of at least forty (40) feet.
- 703.7-2 There shall be erected and maintained a protective fence, extending from the ground to a height of not less than four (4) feet above the ground level, with posts at intervals of not more than eight (8) feet enclosing the entire premises upon which such pool is constructed or entirely surrounding the area in which such pool is located, except that such fence may include one or more separate gates which shall be capable of being closed and locked and which such gate or gates shall be constructed so as not to provide an opening in excess of four (4) feet in width.
- 703.8 Frontage in these districts may be used for the sale by a resident thereof farm products grown on the premises. Permanent structures for such purposes must comply with the setback and other requirements of this Law. Temporary moveable structures may be

placed and used for such purposes only after the receipt of a temporary permit therefore and on compliance with such reasonable terms and conditions as may be imposed, provided adequate off-street parking is provided.

703.9 No satellite receiving antenna may exceed three (3) meters in diameter, nor be installed to reach a height in excess of twelve (12) feet, nor be located in other than a rear yard, nor be closer than ten (10) feet from any lot line. Satellite receiving antennas that do not exceed twenty-four (24) inches in diameter are exempt from any requirements of this statute.

703.10 No solar panels shall be installed other than within the existing structure of a building, or be located on other than the rear yard, nor closer than ten (10) feet from any lot line.

SECTION 704 REGULATIONS APPLICABLE TO ALL BUSINESS AND INDUSTRIAL DISTRICTS (B-1, B-2, I-1 and B/LI)

704.1 "B" District Manufacture or Repair. The number of persons engaged in the manufacture of articles or the fabrication or repair of goods or articles shall not exceed two in any establishment in a "B" district. The individual and total horsepower of machinery used for such purposes in any such establishment shall not exceed 5 H.P. and 10 H.P., respectively. Manufacture shall be limited to that incidental to retail sale on the premises, and repair shall be limited to custom repair service.

704.2 Enclosure Required. Certain uses specified in the list of Permitted Uses as being subject to one or more provisions of this section are hereby restricted as follows:

704.2-1 The principal use shall be conducted only within a completely enclosed building.

704.2-2 Such building shall have no opening other than stationary windows, or self-closing fire exit doors required by law, within fifty (50) feet of the nearest property line of a lot in any Agricultural or Residential District.

704.3 All garage and filling station pumps, lubricating or other automobile devices shall be located at least twenty (20) feet from any street line or highway right-of-way. All fuel, oil or other flammable substances shall be stored at least thirty-five (35) feet distance from any street or lot line. No public garage for more than five (5) motor vehicles shall have any entrance or exit for such vehicles within fifty (50) feet of an Agricultural or Residential District, any school, any church, or any institution for residence, training, or treatment of children or handicapped persons.

704.4 Business structures or uses shall not display goods for sale purposes or coin-operated vending machines of any type in any location which would infringe upon the required yard areas specified in this Law.

704.5 Any awnings or marquees and accompanying structural members shall be maintained in a good state of repair. In the event that said awnings or marquees are made of cloth, plastic or of a similar material and are exposed to public view, such material shall not show evidence of excessive weathering, discoloration, ripping, tearing, holes or other deterioration. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

704.6 A **SPECIAL EVENT Certificate** of Limited Use may be issued for a Vacant Business unit provided the following criteria is strictly adhered to: **(added 6/04)**

- 704.6.1 An inspection of the area to be utilized is performed by the Code Enforcement Officer prior to use. Uninspected areas are not to be entered into or accessible to or by anyone for any reason.
- 704.6.2 No Overnight use will be permitted
- 704.6.3 No Alcohol sale or consumption will be permitted
- 704.6.4 A maximum occupancy of four (4) days per event with a minimum of fourteen (14) days elapsing between occupancies and a maximum usage of 8 separate times during a twelve (12) month period.
- 704.6.5 No more than twenty-five (25) persons shall occupy the space at any time
- 704.6.6 There is to be no usage of water or sewer. Failure to comply with this section will result in the termination of any water abatement agreement.
- 704.6.7 The type of use/occupancy must be pre-approved by the Code Enforcement Office.
- 704.6.8 The Certificate is to be displayed at all times in the window of the vacant structure during the use of said structure. The certificate can be revoked by the Code Enforcement Office for failure to comply and the occupancy will be immediately terminated.
- 704.6.9 Temporary signage will be permitted per the district regulations.

**ARTICLE VIII
PERMITTED MODIFICATIONS**

SECTION 801 HEIGHT MODIFICATIONS

- 801.1 In any district any principle building may be erected to a height in excess of that specified for the district provided such front, side, and rear yard is increased one (1) foot for each one (1) foot of such additional height.
- 801.2 Nothing herein contained shall be construed so as to limit the height of church spires, belfries, cupolas and domes not for human occupancy, monuments, observation towers, transmission towers, chimneys, smokestacks, derricks, flagpoles, radio towers, masts and aerials, ventilators, skylights, water tanks and necessary appurtenances usually carried above roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

SECTION 802 UNDERSIZED LOTS

- 802.1 Other provisions of this Law notwithstanding, nothing shall prohibit the use of a lot of less than the required area and width for a single-family dwelling in any district, provided that all the other provisions of this Law are complied with, when such lot, at the time of the passage of this Law, was owned, or under contract of sale by persons other than those owning or leasing any adjoining lots.

SECTION 803 FRONT YARD TRANSITION

- 803.1 Where the frontage on one side of a street between two intersecting streets is zoned partly as a A, LR, LR-2, or HR and partly B-1, B-2, I-1 or B/LI, the front yard depth in the B-1, B-2, I-1 or B/LI district in such block frontage shall be equal to the required front yard depth of the A, LR, LR-2, or HR district for a distance of fifty (50) feet into the B-1, B-2, I-1 or B/LI district.
- 803.2 In such cases in residential zones where frontage on the same side of the street within five hundred (500) feet is fifty (50) percent or more developed, then the required front yard for a new structure may be modified to the average for such existing development. Otherwise, the requirements of the Schedule, Section 609.1, shall apply.

SECTION 804 SIDE AND REAR YARD TRANSITION

- 804.1 Where a lot in a B-1, B-2, I-1 or B/LI district abuts a lot in A, LR, LR-2, or HR district, there shall be provided along such abutting lines a yard equal in width or depth to that required in said A, LR, LR-2 or HR district.
- 804.2 In the case of lots which comply with the provisions for modification of size under Section 802.1, the combined total side yard requirements as specified in the Schedule shall be reduced by six (6) inches for each foot by which a lot is less than the minimum lot width requirement specified in the Schedule for the zone in which located. In any case, the side yard area shall not be reduced to less than fifty (50) percent of the requirement of the Schedule.

SECTION 805 CORNER LOT TRANSITION

- 805.1 On every corner lot in a Residential district, there shall be provided on the side street a

yard equal in depth to the required front yard depth on said side street. On such lot "front" yards are provided, the other yards may be considered side yards and no rear yard shall be required, providing an open yard area of at least 4800 square feet in any LR district, 2400 square feet in any LR-2 district, and 2400 square feet in any HR district is maintained.

ARTICLE IX
NONCONFORMING USES AND BUILDINGS

SECTION 901 NONCONFORMING USES

- 901.1 Except as otherwise provided in this Law, the lawful use of land or building existing at the date of the adoption of this Law may be continued although such use or building does not conform to the regulations specified by this Law for the zone in which such land or building is located, provided however:
- 901.1-1 That no nonconforming lot shall be further reduced in size;
- 901.1-2 That no nonconforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance;
- 901.1-3 That no nonconforming use may be expanded.
- 901.2 **Discontinuance.** In any district, whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of one (1) year, such nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this Law. Such discontinuance of the active and continuous operation of such nonconforming use, or a part or portion thereof, for such period of one (1) year, is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operations unless where compliance with this section is technically infeasible, as determined by the Code Enforcement Officer, the nonconformance shall provide for conformity to the maximum extent technically feasible. If actual abandonment in fact is evidenced by the removal of building, structures, machinery, equipment and other evidences of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be complete and all rights to reestablish or continue such nonconforming use shall thereupon terminate.
- 901.3 Notwithstanding any other provisions of this Law, any automobile wrecking yard or junkyard and any billboard, advertising structure or nonconforming sign in existence in any R District at the date of enactment of this Law shall at the expiration of three (3) years from such date become a prohibited and unlawful use and shall be discontinued. Provided, however, that lawfully existing signs accessory to a nonconforming business or industrial building shall not be subject to this provision.
- 901.4 No building damaged by fire or other causes to the extent of more than seventy-five (75) percent of its assessed valuation shall be repaired or rebuilt except in conformity with the regulations of this Law. Nothing in this Law shall prevent the strengthening or restoring to a safe condition any wall, floor, or roof which has been declared unsafe by the Building Inspector.
- 901.5 A nonconforming use shall not be extended, but the extension of a lawful use to any portion of a nonconforming building which existed prior to the enactment of this Law shall not be deemed the extension of such nonconforming use.
- 901.6 **Unsafe Structures.** Any structure or portion thereof declared unsafe by a proper authority, but not ordered to be demolished, may be restored to a safe condition.

- 901.7 Those uses existing at the date of the adoption of this Law which would otherwise be permitted only with a Special Use Permit may be required to meet certain regulations as set forth in Article XII, "Uses Requiring Special Use Permits," for the particular use.
- 901.8 A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty (50) percent of the true value of the building unless said building is changed to conform to the requirements of this Law.
- 901.9 **Changes.** Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same classification upon approval of the Board of Appeals, or to a use of more restricted classification, and when so changed to a more restricted classification such use thereafter shall not be changed to a less restricted classification.
- 901.10 Normal maintenance repairs and structural alterations of building or other structure containing a nonconforming use shall be permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use.
- 901.11 **Amendments.** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, or whenever the text of this Law shall be changed with respect to the uses permitted in a district, the foregoing provisions shall also apply to any nonconforming uses existing therein.
- 901.12 At any time after the effective date of this chapter, on the written request of the user of any structure or premises or at the instance of the Zoning Enforcement Officer, an examination by the Zoning Enforcement Officer of any existing use shall be made. A report of the findings made upon such examination shall thereafter be filed together with a Certificate of Non-Compliance which shall clearly describe the premises and structure, if any, referred to and shall specify the nature and extent of the existing use. Such certification shall be prepared in duplicate, one (1) copy of which shall be maintained by the Zoning Enforcement Officer, and one (1) copy of which shall be furnished to the owner or user.

SECTION 902 NONCONFORMING BUILDING

- 902.1 Any building which is nonconforming due to insufficient yard distances or lot area shall not be considered a nonconforming use. Any alterations or structural changes may be accomplished within the existing frame of said building, but any additions shall conform to the specific setback and yard distance requirements of this Law. The use of any such nonconforming building may be changed to any other permitted use so long as the yard or lot area requirements are not greater.
- 902.2 An existing house trailer may be located on the site where a building is to be erected, and for which a building permit has been issued, provided that such trailer is located no closer than five (5) feet from any lot line. The trailer shall be removed from the premise not later than the date the building permit expires, or within thirty (30) days after occupancy of the building, whichever is the prior date.

**ARTICLE X
PARKING AND LOADING SPACES**

SECTION 1001 REQUIREMENTS BY USAGE

- 1001.1 In all districts (except the Central Business District) every industrial, business, institutional, recreational, residential or other use shall provide at the time any building or structure is erected, enlarged, increased in the number of dwelling units, or increased in capacity, off-street parking for motor vehicles in accordance with the requirements of this and other applicable sections of this Law. All such space shall be deemed to be required on the lot on which it is situated, and shall not be encroached upon or reduced in any manner.
- 1001.2 Whenever there is a change in use, or an increase in the floor area, or other unit measurement, and such change and such increase creates a need for an increase of more than ten (10) percent in the number of required off-street parking spaces, as determined by the requirements of this Section, additional off-street parking spaces shall be provided in accordance with this section for that addition or change in use.
- 1001.3 None of the off-street parking facilities as required in the Law shall be required for any existing building or use, unless said building or use shall be enlarged or shall be increased in number of dwelling units.
- 1001.4 Access drives or walkways to any Business or Industrial District through any Residential District shall not be permitted as this would constitute an illegal use of residentially zoned land.
- 1001.5 In stadiums, churches, and other places of worship, in which patrons or spectators occupy benches, pews or other similar seating facilities each twenty (20) inches of seating facilities shall be counted as one seat for the purposes of parking standards.
- 1001.6 The number of off-street parking facilities required shall be set forth in the following:
- | | | |
|----------|--|---|
| 1001.6-1 | Auditorium | 1 for each 5 seats |
| 1001.6-2 | Automobile or Machine Sales and Service | 1 for each 300 square feet of floor area |
| 1001.6-3 | Banks, Business and Professional Offices | 1 for each 200 square feet of area |
| 1001.6-4 | Bowling Alleys | 5 for each alley plus the necessary space as set forth in this Section for affiliated uses such as restaurants, bars or other commercial uses |
| 1001.6-5 | Churches | 1 for each 5 seats in places of worship |
| 1001.6-6 | Dance halls and Assembly Halls without fixed seats; Exhibition Halls, except church assembly rooms in conjunction with auditoriums | 1 for each 100 square feet of floor area used for assembly or dancing |

1001.6-7	Dwellings	2 for each family or dwelling unit
1001.6-8	Funeral Homes, Mortuaries	1 for each four seats in the auditorium
1001.6-9	Hospitals	1 for each 3 beds
1001.6-10	Rooming Houses, Lodging Houses	1 for each 2 bedrooms
1001.6-11	Libraries, Museums, or Galleries	1 for each 600 square feet of floor area
1001.6-12	Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 for each 300 square feet of floor area
1001.6-13	Medical and Dental Clinics and Offices	1 for each 200 square feet of floor area
1001.6-14	Motels, Hotels and Bed & Breakfast	1 for each living or sleeping unit
1001.6-15	Restaurants, Cafe and Night Clubs	1 for each 200 square feet of floor area
1001.6-16	Retail Stores, Shops, etc.	1 for each 200 square feet of floor area
1001.6-17	Sanatoriums, Convalescent Homes, Retirement and Nursing Homes	1 for each 3 beds
1001.6-18	Theaters, Assembly Halls, other than Schools	1 for each 5 seats
1001.6-19	Wholesale Establishments or Warehouses	1 for each 3,000 square feet of floor area
1001.6-20	In the case of a use not specifically mentioned above, the requirements for off-street parking facilities to which said use is similar shall be set forth by the Zoning Enforcement Officer.	

SECTION 1002 REQUIREMENTS OF OFF-STREET PARKING SPACES

1002.1	The size of off-street parking spaces shall be ten (10) feet wide by twenty (20) feet long for all side parking or eight (8) feet wide by twenty-three (23) feet long for all parallel parking.	
1002.2	Off-street parking facilities shall be located as hereinafter specified where distance is specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the building or use such facility is required to serve. Off-street parking space shall be allowed in required yards except as where specifically prohibited by this Code.	
1002.2-1	Multifamily dwellings, not more than two hundred (200) feet from the building they are intended to serve, and in conformance with Section 604.4-4 of this ordinance.	
1002.2-2	For uses located in the B-1 district, and for hospitals, sanatoriums, convalescent, nursing	

and rest homes, homes for the aged, retirement homes, private clubs, lodges, and offices, not more than one hundred (100) feet from the building they are required to serve.

- 1002.3 For uses other than those specified above, not more than three hundred (300) feet from the building they serve.
- 1002.4 Necessary passageways and driveways for entrance and exit to parking space shall be provided.
- 1002.5 All parking areas, passageways, and driveways (except where provided in connection with one-family residences) shall be surfaced with a dustless, durable, all-weather pavement, clearly marked for car spaces, and shall be adequately drained, all subject to the approval of the Zoning Enforcement Officer.
- 1002.6 The collective provision of off-street parking areas by two (2) or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately and further provided that the land upon which the collective facilities are located is owned or leased by one (1) or more of the collective users.
- 1002.7 All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminates adequately during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial users to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- 1002.8 Off-street parking areas located in commercial zones and which provide parking for twenty (20) or more vehicles shall be provided with shade trees of a type approved by the Building Inspector and located not greater than sixty (60) feet on center.

SECTION 1003 LOADING SPACES

- 1003.1 Loading spaces shall be provided maintained on the same premises with every building, structure or part thereof, erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles, of material or merchandise.
- 1003.2 Such space shall be adequate for standing, loading and unloading services, in order to avoid undue interference with use of public transportation.
- 1003.3 Loading and unloading space shall not be occupied or considered as any part of the required off-street parking.
- 1003.4 All business districts shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height clearance, for every 20,000 square feet or fraction thereof of building floor or land use for the above mentioned purposes.

ARTICLE XI SIGN REGULATIONS

SECTION 1100 LEGISLATIVE PURPOSE AND INTENT

- 1100.1 The Village Board of Dansville recognizes that the importance of the preservation of historical significance and attention to the attractiveness of buildings is essential to providing a positive atmosphere within the business community. The Board likewise recognizes that signage has a substantial effect on the historical character, appearance, use and value of buildings. It is, therefore, the intent of this chapter to promote and protect property values, create a more attractive business climate, enhance the physical appearance of the area, encourage the most appropriate use of the land and structures and provide a more enjoyable and pleasing appearance to our community.
- 1100.2 This chapter is adopted to regulate the use of signs in order to promote signs, which are:
1. Harmonious in character with other similar displays.
 2. Orderly, readable and safe.
 3. Non-distracting to motorists.

SECTION 1101 DEFINITION OF TERMS AND PHRASES

As used in this chapter, unless otherwise expressly stated the following terms shall have the meanings indicated:

ACCESSORY SIGN - The term "accessory sign" shall mean any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located

A-FRAME SIGN - The term "A Frame sign" shall refer to a portable, top or side hinged advertising device.

AREA - The "area" of a sign shall be the surface devoted to the conveying of the message exclusive of the structure to support it properly, trim and framing device, unlettered fascia, and any appurtenances required in construction. In the case of open sign structures not having a solid surface or a sign not otherwise inscribed in a definitive area, the area of the sign shall be taken as the area required to circumscribing all letters and devices exclusive of supports.

AWNING SIGN - The term "awning sign" shall refer to any awning or overhang protruding from the front and/or side and/or rear of a building made either of cloth, wood, plastic, metal or other like substance, to which any Insignia, Logo, Graphic, Diagram, Design, Name or other information may be or is either attached to or incorporated therein.

BANNER SIGN - The term "banner sign" shall refer to any cloth, plastic, wood, metal, paper, glass or other like substance, which is suspended or hung in a non permanent manner either on the interior window or exterior surface of a building.

DECORATIVE POLE - The term "decorative pole sign" shall mean any sign attached or suspended from a decorative or wrought iron yardarm attached to a single pole.

ERECT - The term "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hand-place, suspend, affix or maintain any sign, and shall also include the painting of exterior wall signs.

FASCIA SIGN - The term "fascia sign" shall mean any sign placed flush against the building.

FREE STANDING GROUND - The term "free standing ground sign" shall mean any sign suspended between two (2) posts and not attached to a building or structure.

FREE STANDING POLE - The term "free standing pole sign" shall mean any sign attached to a single pole and not attached to a building or structure.

FRONT - The term "front" or "face" of a building shall mean the outer surface of a building, which is visible from any private or public street or highway.

FRONT FACE - The term "front face" of a building shall refer to the principal/primary entrance of a building.

IDENTIFICATION SIGN - The term "identification sign" shall refer to a non-illuminated sign, which may be attached to an exterior wall of a building adjacent to public entrances. Such sign shall be limited in text to the name of the resident firm or corporation and shall not exceed two (2) square foot in area.

ILLUMINATED SIGN - The term "illuminated sign" shall mean any sign illuminated by electricity, gas, or other artificial light, including reflective or phosphorescent light. Neon gas signs intended for either interior or exterior use, shall be installed by a certified neon installer with the exclusion of self contained neon signs (i.e.: bar, open) which have a surface area less than two (2) square foot.

LIGHTING DEVICE - The term "lighting device" shall mean any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

PERMANENT WINDOW SIGN - The term "permanent window sign" shall refer to any sign, which is painted or fixed to the front windows of any business or establishment

PLAZA MARKER - The term "plaza marker(s)" shall mean either a free standing ground or free standing pole sign declaring the organizations and/or businesses contained within the plaza.

PROJECTING SIGN - The term "projecting sign" shall mean any sign, which projects from the exterior of any building commencing at the second story of such building and extending in an upward and outward fashion.

SEASONAL - The term "seasonal" shall refer to a time period not to exceed one hundred eighty (180) days.

SIGN - The term "sign" shall mean any material, structure, or device, or any part thereof, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any building, including:

window display area, for display of an advertisement announcement, notice, directional matter or name, and includes sign frames, billboards, painted wall signs,

hanging signs, illuminated signs, pennants, fluttering devices, projecting signs, or ground signs, and shall also include:

any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public.

SIGN BAND - The term "sign band" shall refer to that area of a pre-existing and/or historical building, which at the time of original construction was designated as the area to accommodate the sign.

SIGN PACKAGE - The term "sign package" shall refer to a specific grouping of permitted signage for a specified site or area.

TEMPORARY - The term "temporary" shall refer to a time period not to exceed thirty (30) days. A temporary sign may be renewed for an additional thirty (30) day period at the discretion of the Code Enforcement Officer

VALUE - The "value of sign" shall mean the cost of the sign, when it was originally constructed

SECTION 1102 PERMITTED SIGNS IN ALL DISTRICTS

1102.1 The following signs are permitted in any appropriate district WITHOUT a permit.

- 1102.1-1 Professional nameplates that shall not exceed two (2) square feet in area on either of two (2) sides.
- 1102.1-2 Signs denoting the name and address of the occupants of the premises, which signs shall not exceed two (2) square feet on either of two (2) sides.
- 1102.1-3 Signs denoting the architect, engineer, or contractor placed on the premise where construction, repair, or renovation is in progress, which signs shall not exceed six (6) square feet on either of two (2) sides. This sign must be removed from the premises within seven (7) days after such construction, repair, or renovation is completed.
- 1102.1-4 Signs advertising the sale, lease, or rental of the premises upon which the sign is located, which shall not exceed six (6) square feet in area, provided such sign is erected or displayed not less than five (5) feet inside the property line. This sign must be removed from the premises within seven (7) days after the property is sold or leased. Not more than one (1) sign shall be permitted for each street contiguous to the said premises but in no case shall there be more than two (2) signs on the premises.
- 1102.1-5 Signs or banners customarily used to advertise Garage Sale, Lawn Sale, Porch Sale, Barn Sale, Household Sale or sales of similar nature are permitted provided that such signs shall not exceed four (4) square feet in area on either of two (2) sides, and shall advertise only the nature of the sale and the premises where such sale is located; provided, no more than four (4) signs shall be allowed for each such sale conducted on the premises. Sales of aforementioned nature shall be limited to three (3) such sales at any one location during a twelve-month time period. Signs are to be removed within forty-eight (48) hours of the completion of any such sale. Signs are NOT permitted to be placed upon utility poles and any such placed signs shall be immediately removed.

1102.2 The following signs are permitted in any appropriate district WITH a permit.

- 1102.2-1 Any sign advertising a commercial enterprise, including real estate developments, apartments, or subdivisions, permitted in a district zoned residential shall not exceed ten (10) square feet in area on either of two (2) sides, and shall advertise only the name of the owner, trade name, products sold, and/or the business or activity conducted on the premises where such sign is located: provided, no more than two (2) signs shall be allowed for each such business or commercial activity conducted on the premises which shall in all respects conform to the provisions of this Law respecting establishments in business districts.
- 1102.2-2 Any signs denoting the architect, engineer, or contractor placed on the premise where construction, repair, or renovation is in progress, which signs shall not exceed thirty two (32) square feet in area. This sign must be removed from the premises within seven (7) days after such construction, repair, or renovation is completed. A seven (7) day extension may be granted with the written permission of the property owner and approval of the Code Enforcement Officer
- 1102.2-3 Signs or Bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, which signs or bulletin boards shall not exceed sixteen (16) square feet in area, and shall be located on the premises of such institutions, provided such signs or bulletin boards are erected or displayed not less than five (5) feet from inside the property line.

SECTION 1103 PERMITTED SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS

- 1103.1 All signs permitted in Section 1102, subject to the requirements specified herein.

SECTION 1104 PERMITTED SIGNS IN CENTRAL BUSINESS DISTRICT

1104.1 Size and Placement

- 1104.1-1 Fascia signs shall be permitted on the front of the building at a ratio of two (2) square feet in area for each one (1) lineal foot of wall space upon which surface the sign is to be erected, provided that no fascia sign shall exceed one hundred (100) square feet in area and shall not extend closer than one (1) foot from the ends of the building or roof line of the building. Permanent window signs, which are painted or affixed, to the front windows of any building shall count toward the maximum allowable square footage in area as a fascia sign. At no time shall any sign cover or block any window or door that is required as either an exit or for purpose of light and/or ventilation.
- 1104.1-2 Fascia signs shall be permitted on the rear of the building at a ratio of one (1) square feet in area for each one (1) lineal foot of wall space upon which surface the sign is to be erected, provided that no fascia sign shall exceed sixty five (65) square feet in area and shall not extend closer than one (1) foot from the ends of the building or roof line of the building and that said fascia sign shall contain the name of the principle business or businesses only. At no time shall any sign cover or block any window or door that is required as either an exit or for purpose of light and/or ventilation
- 1104.1-3 Decorative pole signs shall be permitted with a minimum ground to sign clearance of four (4) foot, a maximum pole height of ten (10) foot and a sign area not to exceed four (4) foot width by four (4) foot in height.
- 1104.1-4 Awning signs shall be permitted provided that the awning structure, if pre-existing, meets the NY State Building code criteria for safety and that any insignia, logo, graphic, diagram, design, name or information of any type falls within the total maximum

allowable square footage for fascia signage as allowed by this code. For new awnings where no such structure was pre-existing a building permit shall be required for the awning structure and such structure will adhere to all NY State building codes in effect at the time, this is in addition to the required sign permit. Any insignia, logo, diagram, design, name or information of any type placed upon or incorporated into the awning shall be subtracted from and/or counted toward the total square footage allowed for fascia signage.

- 1104.1-5 Identification signs may be attached to an exterior wall of a building adjacent to public entrances. Such signs shall be non-illuminated and are limited in text to the name of the resident firm or corporation, each such firm or corporation being allowed one (1) such sign. Each sign shall not exceed two (2) square feet in area.
- 1104.1-6 Directional signs are permitted provided that the individual signs do not exceed two (2) square feet in area. Text is limited to "Office", "Entrance", "Exit", and "Parking". All such signs shall be provided with indirect illumination only.
- 1104.1-7 Projecting signs are permitted provided that the individual signs do not exceed a total of sixty (60) square feet in area. Text is limited to name of business, trade name, trademark or activity. Signs are to be mounted no lower than twelve (12) foot above grade nor exceed twenty (20) feet in height. Mounting brackets and hardware must be maintained and the sign cannot become a hazard to passersby.
- 1104.1-8 Permanent Window signage is permitted provided that the individual signs do not extend closer than six (6) inches to the sides, four (4) inches from the top, and twelve (12) inches from the bottom of the window. All window signage shall be subtracted from the allowable 100 square footage for fascia signage unless part of a specified sign package.
- 1104.1-9 Banner signs shall be permitted provided that the signs are attached either to the inside of the window area or flush to the exterior of the building. All banner signs shall be subtracted from the allowable 100 square footage for fascia signage unless part of a specified sign package.
- 1104.1-10 One (1) A-Frame sign shall be permitted provided that said sign shall not exceed a maximum of forty eight (48) inches in height and a maximum of thirty (30) inches in width. Text is limited to; identification of business, designation of business hours, special sales, daily items of interest and notices of information. A-Frame sign shall be positioned so as to minimize impedance of pedestrian travel, be placed upon the sidewalk only during the hours of business operation, be maintained in good order and be aesthetically appealing. Peel and Stick lettering or other forms of lettering, which can be easily vandalized, are NOT permitted. The entire message must be contained within the main structure of the sign. An "A-Frame sign is required to have an ANNUAL permit.
- 1104.1-11 Temporary advertising banners intended to be placed across streets are allowed pending approvals from the NYSDOT, the Village Of Dansville Board and the Code Enforcement Officer. All such banner applications shall also have attached written permission from the property owner whose building such banners are to be suspended from.
- 1104.2 **Number**
- 1104.2-1 Fascia signage, which may include permanent window signage, one (1) fascia sign attached to the exterior wall of the building, and awning signage in a combined amount up to but not to exceed one hundred (100) square foot is permitted for the front or face of the building.

- 1104.2-2 One (1) fascia sign is permitted on the rear and/or side exterior wall of a building provided that such side faces a street or public way and that the square footage for any such signs does not exceed sixty five (65) square feet.
- 1104.2-3 Two (2) directional or identification signs are permitted per establishment provided the maximum square footage of two (2) sq. ft. per sign is not exceeded.
- 1104.2-4 Banner signs, not included in a sign package, are permitted provided that the total allowable fascia square footage of 100 sq. ft. not to exceed by such signs.
- 1104.2-5 One (1) projecting sign not to exceed a total of sixty (60) square foot, attached to a building, and which advertises only the name of the business, trade name, or trademark, or activity conducted on the premises where the sign is located.
- 1104.3 **Text on Permitted Signs.** The text on each sign is subject to approval by the Zoning Enforcement Officer and is limited to:
- 1104.3-1 Name or assumed name of the owner of the property on which it is located;
- 1104.3-2 Principal business or businesses conducted on the property;
- 1104.3-3 Brief indication of product or services available.
- 1104.4 **Illumination.** Only white artificial internal or indirect lighting shall be used to illuminate a permitted sign. No flashing, intermittent or moving light or lights shall constitute a part of, or be used to illuminate a permitted sign. No light shall be placed in such a manner that it is a hazard to the traveling public, or shall cause any objectionable glare, either direct or reflected.

SECTION 1105 PERMITTED SIGNS IN THE GENERAL BUSINESS DISTRICT

- 1105.1 All signs permitted in the Central Business District.
- 1105.2 **No signs shall be erected or maintained except as follows:**
- 1105.2-1 Either one (1) plaza marker whose maximum height shall be dictated by any FAA/DOT regulations if appropriate and whose minimum ground clearance and site placement shall be dictated by line-of-sight at each and every location. One (1) sign per tenant will be allowed; or
One (1) free-standing, projecting, or ground sign per street frontage not exceeding sixty (60) square feet in area nor more than thirty (30) feet in height nor less than twelve (12) feet above ground level when not attached to a building, and which advertises only the name of the business, trade names, trademark, or activity conducted on the premises where the sign is located; and
- 1105.2-2 One (1) fascia sign attached or applied to each building or portion thereof, which sign shall not exceed two (2) square feet for each lineal foot of frontage (to a maximum of one hundred (100) square feet) occupied by each building on the premises. Where a building has frontage on more than one street or public highway, one such sign shall be permitted for each street frontage. At no time, shall any sign cover or block any window or door that is required as either an exit or for purpose of light and/or ventilation.
- 1105.3 **Sign Setbacks.** All freestanding signs must be placed at least ten (10) feet from the street right-of-way.

- 1105.3-1 No free-standing sign, either ground or pole, shall be erected or maintained nearer the building facade than three (3) feet, or nearer the sidewalk surface than eight (8) feet, and must be placed so as not to obstruct pedestrian passage on the sidewalk. Such signs may not exceed sixty (60) square feet in area on either of two (2) sides.
- 1105.3-2 Before a permit for a sign is granted its location in relation to blocking visual access to existing signs is also considered.
- 1105.4 **Text on Permitted Signs:** Text as specified in section 1104.3-2
- 1105.5 **Illumination.** No flashing, intermittent or moving light or lights, shall constitute a part of, or be used to illuminate a permitted sign. No light shall be placed in such a manner that it is a hazard to the traveling public, or shall cause any objectionable glare, either direct or reflected.

SECTION 1106 PERMITTED SIGNS IN INDUSTRIAL DISTRICT AND COMBINATION BUSINESS/LIGHT INDUSTRIAL DISTRICT

- 1106.1 All signs permitted in General Business District.
- 1106.2 Permitted signs shall be subject to the requirements of Sections 1105.2 through 1105.5 of this Law.

SECTION 1107 PERMITTED SIGN PACKAGES

- 1107 A **SIGN PACKAGE** is a group of signs tailored to a specific type of retail establishment. Sign packages may be utilized in place of individual signs.
- 1107.1 **SERVICE STATIONS** (all Districts) – one (1) free standing pole sign or one (1) free standing ground sign, one (1) fuel canopy, two (2) directional signs, one (1) identification sign, five (5) information signs (not to exceed 12 sq. ft.), fascia signage to 100 sq. ft. per road frontage, banner signage not to exceed fifty (50) square foot. permanent window signage not to exceed fifty (50) square foot
- 1107.2 **DOWNTOWN MERCHANT** (Central Business District) – one (1) projection sign, awning signage up to forty five (45) sq. ft. front fascia signage to 100 sq ft, rear fascia signage up to fifty (50) sq. ft., permanent window signage up to fifty (50) square ft., Banner signage up to forty five (45) sq. ft. , two (2) directional or identification signs.
- 1107.3 **PLAZA MERCHANT** (General Business-Industrial-Combined business/Lt. Industrial) – one (1) tenant sign attached to a Plaza marker, fascia signage to 100 sq. ft, one (1) hanging or protruding identification sign, permanent window signage up to fifty (50) sq. ft. banner signage up to fifty (50) sq. ft. one (1) rear identification sign.
- 1107.4 **SINGLE MERCHANT** (General Business-Industrial-Combined Business/Lt. Industrial) – One (1) freestanding ground or pole sign not to exceed a height of thirty (30) feet or impinge upon FAA/DOT regulations for the site. Fascia signage up to one hundred (100) square foot. permanent window signage up to fifty (50) square foot, Banner signage up to sixty (60) square foot, two (2) directional signs and two (2) identification signs.
- 1107.5 **NEW & USED AUTOMOTIVE FRANCHIZED DEALERSHIPS** (General Business-Industrial-Combined Business/Lt. Industrial) Two (2) free standing pole signs or a combination of One (1) free standing pole and one (1) plaza marker, one (1) free standing ground sign, fascia signage to one hundred fifty (150) square feet, permanent window signage to one hundred (100) square feet, Banner signage to one hundred (100) square feet, four (4)

directional signs, four (4) information signs with the directional and /or informational signs allowed to be painted directly upon the building.

SECTION 1108 SIGNS FOR WHICH PERMITS ARE REQUIRED

- 1108.1 No sign, advertising structure or device which advertises the principal business or principal businesses conducted on which the sign is located shall be maintained or erected without a written permit, except those specifically permitted in Section 1113.

SECTION 1109 SIGNS FOR WHICH PERMITS WILL NOT BE GRANTED

- 1109.1 Signs containing flashing, intermittent, rotating, or moving light or lights.
- 1109.2 Moving Signs: Signs that move or contain visible parts which move or other simulations of movement.
- 1109.3 Signs containing luminous material, sequin-studded letters, or lettering with fluorescent paint.
- 1109.4 Advertising Devices: No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving fluttering, or revolving devices. The said devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- 1109.5 Signs on rocks, trees, etc.: Signs affixed to or painted upon rocks, trees, utility poles, or other such structure.
- 1109.6 Sign painted on buildings, fences, etc. except those painted upon constructed sign background structure **except for those as specifically permitted by special sign package.**
- 1109.7 Any sign, which covers or blocks a window or door that is required as either an exit or for purpose of light and/or ventilation.

SECTION 1110 PROCEDURE FOR RECEIVING PERMIT

- 1110.1 **Application for Permit:** Application for the permit shall be made in writing in duplicate, upon forms prescribed and approved by the Zoning Enforcement Officer to the Zoning Enforcement Officer and shall contain the following information:
- 1110.1-1 Name, address, and telephone number of the applicant.
- 1110.1-2 Location of building, structure, or land to which, or upon which the sign is to be erected.
- 1110.1-3 A detailed drawing or blueprint showing a description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any building or land, and its position in relation to nearby buildings, structures, or existing signs, and to any private or public street or highway.
- 1110.1-4 Written consent of the owner of the building, structure or land to which or upon which the sign is to be erected, in the event the applicant is not the owner thereof.
- 1110.1-5 A copy of any required or necessary electrical permit for said sign or a copy of the application thereof.

- 1110.2 **Fees**
- 1110.2-1 The fees to be paid to the Village of Dansville for the erection of each sign and for each of the conforming signs now erected in the Village as of the effective date of this Law shall be in accordance to the current fee schedule.
- 1110.2-2 The Zoning Enforcement Officer or other designated Village official shall issue a permit number for each sign, which shall be permanently attached to or displayed on each sign, billboard or structure so that it may readily be ascertained that a permit has been issued for each use.
- 1110.3 All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs that have become excessively weathered, those upon which the paint has excessively peeled or those whose support have deteriorated so that they no longer are structurally sound shall, with their supports, be removed or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supports, be removed within thirty (30) days of the date on which the business ceases to occupy the premises. (And shall be painted upon exodus of Tenant within 30 days).
- 1110.4 **Issuance of Permit.** It shall be the duty of the Zoning Enforcement Officer upon the filing of any application for a permit to erect a sign to examine such plans, specifications and other data submitted to him with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure. If it shall appear that the proposed sign is in compliance with all the requirements of this Law and other laws of the Village of Dansville he shall then, within ten (10) days, issues a permit for the erection of the proposed sign. If the sign authorized under such permit has not been completed within six (6) months from the date of issuance of such permit, the permit shall become null and void

SECTION 1111 REVOCATION OF PERMIT AND REMOVAL OF CERTAIN SIGNS

- 1111.1 No sign, whether new or existing, shall hereafter be erected or altered except in conformity with the provisions of this Law. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted, and free from all hazards, such as but not limited to, faulty wiring, loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health and safety. In the event of a violation of any of the foregoing provisions, the Zoning Enforcement Officer shall give written or personal notice, specifying the named owner of the land upon which the sign is located, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The sign shall thereupon be conformed by the owner of the sign and the owner of the land within thirty (30) days from the date of receipt of said notice. In the event such sign shall not be so conformed within thirty (30) days, the Zoning Enforcement Officer shall thereupon revoke the permit, and the named owner of the sign and/or the named owner of the land shall remove such sign.
- 1111.2 Any sign existing on or after the effective date of these regulations which no longer advertises an existing business conducted or product sold on the premises upon which sign is located, shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. The Zoning Enforcement Officer, after determining that any such sign exists, shall notify the owner of the premises in writing to remove the said sign within thirty (30) days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the Zoning Enforcement Officer is hereby authorized to remove such sign, and shall assess all costs and expenses incurred in said removal against the land or building upon which such sign is located.

- 1111.3 All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs that have become excessively weathered, those upon which the paint has excessively peeled or those whose supports have deteriorated so that they no longer are structurally sound shall, with their supports, be removed or put into a good state of repair. All non-operative or broken electrical signs shall be repaired or shall, with their supports, be removed within thirty (30) days of the date on which the business ceases to occupy the premises. All signage sites shall be painted upon exodus of Tenant within 30 days.
- 1111.4 Any awnings or marquees and accompanying structural members shall be maintained in a good state of repair. In the event that said awnings or marquees are made of cloth, plastic or of a similar material and are exposed to the public view, such material shall not show evidence of excessive weathering, discoloration, ripping, tearing, holes or other deterioration. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.
- 1111.5 If the Zoning Enforcement Officer shall find that any sign regulated by this Law is unsafe or insecure, or is a menace to the public, he shall give written notice to the named owner of the land upon which the sign is erected, who shall remove or repair the said sign within thirty (30) days from the date of said notice. If the said sign is not removed or repaired, the Zoning Enforcement Officer shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which the sign was located. The Zoning Enforcement Officer may cause any sign, which is a source of immediate peril to persons or property to be removed summarily and without notice.

SECTION 1112 TEMPORARY SIGNS

- 1112.1 All signs of a temporary nature such as political posters, banners, promotional devices and others of a similar nature with a maximum area of twenty five (25) square foot, may be granted a temporary permit for a period not to exceed thirty (30) days, provided that such signs are not attached to fences, trees, utility poles, or the like, and further provided that such signs are not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public. A fee of \$10.00 shall be paid upon issuance of a permit for such signs. An additional cash deposit of \$10.00 may be required by the Zoning Enforcement Officer to insure the removal of such signs at the expiration of the permit. The Zoning Enforcement Officer after ten (10) days written notice to the permit-holder to remove such signs and after the failure of the permit-holder to do so shall cause said signs to be removed and the cash deposit shall be forfeited to help defray the cost of removal.

SECTION 1113 SEASONAL SIGNS

- 1113.1 All signs of a seasonal nature such as posters, banners, promotional devices and others of a similar nature, may be granted a temporary permit for a period not to exceed One hundred eighty (180) days, provided that such signs are not attached to fences, trees, utility poles, or the like, and further provided that such signs are not placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public. A fee of \$25.00 shall be paid upon issuance of a permit for such sign. An additional cash deposit of \$25.00 may be required by the Zoning Enforcement Officer to insure the removal of such sign at the expiration of the permit. The Zoning Enforcement Officer after ten (10) days written notice to the permit-holder to remove such sign and after the failure of the permit-holder to do so shall cause said sign to be removed and the cash deposit should be forfeited to help defray the cost of removal.

SECTION 1114 AMORTIZATION OF NONCONFORMING SIGNS

- 1114.1 To prevent hardship, owners are allowed to use nonconforming signs which have been in existence prior to the effective date of this Law, until their value is depreciated, provided that such signs were registered prior to such effective date on standard forms for the purpose provided by the Zoning Enforcement Officer, whereupon permits are deemed to have been granted for the signs. The Zoning Enforcement Officer may require the owner of the sign to submit satisfactory proof of the date of erection of such sign and remaining or un-depreciated life of the sign. The normal depreciable life of a sign as approved by the Internal Revenue Service is ten (10) years. Except as otherwise provided in this Part, nonconforming signs shall be made to conform to the provisions of the Part or shall be removed when the value of the sign is depreciated.
- 1114.2 A nonconforming sign which is destroyed or which is damaged to an extent in excess of fifty (50) percent of its original construction shall not be replaced except by a sign, which conforms to the regulations of this Law.
- 1114.3 Any nonconforming sign, which existed on the effective date of this Law, shall not be enlarged, structurally altered or relocated, except in accordance with the provisions of this Part. For the purposes of this section, the refurbishing of nonconforming signs does not extend the useful life of the sign nor its value. Repairs are limited to those necessary to maintain the sign in a safe and attractive condition. Where nonconforming signs are registered and subsequently refurbished by replacing parts or portions of the sign, or changing the text of the sign, such sign shall be considered illegal and in violation of Section 1109 of this Law.

SECTION 1115 EXCEPTIONS

- 1115.1 None of the provisions of this Law shall be construed as preventing or limiting any sign or directional device erected by the Federal, State, County or local government or agency thereof.
- 1115.2 The limitations on sign area as set forth by this Law shall not apply to parking lot markers, directional signs, entrance and exit signs and other such signs which are erected on the premises provided that such signs do not exceed two (2) square feet in area on any one (1) side and do not contain any advertising of the use on the premises.

ARTICLE XII
USES REQUIRING SPECIAL USE PERMITS

The following uses may be permitted provided a Special Use Permit is obtained from the Zoning Board of Appeals under the terms and specifications herein. Whereas the necessity for certain specific uses is recognized and at the same time appreciating the fact that they or any one of them may be, or become, inimical to the public health, safety, and general welfare of the community if located without consideration to the existing conditions and surroundings the following standards and proceedings are hereby established which are intended to provide the Zoning Board of Appeals with guide for the purpose of reviewing certain uses not otherwise permitted in the Laws. The Zoning Board of Appeals shall review and administer applications for the following uses according to procedures spelled out for the Zoning Board of Appeals under Article III of this Law.

SECTION 1201 PUBLIC UTILITIES

- 1201.1 Public Utility uses, such as dial equipment centers, and substations but no service or storage yards, may be permitted in any district with a Special Use Permit. No Special Use Permit shall be issued unless the Board of Appeals shall determine that:
 - 1201.1-1 The proposed installation in specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
 - 1201.1-2 The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located.
 - 1201.1-3 Adequate and attractive fences and other safety devices will be provided.
 - 1201.1-4 A buffer strip ten (10) feet in width shall be provided around the perimeter of the property.
 - 1201.1-5 Adequate off-street parking shall be provided.
 - 1201.1-6 All of the area, yard and building coverage requirements of the respective zone will be met.

SECTION 1202 MOTOR VEHICLE SERVICE STATIONS

- 1202.1 Motor vehicle service stations may be permitted in such districts as specified in Article VI of this Law, provided that they comply with the New York State Building and Fire Code, and the following standards are observed:
 - 1202.1-1 In addition to the information required in the special permit application and enumerated in Section 204 of this Law, the site plan submitted shall also show the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed and the type of structure and accessory buildings to be constructed.
 - 1202.1-2 The area and yard specifications for motor service stations are identified in the Schedule of this Law.
 - 1202.1-3 The entire area of the site traveled by motor vehicles shall be hard surfaced.

- 1202.1-4 Any repair of motor vehicles shall be performed in a fully enclosed building and no motor vehicle shall be offered for sale on the site. No motor vehicle parts, or partially dismantled motor vehicles shall be stored outside of an enclosed building.
- 1202.1-5 No vehicles shall be permitted to be standing or parked on the premises of a motor vehicle service station other than those used by the employees in the indirect or direct operations of the establishment.
- 1202.1-6 Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans, and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or tank.
- 1202.1-7 No motor vehicle service station or public garage shall be located within five hundred (500) feet of any public entrance to a church, school, library, hospital, charitable institution or place of public assembly. Such distance shall be measures in a straight line from said public entrance to the lot line nearest said entrance along the street line.
- 1202.1-8 Where a motor vehicle service station abuts a residential zone, it shall be screened by a buffer area no less than ten (10) feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the Board of Appeals will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of six (6) feet above finished grade at the highest point of the station. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery becomes decayed and fails to provide an adequate screen, the Zoning Enforcement Officer may direct the property owner to replace said shrubs.
- 1202.1-9 All fuel pumps shall be located at least twenty (20) feet from any street or property line.
- 1202.1-10 In addition to sign requirements for business uses in the districts, each motor vehicle service station shall be permitted to have one (1) free-standing or pylon sign setting forth the name of the station and the principal products sold on the premises, including company or brand name, insignia or emblem, provided that such sign not exceed twenty (20) square feet in area on either of two (2) sides and shall be hung within the property line and no less than ten (10) feet nor more than twenty-five (25) feet above ground.
- 1202.1-11 Service stations may also exhibit one (1) temporary sign located no less than ten (10) feet inside the property line and specifically setting forth special seasonal servicing of automobiles, provided that such sign does not exceed seven (7) square feet in area.

SECTION 1203 HOSPITALS, PHILANTHROPIC AND CHARITABLE USES

- 1203.1 Hospitals, philanthropic and charitable uses, including nursing homes, extended and intermediate care facilities, but excluding correctional institutions may be permitted in the A, LR, and LR-2 Districts, providing the following standards are maintained:
- 1203.1-1 The proposed use shall meet the area and yard requirements as specified in the Schedule of this Law.
- 1203.1-2 A set of plans and a statement setting forth full particulars on the operation of this use is filed in triplicate with the Board of Appeals.
- 1203.1-3 The front, rear, and side yard shall be increased one (1) foot for each foot by which the proposed building exceeds the height limit established for the zone in which it is to be

located, but in no case shall any building exceed a height greater than fifty (50) feet.

1203.1-4 Off-street parking shall be provided as required in Section 1002. Adequate buffering and landscaping will be provided as the Board of Appeals may determine necessary.

1203.1-5 One (1) illuminated, non-flashing sign not to exceed thirty (30) square feet in area may be provided. Such sign shall not be closer than ten (10) feet from any street or property line.

SECTION 1204 HOME OCCUPATIONS

1204.1 Home occupations or home professional occupations may be permitted in any residential district provided the following standards are maintained:

1204.1-1 Proposed use is restricted to a member of the family unit residing on the premises with the exception, that not more than one person residing on the premises may be employed by licensed brokers and/or other such professional occupations.

1204.1-2 Home occupations or professional use is clearly subordinate to the principal use of the dwelling for residence purposes.

1204.1-3 Not more than twenty-five (25) percent of the total floor area of the principal building and associated accessory buildings may be used for such home occupation or profession.

1204.1-4 Not more than one name plate identifying the name and nature of said occupation shall be permitted. Said name plate shall not exceed two (2) square feet in area on either of two (2) sides.

1204.1-5 Proposed use shall not generate traffic beyond that normally expected in a residential neighborhood. Off-street parking shall be provided as required in Section 1002. Said parking shall be provided in an off-street area other than the front yard or on-street where parking is available.

1204.1-6 The proposed use shall not create noise, dust, vibration, odor, glare, fumes or electrical interference detectable by the normal senses of persons off the premises. In the case of electrical interference, there shall be no radio or television disruption or fluctuations in line voltages off the premises.

SECTION 1205 CHILD DAY CARE CENTERS

1205.1 Child Day Care Centers may be permitted in any residential district provided the following standards are maintained:

1205.1-1 Provider of the facility is duly licensed to operate said facility and that all licenses are current and in conformity with the applicable laws and regulations of New York State Office of Children & Family Services; New York State Department of Social Services; New York State Department of Health; any other governing agency and that any and all licenses are prominently displayed.

1205.1-2 All buildings used for day care centers must remain in compliance with any and all applicable provisions of the New York State Uniform Fire Prevention and Building Code.

1205.1-3 Not more than one name plate identifying the name and nature of said occupation shall be permitted. Said name plate shall not exceed two (2) square feet in area on either of

two (2) sides.

- 1205.1-4 Proposed use shall not generate traffic beyond that normally expected in a residential neighborhood. Off-street parking shall be provided as required in Section 1002. Said parking shall be provided in an off-street area other than the front yard or on-street where parking is available.
- 1205.1-5 The proposed use shall not adversely impact the residential character of the neighborhood.
- 1205.1-6 The proposed use shall not create noise, dust, vibration, odor, glare, fumes or electrical interference detectable by the normal senses of persons off the premises. In the case of electrical interference, there shall be no radio or television disruption or fluctuations in line voltages off the premises.

ARTICLE XIII HOUSING CODE

SECTION 1301 GENERAL PROVISIONS.

- 1301.1 **Purpose.** The purpose of this part is to provide basic and uniform standards governing the condition, occupancy and maintenance of residential premises and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof.
- 1301.2 **Title.** This code shall be known as the "Housing Law of the Village of Dansville, New York," which provides housing standards applicable to residential properties within the boundaries of the Village and all annexations thereto.
- 1301.3 **Scope.** This code shall apply to premises as follows:
- A. Lots, plots or parcels of land on which residential buildings, buildings of mixed occupancy or accessory structures may be or are located.
 - B. Residential buildings, including one- and two-family dwellings, rooming and lodging houses and multiple dwellings, except as specifically excluded in 1301.4.
 - C. Residential occupancies in buildings of mixed occupancy.
 - D. Structures accessory to residential occupancies.
 - E. Hotels, motels, motor courts and motor hotels.
- 1301.4 **Non applicability.** This part shall not be applicable to travel trailers or trailer parks, tourist camps, farm labor camps, nursing and convalescent homes.
- 1301.5 **Conformance with State Provisions Required.**
- Installations, alterations and repairs to residential premises and materials, assemblies and equipment utilized in connection therewith shall be reasonably safe to persons and property and in conformity with the applicable statutes of the State of New York and the orders, rules and regulations issued by authority thereof. Conformity of such work, materials, assemblies or equipment to the applicable requirements of the New York State Uniform Fire Prevention and Building Code shall be prima facie evidence that the same is reasonably safe to persons and property.
- 1301.6 **Conflicts with Other Provisions; Highest Standards To Prevail.**
- A. Where a provision of this Code is found to be in conflict with a provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance or regulations adopted pursuant thereto or other local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.
- **** For further information, please see Article I, Section 109 of the existing Zoning Law definitions and New York State Uniform Fire Prevention and Building Codes.

SECTION 1302 ADMINISTRATION.

- 1302.1 **Title.** This part shall be known as the "Administration Provisions" of the Housing Law of Dansville, New York.

- 1302.2 **Purpose.** The purpose of this part is to provide uniform administration of the applicable standards of this law in conjunction with the New York State Uniform Fire Prevention and Building Code and establish the responsibilities for enforcement thereof.
- 1302.3 **Enforcement Officer.**
- A.** It is hereby designated in the Village of Dansville, a public official to be known as the Code Enforcement Officer, who shall be appointed annually by the Mayor with the approval of the Village Board at a compensation to be fixed by it.
- B.** In the absence of the Code Enforcement Officer, the Mayor shall have the power to act on behalf of the Code Enforcement Officer and to exercise all the powers conferred upon by this law.
- C.** Except as otherwise specifically provided by law, ordinance or rule or regulation, or except as here and otherwise provided, the Code Enforcement Officer shall administer and enforce all of the provisions of the New York Uniform Fire Prevention and Building Code, per Village of Dansville Local Law 1 of 2007 and regulations promulgated there under.
- 1302.4 **Power to act in emergencies.**
- Whenever the code enforcement officer, at any stage of a proceedings instituted under the provisions of this law finds that a violation of this law exists which, in his or her opinion, requires immediate action to abate a direct hazard or immediate danger to the health, safety or welfare of the occupants of a building or of the public, he or she may, without prior notice or hearing, issue a notice and order, served in the manner provided in Part 1305.1, citing the violation and directing that such action be taken as is necessary to remove or abate the hazard or danger. Such order may include an order to vacate as provided for in 1307.3. Notwithstanding any other provision of this law, such an order shall be effective immediately upon service and shall be complied with immediately
- 1302.5 **Enforcement officer to abate hazards in emergencies.**
- Whenever any violation of this chapter, which in the opinion of the code enforcement officer, causes a direct hazard or immediate danger to the health, safety, morals or welfare of the occupants of the building or to the public, has not been corrected in the time specified by the order issued under 1307.3 of this chapter, enforcement officer shall take such direct action as is necessary to abate the hazard or danger. Expenses incurred in the execution of such order shall be recovered as provided by 1307.10 of this chapter.
- 1302.6 **Administrative Agency.**
- A.** The Code Enforcement Office of the Village of Dansville, New York, is hereby designated as the agency to administer and secure compliance with this law.
- B.** The Code Enforcement Office shall be under the direction and charge of the Code Enforcement Officer as chief officer of the Code Office, who shall have as his/her representatives such assistants and inspectors as may be necessary to carry out effectively the powers and duties of the Code Office.
- C.** All personnel of the Code Office shall be qualified and appointed as prescribed by the laws of the Village of Dansville and the rules and regulations of New York State, Department of State, Division of Code Enforcement.

NEW YORK STATE FIRE PREVENTION AND BUILDING CODE
BUILDING CODE, CHAPTER 1
SECTION 109
ADMINISTRATION AND ENFORCEMENT

109.1 Administration and enforcement.

Administration and enforcement of the New York State Uniform Fire Prevention and Building Code shall be in accordance with local law, subject to the minimum requirements set forth in the "Official Compilation of Codes Rules and Regulations of the State of New York," 19 NYCRR Part 1203, "Minimum Standards for Administration and Enforcement." State agencies shall comply with the minimum requirements set forth in 9 NYCRR Part 1204, "Administration and Enforcement by State Agencies."

109.2 Modification.

No town, village, city or county, nor any state agency charged with the administration and enforcement of this code may waive, modify or otherwise alter any provision of this code unless approved by the State Fire Prevention and Building Code Council in accordance with Section 379 of Article 18 of the Executive Law.

109.3 Application for variance or appeal.

Variance or appeal of any provision of this code shall be in accordance with the provisions of the "Official Compilation of Codes, Rules and Regulations of the State of New York," 19 NYCRR Part 1205, "Variance Procedures."

1302.7

Powers and Duties.

A. The Code Office shall be charged with the duty of administering this law and securing compliance therewith and shall be empowered to adopt rules and regulations necessary for securing such compliance and for its own organization and internal management, provided that such rules and regulations shall not be in conflict with this law.

B. It shall be the duty of the code enforcement officer:

1) To cause an inspection to be made of any residential property covered within the scope of this law, and to make such inspection prior to the closing of title for such premises.

2) To cause an investigation of all complaints of alleged housing violations or other unsafe or unsanitary conditions. All complaints must be in writing, setting forth the alleged violation or other unsafe or unsanitary conditions, and shall be signed by the complainant with his / her or their address. Such complaints should be filed with or addressed to the Code Enforcement officer, Village of Dansville, New York. The name of the complainant shall not be revealed except as may be required in the course of legal action.

3) To issue written orders for the elimination or removal of conditions effecting or found to exist in or on or about premises in violation of the Housing law and the New York State Uniform Fire Prevention and Building Code and, where appropriate, order the succession of any unlawful use or nuisance, or the vacation, demolition or repair premises found dangerous or unsafe, and, to state in the violation order a reasonable time for compliance therewith, and the time within in which an appeal may be taken.

- 4) To request the Village Board to take appropriate legal action in the name of the Code Office upon failure of the responsible party to comply with any violation order within the time specified therein.
- 5) To cooperate with other municipal governmental agencies engaged in the survey, study and improvement of housing conditions.
- 6) To issue a certificate of compliance for premises which satisfy the requirements of this law and the New York State Uniform Fire Prevention and Building Code.
- 7) To charge such fees as may be established by the Village of Dansville Board of Trustees.
- 8) To submit to the Mayor an annual report of the Code Office and recommendations for the future
- 9) To make referrals to the Livingston County Commissioner of Health, or his / her designated representatives, of any violations of the Sanitary Code of the Livingston County Health District or Public Health Law of the State of New York with regard to dwellings or residences which are subject to regulation by the County of Livingston. The code enforcement officer shall also record and file any responses from the County Commissioner of Health with regard to said reported violations.

1302.8 **Records.**

Records shall be kept in accordance with New York State, Department of State, Division of Code Enforcement of all complaints received, inspections made, notice of violation, actions taken regarding premises regulated by this law. Records of inspections made, violations found and action taken regarding premises regulated by this law shall be available for public inspection.

1302.9 **Administrative Liability.**

No officer, agent or employee of the Village of Dansville, New York, shall be personally liable for any damage that may accrue to person or property as a result of any official determination order or action required or permitted in the discharge of his duties under this law. Any suit brought against any officer, agent or employee of the Village of Dansville, New York, as a result of any official determination order or action required or permitted in the discharge of his duties under this law shall be defended by the Village attorney, or other counsel designated specifically for this purpose until the final determination of the proceedings herein.

SECTION 1303 COMPLIANCE AND RESPONSIBILITY.

1303.1 **Responsibilities of Owners.**

A. The owners of premises shall be responsible for compliance with the housing law standards and shall remain responsible therefore in addition to the fact that this part may also place certain responsibilities on operators and occupants and despite any agreement between owners and operator or occupants as to which party shall assume such responsibility. Compliance with this section shall be a pre-condition to obtaining a certificate of compliance pursuant to section 1308.

B. In the event that cooking and/or refrigeration equipment is provided by the owner, the owner shall maintain the same in proper operating condition.

C. The owner, operator or agent in control of the building shall be responsible for the following:

- 1) Limiting occupancy to the maximum number of persons permitted and prohibiting unlawful uses. As stated in New York State Uniform Fire Prevention and Building Code Chapter 12.
- 2) Posting required statements of the maximum number of occupants permitted.
- 3) Maintenance of the premises in a clean, safe and sanitary condition. Owner & Tenant responsible per New York State Uniform Fire Prevention and Building Code – Property Maintenance.
- 4) Maintenance of the operation of service facilities in good order and condition.
- 5) Maintenance of plumbing, heating and electrical equipment and systems, appliances, fixtures, as well as other building equipment and facilities, in an appropriate, good operative condition.
- 6) Maintenance of walls, floors and ceilings in public places in a clean and sanitary condition.
- 7) Keeping exits free and clear. Owner & Tenant responsible per New York State Uniform Fire Prevention and Building Code – Property Maintenance.
- 8) Disposal of building garbage and refuse in a clean and sanitary manner. Owner & Tenant responsible per New York State Uniform Fire Prevention and Building Code – Property Maintenance.

1303.2

Responsibilities of Rooming and Lodging House Operators.

Rooming and lodging house operators shall be responsible for compliance with this code in regard to the following:

- A.** Limiting occupancy to the maximum permitted by this code, as stated in the New York State Uniform Fire Prevention and Building Code, Chapter 12.
- B.** Maintenance of safe and sanitary conditions in all parts of rooming and lodging house premises, as stated in the New York State Uniform Fire Prevention and Building Code, Property Maintenance.
- C.** Maintenance and operation of all required service facilities, as stated in the New York State Uniform Fire Prevention and Building Code, Property Maintenance.
- D.** Maintenance of cooking and refrigeration fixtures and appliances within his control and all plumbing and other building equipment and facilities in an operative, clean and sanitary condition, as stated in the New York State Uniform Fire Prevention and Building Code, Property Maintenance.
- E.** Sanitary maintenance of walls, floors and ceilings. Owner & Tenant responsible as stated in the New York State Uniform Fire Prevention and Building Code, Property Maintenance.
- F.** Keeping exits clean and unencumbered. Owner & Tenant responsible, as stated in the New York State Uniform Fire Prevention and Building Code, Property Maintenance.

G. Disposal of building garbage and refuse in a clean and sanitary manner, as stated in the New York State Uniform Fire Prevention and Building Code, Property Maintenance.

H. Extermination of insects, rodents or other pests on the premises, as stated in the New York State Uniform Fire Prevention and Building Code, Property Maintenance.

1303.3

Responsibilities of Occupants.

A. In conjunction with the owner of the premises, occupants of dwelling units shall be responsible for compliance with this law in regard to the following per the New York State Uniform Fire Prevention and Building Code, Property Maintenance:

- 1)** Occupancy limitations and its lawfully permitted use.
- 2)** Maintenance in a clean, safe, and sanitary condition.
- 3)** Maintenance of plumbing, cooking and refrigeration equipment , appliances, fixtures and facilities, in a clean and sanitary condition, and providing reasonable care in the operation and use thereof.
- 4)** Keeping exits free and clear.
- 5)** Disposing of garbage and refuse into provided facilities in a sanitary manner, and keeping the premises free and clear.
- 6)** Extermination of insects, rodents, and other pests on the premises.

B. In the event cooking and/or refrigeration equipment is provided by the occupant, the occupant shall maintain the same in proper operating condition.

1303.4

Discontinuance of Utilities.

No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this law to be removed or shut off from or discontinued for any occupied dwelling unit except for necessary repairs, alterations, or emergencies.

1303.5

Transfer of Ownership.

No owner of any dwelling, dwelling unit, rooming house, rooming unit or premises, upon whom any notice or order pursuant to this chapter has been served, shall sell, transfer, grant, mortgage, lease or otherwise dispose thereof, such property to another until compliance of the provisions of such notice or order has been secured; or until such owner shall furnish to the purchaser, transferee, grantee, mortgagee or lessee, prior to such sale, transfer, grant, mortgage or lease, a true copy of such notice or order, at the same time, give adequate notification to the code enforcement officer of his / her intent to sell, transfer, grant, mortgage or lease, and supply the name and address of such person, persons or for whom the sale, transfer, grant, mortgage or lease is proposed. A purchaser, transferee, grantee, mortgagee or lessee, who has been informed of the existence of any notice or order issued pursuant to this chapter, shall be bound thereby.

1303.6

Retaliatory Evictions or Reprisals.

A. No owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building or part thereof shall threaten to or take reprisal against

any tenant (who has not committed a breach of the lease or contract of rental) for reporting or complaining, in good faith, of the existence or belief of the existence of any violation of the provisions of this housing law or other applicable laws, statutes, ordinances or regulations or for, in good faith, availing himself / herself of any legal remedy shall have committed an offense. "Reprisal" shall be defined herein as:

- 1)** The institution of eviction proceedings or other legal remedy relating to the tenant's right of possession; or
- 2)** The imposition of an unreasonable rent increase; or
- 3)** The curtailment of services required to be given to the tenant by law or agreement.

B. Receipt of a notice to quit the dwelling or a substantial rent increase without adequate cause within 90 days after the above-defined tenant has made a report or complaint or availed himself/herself of remedies against the owner provided by law shall create a rebuttable presumption that such notice to said tenant is a reprisal against the tenant for making such report or complaint or for having availed himself/herself of such remedies against the owner as provided by law.

C. Notwithstanding Subsections A and B, the landlord may recover possession of the dwelling unit if:

- 1)** The tenant is in arrears with respect to rent.
- 2)** The tenant, the tenant's family or guest are committing waste or a nuisance or are using the dwelling unit for an illegal purpose or for other than living or dwelling purposes in violation of the tenant's rental agreement.
- 3)** The landlord seeks in good faith to recover possession of the dwelling unit for immediate use as his/her own abode.
- 4)** The landlord seeks in good faith to recover possession of the dwelling unit for the purpose of substantially altering, remodeling or demolishing the premises.
- 5)** The landlord seeks in good faith to recover possession of the dwelling unit for the purpose of immediately terminating, for at least six months, use of the dwelling unit as a dwelling unit.
- 6)** The complaint or request of Section A relates only to a condition or conditions caused by lack of ordinary care by the tenant or another person in said household or on the property with the tenant's consent.
- 7)** The dwelling unit and other property and facilities used by or affecting the use and enjoyment of the tenant were, on the date of filing of such complaint or request, in substantial compliance with all codes, statutes or ordinance.
- 8)** The landlord has in good faith contracted to sell the property and the contract of sale contains a representation by the purchaser corresponding to Subsection C(2), (3) or (4) above.
- 9)** The landlord is seeking to recover possession on the basis of a notice to terminate a periodic tenancy, which notice was given to the tenant previous to the complaint or request in Subsection A.

D. The defense of retaliatory eviction or reprisal may be raised by the tenant in any eviction action, summary proceeding or other action or proceeding relating to the right of the tenant to remain in possession of the premises.

SECTION 1304 CERTIFICATE OF OCCUPANCY – New Construction Only.

- 1304.1 A new building or structure for which a permit has been issued shall not be used or occupied in whole or in part until a Certificate of Occupancy has been issued by the Code Enforcement Officer. Such Certificate of Occupancy shall be issued when, after final inspection, it is determined that the construction and other work has been completed in compliance with the New York State Uniform Fire Prevention and Building Code and other applicable laws, rules and regulations.
- 1304.2 A temporary Certificate of Occupancy may be issued by said Code Enforcement Officer pending final completion of the work, provided the use or occupancy of the building shall not present a danger to any person or property.

SECTION 1305 NOTICE OF VIOLATION.

1305.1 Notice of Violation.

A. Whenever the code enforcement officer determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of this law he or his designated officer shall give notice of such violation to the person or persons responsible for code compliance.

B. Such notice shall:

- 1)** Be in writing;
- 2)** Include a statement of the reason for its issuance;
- 3)** Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this code;
- 4)** Allowing reasonable time for performance of any acts it requires, but in no case longer than thirty (30) days;
- 5)** Be served upon the owner, occupant, and any person responsible for code compliance.

1305.2 Service of Notice.

A. All notices issued pursuant to the provisions of Part 9 to restrain or remove any violation or to enforce compliance with any provision or requirement of such chapters may be served by:

- 1)** Delivering to and leaving a copy of the same with any person or persons violating, or who may be liable under any of the several provisions of such chapters; or
- 2)** By registered or certified mail to the most current address on file; or
- 3)** If none is on file, to the most current address on file in the Village Department of Assessment and Taxation; or
- 4)** If such person or persons cannot be served by any of the aforesaid methods, after diligent search shall have been made for him or them, then such notice or order may be served by posting the same in a conspicuous place upon the

premises where such violation is alleged to exist, or to which such notice may refer, or which may be deemed unsafe or dangerous, which shall be equivalent to personal service of said notice upon all parties for whom such search shall have been made; or

5) By any other method of service authorized pursuant to Article 3 of the Civil Practice Law and Rules.

B. Notice by mail to owners residing out of state. If the person or persons or any of them to whom said notice is directed do not reside in the State of New York and have no known place of business therein, the same may be served by delivering to, and leaving with, such person or persons, or either of them, a copy of said notice, or if said person or persons cannot be found within said state after diligent search, then by posting a copy of the same in the manner as aforesaid and depositing a copy thereof in a post office in the Village of Dansville, enclosed in a sealed wrapper addressed to said person or person at his or their last known place of residence, with the postage paid thereon; and said posting and mailing a copy of said notice shall be equivalent to personal service of said notice.

SECTION 1306 INSPECTIONS.

1306.1 Inspections

The code enforcement officer and/or his/her designee shall make or cause inspections to be made to determine the conditions of any rental properties, single family dwellings, multi-family dwellings, dwelling units, rooming houses, rooming units and premises in order to safeguard the safety, health, and welfare of the public under the provisions of this chapter.

1306.2 Inspections upon Complaint or Violation.

Any complaint of a dangerous or unsafe building / structure, a collapsed building /structure, or any other violation of the New York State Uniform Fire Prevention and Building Code and other applicable laws, rules and regulations, shall be inspected and reported upon by the code enforcement officer.

1306.3 Permission to inspect.

A. The code enforcement officer or his designee shall have authority to inspect any premises covered by this law with the consent of the occupant, operator, or owner.

B. If the occupant, operator or owner fails or refuses to comply with a request for inspection made pursuant to this law, the code enforcement officer may seek an administrative warrant, from a court of competent jurisdiction for an administrative warrant as provided in Part 1309.

1306.4 Identification of Inspector.

Inspectors or authorized personnel of the Code Office shall be supplied with a visual identification and shall exhibit such identification when entering any premises and all parts thereof.

SECTION 1307 UNSAFE BUILDINGS.

1307.1

Designation of Unfit Premises.

A. Any premises within the scope of this law having any of the defects found in subsection B, may be designated by the code enforcement officer as unfit for human habitation and a notice to such effect shall be posted upon the premises.

B. Unfit premises shall be as follows:

- 1) The structure lacks ventilation, sanitation, heat or other facilities adequate to protect the health and safety of the occupants or the public;
- 2) The structure or premises is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested in such a manner as to create a serious hazard to the health and safety of the occupants or the public;
- 3) The structure or premises, because of location, general condition, state of the premises or number of occupants, is so unsanitary, unsafe, over crowded or otherwise detrimental to health and safety that it creates a serious hazard to the occupants or the public.
- 4) As defined by the New York State Uniform Fire Prevention and Building Code, Property Maintenance Code of New York State, Chapter 1, Section 107, Unsafe Structures and Equipment:

107.1 General. When a structure or equipment is found to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

107.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

107.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

107.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

107.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

107.2 Vacant structures. Vacant structures shall comply with Sections F311.1 through F311.4 of the Fire Code of New York State.

107.3 Notice. Whenever a structure or equipment has been condemned under the provisions of this section, a notice shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

107.4 Prohibited occupancy. No person shall occupy a placarded premises or shall operate placarded equipment.

107.5 Placard removal. The placard shall be removed whenever the defect or defects upon which the condemnation and placard action were based have been eliminated.

1307.2 **Order of Intent to Vacate.**

Whenever the code enforcement officer determines that a single family dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit is unfit for human habitation as provided in 1307.1, he / she shall include such finding within the notice and order provided for in Part 5, and he / she shall also include a statement of his / her intent to order the premises to be vacated and to post necessary notices on the single family dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit if compliance with the provisions of the notice of violation has not been secured.

1307.3 **Order to Vacate.**

Whenever an order, as provided in 1307.2, has not been complied with, the code enforcement officer may post a notice on the premises and order the premises or any part thereof to be vacated. A copy of such order to vacate shall be served on the owner, agent or operator and the occupant in the same manner as the case may require as provided for serving notice and order in Section 1305.

As defined by the New York State Uniform Fire Prevention and Building Code, Property Maintenance Code of New York State, Chapter 1,

SECTION 108

EMERGENCY MEASURES

108.1 Imminent danger. When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the occupants shall vacate the premises forthwith. There shall be posted at each entrance to such structure a notice reading as follows: **"This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Official."** It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

1307.4 **Vacation of Unfit Dwelling.**

Any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit designated as unfit for human habitation pursuant to 1307.1 and ordered that a notice

be posted and vacated as provided in 1307.3 shall be vacated within such reasonable time as the code enforcement officer may specify in the order. No such dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit shall again be used for human habitation and said posted notice removed until written approval is secured from the Code Officer.

1307.5 **Removal of Posted Notice.**

No person shall deface or remove the posted notice from any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit which has been designated as unfit for human habitation, except as provided in 1307.4.

1307.6 **Vacated dwelling made secure.**

The owner, agent, occupant or operator of any dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit which has been designated as unfit for human habitation and vacated shall make such dwelling, dwelling unit, lodging house, lodging unit, rooming house or rooming unit safe and secure in whatever manner the code enforcement officer shall deem necessary. Any vacated building, open at the doors and windows, if unguarded shall be deemed dangerous to human life and a nuisance within the meaning of this provision.

1307.7 **Notice of intent to demolish.**

A. Whenever the code enforcement officer designates a building unfit for human habitation, as provided in this code, he / she shall include within the notice and order provided for in 1305.1, a statement of his / her intent to order the demolition of the structure.

B. A copy of such notice shall be served on the owner, occupant, lessee and mortgagee, in the same manner as provided for service of notice of violation in Section 1305. The owner may demolish such structure or correct the violation regardless of cost to the owner, provided that the requirements of the New York State Uniform Fire Prevention and Building Code in effect at the time of attempted compliance are satisfied.

1307.8 **Order to demolish.**

Whenever a notice of intent to demolish as provided in 1307.7 of this code has not been complied with allowing reasonable time for performance of any acts it requires, but in no case longer than thirty (30) days, the code enforcement officer may order the building demolished. Such order shall be served on the same parties and in the same manner as provided for service of notice and order in 1305.1 or 1305.2, and demolition shall be completed within the time specified by the code enforcement officer.

1307.9 **Code Office to Make Repairs or Demolish.**

Whenever a notice and order to remove a violation or secure, vacate or demolish a building has not been complied with and when such failure to comply is deemed by the code enforcement officer to constitute a nuisance, he / she may proceed to cause the structure to be demolished, repaired, altered, secured or vacated or take such other legal action as is necessary to abate the nuisance. Whenever the code officer determines that such nuisance exists, he / she shall record sufficient proof to support such determination. Abatement authorized by this section shall not commence until at least 30 days after service of such order.

1307.10 **Recovery of expenses.**

The expenses incurred pursuant to 1307.9 of this law shall be paid by the owner or occupant of the premises or by the person who caused or maintained such nuisance or other violation. The code enforcement officer shall file among its records an affidavit stating, with fairness and accuracy, the items of expense and the date of execution of actions. The code enforcement officer may institute a suit to recover such expenses against any person liable for such expenses. Such expenses shall be charged against the property as a lien. Except with respect to a lien imposed for expenses incurred in demolition, nothing herein shall be construed as placing a lien upon the property which has priority over the lien of any recorded mortgage or lien on such property executed and recorded prior to the existence of a lien herein authorized.

SECTION 1308 CERTIFICATES OF COMPLIANCE.

1308.1 Requirement of Certificate of Compliance for Rental Units.

A. Certificate of Compliance required:

1) A certificate of compliance must be obtained from the code enforcement officer for all residential premises used as rental units, and for all multiple dwelling units, each time any said unit is rented or leased to any party other than the owner of record. Further, a certificate of compliance must also be obtained from the code enforcement officer **every twenty-four (24) months** for said premises, whether they are used as single family rental, or multiple dwelling rental units. **

For purposes of this section, "used as rental units" shall mean used by any party other than the owner of record in return for compensation; intent to eventually purchase the property shall not exempt any individual from this requirement. **Failure to obtain a certificate of compliance shall constitute a violation of this chapter and may be used as grounds for obtaining an administrative search warrant pursuant to Section 1309.

2) In the event that a required inspection is made and no certificate of compliance is obtained for a period of more than 90 days, due to uncorrected violations, failure to correct said violations and obtain said certificate shall constitute grounds to order the premises vacated until such time as all requirements necessary to obtain a certificate of compliance have been satisfied.

3) In the event that premises subject to the above requirements are ordered vacated for any reason, any certificate of compliance issued previously shall be considered null and void, and a new certificate of compliance shall be obtained prior to resuming occupancy.

B. Because the owner shall be responsible for violations as provided in 1305.1 herein, a certificate of compliance shall be obtained from the code enforcement officer upon the transfer of title to a new owner of any residential premises used a rental unit and for all premises used as multiple dwellings. Regardless, the owner of the premises shall notify the enforcement officer at least five days prior to the sale of such premises.

C. The code enforcement officer shall specifically be empowered to make such inspections of properties and to attach such conditions as are necessary to bring such rental units into compliance with the requirements of this chapter.

D. A Certificate of Compliance may be issued for any building or individual dwelling at any other time after inspection thereof, by request, determination of compliance with the Uniform Fire Building Code and the Village of Dansville's Zoning Code, and payment of prescribed fee.

1308.2 **Fee Schedule.**

The fee schedule will be as established by the Code Enforcement Office and ratified by the Village Board of Trustees.

SECTION 1309 INSPECTION WARRANTS – Administrative.

1309.1 If the code enforcement officer seeking to enforce the provisions of this law is denied admission to a premises by the owner or cannot otherwise obtain permission to enter the premises from the person in possession or occupancy, the code enforcement officer is authorized to obtain an administrative warrant to make an inspection provided that reasonable cause is shown.

1309.2 Reasonable cause shall include, but not be limited to the following:

- A.** Evidence of code violations made by visual inspection of the outside of the premises;
- B.** The premises is a multi-family dwelling or single family dwelling which is not owner occupied and has never been inspected;
- C.** The premises is a multi-family dwelling or a single family dwelling which is not owner occupied and has not been inspected **within twenty-four (24) months;**
- D.** The code enforcement officer has evidence that criminal activities have been conducted in or out of the premises;
- E.** The owner of the premises does not have a current certificate of compliance as required by Part 12 of this code.

SECTION 1310 PERMITS.

1310.1 No person, firm, corporation, association, or partnership shall commence the construction enlargement, alteration, renovation, improvement, removal or demolition of any building or structure or any portion thereof without first having obtained a permit from the code enforcement officer of the Village of Dansville. A building permit shall also be required prior to any work involving electric, plumbing or heating and installation of a solid fuel burning heating appliance, chimney, and flue. No such permit shall be required for repairs which are not of a structural nature and do not involve abatement of a violation of the New York State Uniform Code.

1310.2 The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the New York State Uniform Code.

1310.3 The application shall be signed by the owner, or his/her authorized agent, of the property and or building and shall contain at minimum the following information:

- A.** Name and address of property owner;
- B.** Identification and/or description of the land on which the work is to be done;
- C.** Description of use or occupancy of the property and existing/proposed structure'
- D.** Detailed description of the proposed work;
- E.** Estimate cost of proposed work;
- F.** That any work performed shall be in compliance with the New York State Uniform Code and any applicable State and Local Laws, ordinances and regulations;

G. Required fee;

H. Any additional information that the code enforcement officer shall deem necessary to the proposed project.

- 1310.4 Such application, in duplicate, shall be accompanied by such documents, drawings, plans, plats, plot plans, specifications as the applicant shall deem adequate and as the code enforcement officer may require as being necessary or appropriate for compliance with the New York State Uniform Code and any applicable State and Local Laws, ordinances and regulations. Applicant may confer with the code enforcement officer in advance of submitting his application to discuss the code enforcement officer's requirements for same.

SECTOIN 1311 VIOLATIONS.

- 1311.1 Any person, firm or corporation who violates any provision of the New York State Uniform Fire Prevention and Building Code or any rule or regulation of this local law, or the terms or conditions of any Certificate of Occupancy or Compliance issued by the code enforcement officer, shall be guilty of a criminal violation, the sentence for which shall be a mandatory fine of up to not more that \$250.00 dollars for each day or part thereof commencing from the date of violation until the time that the aforesaid violation is corrected or abated. It shall be no defense that the offender did not know and/or was not notified of his violation of this local law.
- 1311.2 In addition to a criminal action, any person, firm or corporation who violates any provision of the New York State Uniform Code or any rule or regulation of this local law, or the terms or conditions of any Certificate of Occupancy or Compliant issued by the code enforcement officer, shall be liable to a civil penalty of not more than two hundred fifty (\$250.00) dollars for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in any action instituted in the name of the Village Board on its own initiative or at the request of the code enforcement officer.
- 1311.3 Alternatively or in addition to an action to recover the civil penalties provided by subsection B, the Village Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the New York State Uniform Code or the terms or conditions of any Certificate of Occupancy or Compliance issued by the code enforcement officer.
- 1311.4 In addition to all other remedies allowed, each person who violates any portion of this law shall owe to the Village of Dansville all legal fees, court costs and disbursements incurred by the Village to enforce this law and cure each said violation.