

Chapter 154 SNOWMOBILES

§ 154-1. Regulations for operation.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 10-31-1973. Amendments noted where applicable.]

GENERAL REFERENCES

Use in parks — See Ch. 134.

Vehicles and traffic — See Ch. 175.

§ 154-1. Regulations for operation.

In addition to New York State Laws applying to the operation of snowmobiles, the following regulations for operation within the Village of Sodus Point are hereby in effect:

- A. All streets are designated as access routes, with the following provisions:
 - (1) Travel area is limited to the right shoulder of streets. No travel is permitted on paved areas.
 - (2) Pedestrian and vehicle traffic will have the right-of-way at all times.
 - (3) New York State Highway Route 14, including South Fitzhugh, Bay and Greig Streets subject to current state laws.
- B. Travel will be limited to most direct routes in or out of village.
- C. No person may operate a snowmobile at a speed in excess of 15 miles per hour on the village streets.
- D. No snowmobile may be operated on private property within the village without the owner's consent.
- E. No snowmobile may be operated in the vicinity of village churches when services are being conducted.
- F. No snowmobile may be operated on village sidewalks.
- G. During emergencies, such as heavy snowstorms, requests for special snowmobile use must be obtained from Village Police Chief or his designated officer.

Chapter 161
STREETS AND SIDEWALKS

§ 161-1. Encroachments.

§ 161-2. Obstructing streets and sidewalks; construction or repair.

§ 161-3. Prior notice of dangerous conditions.

§ 161-4. Excavations.

§ 161-5. Littering.

§ 161-6. Vegetation and foliage to be trimmed.

§ 161-7. Posting bills prohibited.

§ 161-8. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 12-17-1958. Amendments noted where applicable.]

§ 161-1. Encroachments.

A. No person shall construct, erect or maintain or cause or procure to be constructed, erected or maintained any building or structure upon or within the limits of any part of any street, sidewalk or public place within the Village of Sodus Point.

B. No person shall construct, erect or maintain or cause or procure to be constructed, erected or maintained above or over any part of any street, sidewalk or public place within the Village of Sodus Point any shed, roof, sign or other overhead projection, obstruction or structure of any kind, except upon temporary license therefor to be granted upon resolution adopted by vote of the Board of Trustees at a regular meeting of such Board; provided, however, that no such license or resolution shall be granted or adopted whereby any such shed, roof, sign or other overhead projection, obstruction or structure shall be permitted to be constructed, erected or maintain at a height less than eight feet above the level of such street, sidewalk or public place.

§ 161-2. Obstructing streets and sidewalks; construction or repair.

No person shall place or set or cause or procure to be placed or set upon any street, sidewalk or public place within the Village of Sodus Point any stand, permanent or temporary, or any commodity for sale or any item of building materials or any other articles of personal property; provided, however, that when necessary for the purpose of construction or repair work on adjacent private or public real property, a temporary license for a period not to exceed 30 days may be granted for the placing of building materials upon portions of the streets, sidewalks or public places adjacent to such private or public real property, upon resolution duly adopted by vote of the Board of Trustees at a regular meeting of such Board. No such license shall be deemed to authorize the interruption of public travel of over and along and public use of such street, sidewalk or public place. Each such license shall provide that the licensee herein named shall exercise such precautions for the safety of the public as such Board of Trustees may require. Upon violation of any of the terms of such license, in addition to such other penalties

as may be provided by law, such license may be suspended by any member of the Board of Trustees.

§ 161-3. Prior notice of dangerous conditions. [Amended 11-20-1997 by L.L. No. 5-1997]

- A. Written notice required. No civil action shall be maintained against the Village of Sodus Point for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert, unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be removed or the place otherwise made reasonably safe.
- B. Form and service of notice. The notice required herein shall be in writing and served upon the Village Clerk personally or by certified mail, return receipt requested. The notice shall set forth in sufficient detail the location, nature and time of discovery of said defect.
- C. Record of notices to be maintained. The Village Clerk of the Village of Sodus Point shall keep an index record, in a separate book, of all written notices which the Village Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon or of any accumulation of ice and snow upon any village street, highway, bridge, culvert or sidewalk or any other property owned by the village, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. The record of such notice shall be preserved for a period of five years from the date it is received. The Village Clerk, upon receipt of such written notice, shall immediately and in writing notify the Superintendent of Public Works of the village of the receipt of such notice.
- D. Revival of claims; waiver of limitation. Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations not to waive any existing limitation now applicable to any claim or cause of action against the Village of Sodus Point.
- E. Construal of provisions. Nothing contained in this article shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these causes of action but, on the contrary, shall be held to be additional requirements to the rights to maintain such action; nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence nor to impose upon the village, its officers and employees any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

§ 161-4. Excavations.

No person shall make or cause or procure to be made in or under any part of any street, sidewalk or public place or in any curb, any cut, digging or excavation except upon license therefor granted upon resolution duly adopted by vote of the Board of Trustees at a regular meeting of such Board. Each such license shall provide that the licensee therein named shall exercise such precautions for the safety of the public as such Board of Trustees may require. Upon violation of any of the terms of such license, in addition to such other penalties as may be provided by law, such license may be suspended by the Mayor or any member of the Board of Trustees.

§ 161-5. Littering.

No person shall cast, throw, drop, dump or deposit or cause or procure to be cast, thrown, dropped, dumped or deposited on any part of any street, sidewalk or public place within the Village of Sodus Point any paper or papers, rags, scrap or waste, dirt, ashes, cinders, sand or gravel, nails, bottles or glass, swill, refuse or garbage or any junk or rubbish of any kind in any quantity.

§ 161-6. Vegetation and foliage to be trimmed.

- A. The owner, tenant or other occupant of real property within the Village of Sodus Point shall so trim and keep trimmed all grass, weeds, flowers, bushes, shrubs, trees and all other vegetation, whether growing singly or in groups or hedges, that the same may not at any time spread or project upon, across or over any part of any street, sidewalk or public place, whether at ground level or above ground level, except that the projection of tree branches across sidewalks at a height of eight feet and more above the level of said sidewalks and across streets at a height of 15 feet and more above the level of said streets shall not be deemed to be a violation of this subsection.
- B. No person shall erect any fence or structure or place any object on property owned, leased, rented or occupied by him within the right-of-way of any public street, highway or road or closer than six feet to the edge of the paved portion of such street, highway or road or if such road be unpaved, closer than six feet from the edge of the regularly traveled portion on such unpaved road. **[Amended 12-21-1967]**
- C. Any existing fence or structure or object located closer to a road than permitted hereby shall be removed in 10 days unless an extension of time is granted by the Village Board.

§ 161-7. Posting bills prohibited.

No person shall paint, print, stamp, post or display or cause or procure to be painted, printed, stamped, posted or displayed upon any part of any street, sidewalk or public place within the Village of Sodus Point or upon any tree, pole or post or other appurtenance any part of any street, sidewalk or public place within the Village of Sodus Point any bill, notice or advertisement or any symbols of any kind or any combination thereof. The posting of legal notices of the United States of America and of the State of New York and its subdivisions and

the lawful identification and tagging of their property by public service corporations shall not be deemed to be violations of the provisions of this section.

§ 161-8. Penalties for offenses.

A violation of any of the provisions of this chapter shall be punishable by a fine not in excess of \$100 for such violation. Where any violation is of a continuous or continuing nature, each day on which such violation shall continue shall be deemed to constitute a separate violation and shall be punishable accordingly. Upon conviction of any violation, the magistrate may require the defendant to pay the costs of the proceedings. Unless the penalty and the costs, if imposed, be paid upon conviction, the magistrate shall commit the defendant to the County Jail of Wayne County for a term not exceeding one day of each dollar of the penalty imposed. Nothing herein contained shall be deemed to deprive the Board of Trustees of the right to enforce obedience to the provisions of this chapter or penalties imposed for violations thereof by any other means provided by law, including but not limited to actions to recover penalties and injunctions.

Chapter 163
SWIMMING AND FISHING

§ 163-1. Swimming along Wickham Boulevard.

§ 163-2. Fishing along Wickham Boulevard.

§ 163-3. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 8-21-1997 by L.L. No. 4-1997. Amendments noted where applicable.]

§ 163-1. Swimming along Wickham Boulevard.

Swimming shall not be permitted from village property along the south side of Wickham Boulevard except in specifically designated swimming areas.

§ 163-2. Fishing along Wickham Boulevard.

Fishing from village property along the south side of Wickham Boulevard shall be restricted to village residents and their invited guests when accompanied by such resident.

§ 163-3. Penalties for offenses.

Every person convicted of a violation of this chapter shall be subject to a fine of \$ 50.

Chapter 168

TAXATION

ARTICLE I Tax on Public Utilities

- § 168-1. Imposition of tax.
- § 168-2. Payment.
- § 168-3. Applicability, modification of state law.
- § 168-4. Gross income.
- § 168-5. Review proceedings; application for refund.
- § 168-6. Assessment of additional tax.
- § 168-7. Effective date.

ARTICLE II Veterans Exemption

- § 168-8. Statutory authority.
- § 168-9. Amount of exemption.
- § 168-10. Alternate exemption.

ARTICLE III Exemption for Gold Star Parents

- § 168-11. Grant of exemption.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Assessment — See Ch. 9.

ARTICLE I Tax on Public Utilities [Adopted 12-17-1970 by L.L. No. 2-1970]

§ 168-1. Imposition of tax.

There is hereby imposed upon every utility doing business in the Village of Sodus Point, Wayne County, New York, which is subject to the payment of the tax imposed by § 186-a of the New York State Tax Law, a tax equal to 1% of its gross income within the village limits.

§ 168-2. Payment.

Revenues resulting from the imposition of taxes authorized by this article heretofore or hereafter imposed shall be paid to the Treasurer of the Village of Sodus Point, and shall be credited to and deposited in the general fund of such village.

§ 168-3. Applicability, modification of state law.

All of the provisions of § 186-a of the New York State Tax Law, so far as the same are/or can be made applicable, with such limitations as are set forth in this article and such modifications

as may be necessary in order to adapt such taxes to local conditions, shall apply to the taxes authorized by this article.

§ 168-4. Gross income.

Notwithstanding any other provisions of this article or of § 186-a of the New York State Tax Law, the words "gross income" shall include:

- A. In the case of a utility engaged in selling telephony or telephone service, only receipts from local exchange service wholly consumed within the village; and
- B. In the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated within the village.

§ 168-5. Review proceedings; application for refund.

- A. Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if the proceeding is commenced within 90 days after the giving of the notice of such final determination; provided, however, that any such proceeding under said Article 78 shall not be instituted unless the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by § 186-a of the New York State Tax Law, shall be first deposited and an undertaking filed, in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.
- B. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and rules; provided, however, that such proceeding is commenced within 90 days after the giving of the notice of such denial, that a final determination of tax due was not previously made, and that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a Justice of the Supreme Court shall approve to the affect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

§ 168-6. Assessment of additional tax.

Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made with respect to taxes imposed under this article after the expiration of more than three years from the date of the filing of a return, provided that where no return has been filed as provided by local law the tax may be assessed at any time.

§ 168-7. Effective date.

This article shall take effect January 1, 1971.

ARTICLE II
Veterans Exemption
[Adopted 1-24-1995 by L.L. No. 2-1995]

§ 168-8. Statutory authority.

This article is enacted pursuant to the provisions of § 458 of the Real Property Tax Law, as amended by Chapter 410 of the Laws of 1994.

§ 168-9. Amount of exemption.

Notwithstanding the limitation on the amount of exemption prescribed in Subdivision 1 or 2 of § 458 of the Real Property Tax Law, if the total assessed value of the real property for which such exemption has been granted increases or decreases as the result of a revaluation or update of assessments, and a material change in level of assessment, as provided in Title 2 of Article 12 of the Real Property Tax Law, is certified for the assessment roll pursuant to the rules of the State Board of Equalization and Assessment,¹ the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by such change in level of assessment. If the Assessor receives the certification after the completion, verification and filing of the final assessment roll, the Assessor shall certify the amount of exemption as recomputed pursuant to this section to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the Assessor on the roll.

§ 168-10. Alternate exemption.

Notwithstanding the provisions of Subdivision 6(b) of § 458-a of the Real Property Tax Law, an owner of property who previously received an exemption pursuant to § 458, but who opted instead to receive exemption pursuant to § 458-a, may again receive an exemption pursuant to § 458 upon application by the owner within one year of the adoption of this article. The Assessor shall recompute all exemptions granted pursuant to § 458 by multiplying the amount of each such exemption by the cumulative change in level of assessment certified by the State Board of Equalization and Assessment measured from the assessment roll immediately preceding the assessment roll on which exemptions were first granted pursuant to § 458-a; provided, however, that if an exemption pursuant to § 458 was initially granted to a parcel on a later assessment roll, the cumulative change in level factor to be used in recomputing that exemption shall be measured from the assessment roll immediately preceding the assessment roll on which that exemption was initially granted. No refunds or retroactive entitlements shall be granted.

1. Editor's Note: The State Board of Equalization and Assessment was changed to the State Board of Real Property Services by L.1994, c. 385.

ARTICLE III
Exemption for Gold Star Parents
[Adopted 5-17-2001 by L.L. No. 2-2001]

§ 168-11. Grant of exemption.

- A. Pursuant to the provisions of Subdivision 7(a) of § 458-a of the Real Property Tax Law of the State of New York, a "Gold Star Parent," for purposes of this article, shall mean the parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war.
- B. A Gold Star Parent shall be included within the definition of "qualified owner" as provided in Subdivision 1(c) of § 458-a of the Real Property Tax Law of the State of New York. Property owned by a Gold Star Parent shall be included within the definition of "qualifying residential real property" as provided in Subdivision 1(d) of § 458-a of the Real Property Tax Law of the State of New York, provided that such property shall be the primary residence of the Gold Star Parent.
- C. The additional exemption provided for in Subdivision 2(c) of § 458-a of the Real Property Tax Law of the State of New York shall not apply to real property owned by a Gold Star Parent.
- D. References should be made to § 458-a of the Real Property Tax Law for the State of New York for definitions and other procedures.

Chapter 175
VEHICLES AND TRAFFIC

ARTICLE I Title	ARTICLE IV Parking, Standing and Stopping
§ 175-1. Title.	§ 175-8. Prohibition of all-night parking.
ARTICLE II Traffic Violations Bureau	§ 175-9. Prohibition of parking in designated locations.
§ 175-2. Bureau established.	§ 175-10. Parking prohibited in designated fire lanes.
ARTICLE IIA Enforcement; Adoption of Regulations	§ 175-10.1. Special purpose parking zones.
§ 175-2.1. Enforcement.	§ 175-11. Time restriction in designated locations.
§ 175-2.2. Adoption of regulations.	§ 175-12. Parking prohibited.
ARTICLE III Traffic Restrictions	§ 175-13. Parking restricted.
§ 175-3. Definitions.	§ 175-14. Regulations for Village parking lots.
§ 175-4. Speed limitations.	§ 175-15. Prohibition of parking during special events.
§ 175-5. One-way streets designated.	§ 175-16. Penalties for parking offenses.
§ 175-6. Stop streets.	§ 175-17. Authority to impound vehicles.
§ 175-7. Penalties for offenses.	

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 12-19-1985 by L.L. No. 5-1985; amended in its entirety 12-20-2001 by L.L. No. 4-2001. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Snowmobiles — See Ch. 154.

Streets and sidewalks — See Ch. 161.

ARTICLE I
Title

§ 175-1. Title.

This chapter shall be known and may be cited as the "Vehicle and Traffic Law of the Village of Sodus Point."

ARTICLE II
Traffic Violations Bureau

§ 175-2. Bureau established.

The Police Justice of the Village of Sodus Point is hereby authorized to establish a Traffic Violations Bureau to assist the court in the disposition of offenses in relation to traffic offenses and having the jurisdiction and following the procedures as set forth in Article 14-B of the General Municipal Law of the State of New York.

ARTICLE IIA
Enforcement; Adoption of Regulations

§ 175-2.1. Enforcement.

The provisions of this chapter shall be enforceable by the Wayne County Sheriff's Department, New York State Police and any full-time or part-time police officer employed by the Village of Sodus Point and, in the case of a violation of § 175-10 of this chapter, the Chief and First or Second Assistant Chiefs of the Sodus Point Village Fire Department.

§ 175-2.2. Adoption of regulations.

- A. The Board of Trustees is hereby authorized and empowered to make or amend by resolution any rule or regulation set forth in or pursuant to this chapter for the reasonable control of traffic on the public streets and public parking lots in the Village of Sodus Point and to erect signs indicating such directions to operators of vehicles using said public streets and public parking lots; and when such provisions have been adopted by the Village Board at any meeting of said Board duly held and caused to be published in the official newspaper, and the area is reasonably marked indicating the direction for the control of traffic, violations of such direction shall constitute a violation of this chapter and subject the violator to the penalty prescribed in § 175-16 hereof. Any such provision so adopted shall become effective upon the publication of said provisions in the official newspaper unless otherwise determined by the Board of Trustees.
- B. For the purpose of maintaining an accurate record of all regulations adopted under the provisions of this chapter, all such regulations shall be set forth in this chapter after adoption. Such regulations shall be deemed a part of the section to which they refer. All regulations shall be adopted with reference to the appropriate schedule as indicated in the various sections of this chapter.

ARTICLE III
Traffic Restrictions

§ 175-3. Definitions.

The words and terms used in this chapter, unless otherwise expressly stated, or unless the context or subject matter so requires, shall have the same meanings as defined in the Vehicle and Traffic Law of the State of New York.

§ 175-4. Speed limitations. [Amended 2-16-2006 by L.L. No. 1-2006]

Thirty miles per hour is hereby established as the maximum speed limit at which vehicles may proceed within the corporate limits of the Village of Sodus Point.

§ 175-5. One-way streets designated.

The following streets or parts of streets are hereby designated as one-way streets in the direction indicated:

Name of Street	Direction of Travel	Limits
Clover Street	South	All of Clover Street north of the intersection of Clover Street and Wolcott Street
Wolcott Street	North	All of Wolcott Street north of the intersection of Clover Street and Wolcott Street

§ 175-6. Stop streets.

The intersections listed below are hereby designated as stop intersections, and stop signs shall be erected on entrances thereto as indicated:

Intersection of	With Stop Sign On	Entrance(s) From
Bay Street	John Street	North
Bay Street	Loomis Street	South
Bay Street	North Fitzhugh Street	North
Bay Street	North Ontario Street	North
Bay Street	South Fitzhugh Street	South
Bay Street	South Ontario Street	South
Bay Street Extension [Amended 9-15-2005]	Wickham Boulevard	East and West
Bayview Drive	South Overlook Drive	North
Central Avenue	Sodus Bay Heights Drive	East
Central Avenue	South Overlook Drive	South
Central Avenue [Added 11-16-2005]	South Shore Drive	South
First Street	Wayne County Park	East
Greig Street	Bay Street Extension	North
Greig Street	Field Street	South
Greig Street	Irwin Street	South
Greig Street	Maiden Lane	South
Greig Street	Wolcott Street	South

Intersection of	With Stop Sign On	Entrance(s) From
Lake Road	Seaman Street	South
North Fitzhugh Street	Lake Road	West
North Ontario Street	Wickham Boulevard	East
NYS Route 14	Bayless Road	West
NYS Route 14	Bayview Drive	East
NYS Route 14	Margaretta Road	West
NYS Route 14	Morley Road	West
NYS Route 14	Santell Street	West
NYS Route 14	Sodus Bay Heights Drive	East
NYS Route 14	South Shore Road	East
Seaman Road	Santell Street Extension	West
Sodus Bay Heights Drive	Hillside Drive	North
South Fitzhugh Street	Bay Street	East
South Overlook Drive	Sodus Bay Heights Drive	West
Wickham Boulevard [Added 9-15-2005]	Bay Street Extension	South
Wickham Boulevard	Eighth Street	North
Wickham Boulevard	Fifth Street	North
Wickham Boulevard	Fourth Street	North
Wickham Boulevard	John Street	South
Wickham Boulevard	Second Street	North
Wickham Boulevard	Seventh Street	North
Wickham Boulevard	Sixth Street	North
Wickham Boulevard	Third Street	North

§ 175-7. Penalties for offenses.

- A. Every person convicted of a violation of § 175-4 hereof shall, upon the first conviction thereof be punished by a fine not to exceed \$100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment; for conviction of a second violation, both committed within a period of 18 months, such person shall be punished by a fine not to exceed \$200 or by imprisonment for not more than 90 days, or by both such fine and imprisonment; for conviction of a third or subsequent violation, all of which were committed within a period of 18 months, such person shall be punished by a fine of not more than \$500 or by imprisonment for not more than 180 days, or by both such fine and imprisonment.
- B. Every person convicted of a violation of § 175-5 or 175-6 shall, upon the first conviction thereof be punished by a fine not to exceed \$50 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for conviction of a second violation, both committed within a period of 18 months, such person shall be punished by a fine of not

more than \$250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

**ARTICLE IV
Parking, Standing and Stopping**

§ 175-8. Prohibition of all-night parking.

No vehicle shall be parked on any public highway or in any public parking area within the corporate limits of the Village of Sodus Point between the hours of 3:00 a.m. and 6:00 a.m. during the period beginning November 1 and ending March 31 of each year.

§ 175-9. Prohibition of parking in designated locations.

The parking of vehicles in any of the following locations at any time is prohibited:

Name of Street	Side	Location
Clover Street	East	North of the intersection of Clover Street and Wolcott Street
Eighth Street	East	Entire length
Fifth Street	West	Entire length
Fourth Street	West	Entire length
Greig Street	North	Eastbound between Maiden Lane and the east end of Greig Street
Greig Street [Added 8-22-2002]	South	Parking spot immediately east of the entrance to the municipal parking lot and west of 8482 Greig Street
Greig Street	South	Westbound between Maiden Lane and the east end of Greig Street
Margaretta Road	South	Between the intersection of NYS Route 14 and Margaretta Road, and a point on the south boundary of Margaretta Road 50 feet west from said intersection
NYS Route 14	West	Between the intersection of NYS Route 14 and Margaretta Road and a point on the west boundary of NYS Route 14, 200 feet south from said intersection
Second Street	West	Entire length
Sentell Street	South	Between the property located at No. 8174 Sentell Street and Sentell Street Extension
Seventh Street	West	Entire length
Sixth Street	West	Entire length
Third Street	West	Entire length

Name of Street	Side	Location
Wickham Boulevard	Both	Between First Street and Fifth Street

§ 175-10. Parking prohibited in designated fire lanes.

The parking of any vehicle in any of the following designated fire lanes at any time is prohibited:

Name of Street	Location
Bay Street Extension and Greig Street intersection	On the roadway abutting the east boundary of the Village park situate on the northeast corner of the intersection, including that area where said roadway intersects the north side of Greig Street
Eighth Street	On the northerly terminus and that area constituting an extension of said street from its northerly terminus to the shoreline of Lake Ontario
Fifth Street	On the northerly terminus and that area constituting an extension of said street from its northerly terminus to the shoreline of Lake Ontario
Fourth Street	On the northerly terminus and that area constituting an extension of said street from its northerly terminus to the shoreline of Lake Ontario
Greig Street	On south side, on or about the southwest corner exit of the Village municipal parking lot opposite the Village park
Irwin Street	On the roadway from the southerly terminus to the boat launch south of such terminus
Maiden Lane	On the southerly terminus and that area constituting an extension of said street from its southerly terminus to the shoreline of Great Sodus Bay
Ontario Street	On the southerly terminus and that area constituting an extension of said street from its southerly terminus to the shoreline of Great Sodus Bay
Second Street	On the northerly terminus and that area constituting an extension of said street from its northerly terminus to the shoreline of Lake Ontario
Seventh Street	On the northerly terminus and that area constituting an extension of said street from its northerly terminus to the shoreline of Lake Ontario
Sixth Street	On the northerly terminus and that area constituting an extension of said street from its northerly terminus to the shoreline of Lake Ontario

Name of Street	Location
Third Street	On the northerly terminus and that area constituting an extension of said street from its northerly terminus to the shoreline of Lake Ontario

§ 175-10.1. Special purpose parking zones.

It shall be unlawful for any person to park any vehicle or to allow the same to remain parked in any special purpose parking zone as may hereafter be established except as specifically provided for in such zone.

§ 175-11. Time restriction in designated locations.

Parking is restricted on the following streets as follows:

Name of Street	Time limit	Location
Greig Street	2 hrs./6:00 a.m. to 6:00 p.m.	Except as provided in § 175-10, from the intersection with Bay Street Extension along both sides of Greig Street to the intersection with Irwin Street
Greig Street	15 min.	On the south side, between the intersection with Field Street and the intersection with Irwin Street

§ 175-12. Parking prohibited.

- A. No vehicle shall be parked, stopped or halted, whether attended or unattended, within 10 feet of any fire hydrant, within two feet of the entrance of any driveway, whether private or public, or wholly or partly within any part of a crosswalk. A "crosswalk" is hereby defined to be that part of any intersection included between the lines of any sidewalks approaching such intersection projected entirely across such intersection.
- B. The parking of any vehicle for a period in excess of 24 hours on any public highway within the corporate limits of the Village of Sodus Point is prohibited.

§ 175-13. Parking restricted.

- A. The Board of Trustees may by resolution designate areas in the streets and public places within the Village of Sodus Point in which vehicles and motorcycles shall be parked parallel to the highway or otherwise in conformity with a specified order, pattern or arrangement. Such areas shall be appropriately and distinctly marked with signs or other devices and, in the case of areas in which parking is to conform to a diagonal or other order, pattern or arrangement, by subdividing markings on the pavement. In all other areas parking, where not otherwise prohibited or regulated by law, shall be parallel to the highway. Where pavement markings are provided, all motor vehicles and motorcycles shall be parked within the limits of the subdividing markings laid out.

- B. Except when parked pursuant to the provisions of Subsection A of this section, no motor vehicle or motorcycle shall be parked, stopped or halted, whether attended or unattended, for a period longer than actually necessary to discharge or receive passengers actually engaged in entering or leaving such motor vehicle or motorcycle. Trucks or other motor vehicles and motorcycles engaged in the transportation of commodities shall not discharge or receive freight except when parked pursuant to the provisions of Subsection A of this section.
- C. No person having in charge or being in possession of, as chauffeur, operator or otherwise, a motor vehicle or motorcycle shall operate or cause or procure the operation of the motor of the same, at idling or other speed, while the same is parked, stopped or halted, whether attended or unattended, for a period or periods of time in excess of five minutes in the aggregate during any continuous period of 60 minutes or fraction thereof.

§ 175-14. Regulations for Village parking lots.

- A. The standing or parking of any vehicle for a period in excess of 24 hours in any parking lots owned by or under the control of the Village of Sodus Point is prohibited.
- B. The repair or maintenance of any vehicle parked or located in any parking lots owned by or under the control of the Village of Sodus Point is prohibited.
- C. No person shall park a vehicle in any parking lots owned by or under the control of the Village of Sodus Point except at such angle as is designated by pavement markings and only within the painted stall lines.

§ 175-15. Prohibition of parking during special events.

- A. In addition to and notwithstanding any other provisions of this article permitting or prohibiting parking, the stopping, standing or parking of vehicles upon any street or portion thereof or public area, except state highways within the Village of Sodus Point, may be prohibited by resolution of the Board of Trustees of the Village of Sodus Point for such period of time as is required, in the opinion of the Board of Trustees, to provide for safe passage of vehicles, pedestrians and/or emergency vehicles.
- B. A resolution adopted by the Board of Trustees pursuant to this section shall designate the area, street or portion thereof within which the stopping, standing or parking of vehicles is prohibited and the period of time of such prohibition.
- C. If a resolution is adopted by the Board of Trustees pursuant to this section, the Board of Trustees shall direct the positioning of temporary signs or markings in the area affected in accordance with the applicable provisions of the Vehicle and Traffic Law of the State of New York, and such resolution shall not take effect until signs or markings of notice thereof are posted.
- D. Any person who violates a resolution adopted by the Board of Trustees pursuant to this section shall be subject to the penalties provided in § 175-16 of this chapter.

§ 175-16. Penalties for parking offenses.

Every person convicted for a traffic infraction for a violation of any provision of Article IV of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, upon a first conviction, be punished by a fine not to exceed \$50 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for conviction of a second violation within 18 months thereafter, such person shall be punished by a fine of not to exceed \$100 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; for conviction of a third or subsequent violation, all of which were committed within a period of 18 months, such person shall be punished by a fine of not more than \$250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

§ 175-17. Authority to impound vehicles.

Any vehicle stopping, standing or parking in violation of this article may be removed by or under the direction of any member of the Village of Sodus Point Police Department, Wayne County Sheriff's Department, New York State Police and, in case of a violation of § 175-10 of this article, the Chief and First or Second Assistant Chiefs of the Sodus Point Village Fire Department, and the registered owner of any vehicle so removed shall be responsible for payment of the cost of removal and storage of such vehicle. Such owner or person lawfully entitled to possession of the vehicle may redeem the same upon payment to the Village Clerk of the amount of all expenses incurred in connection with such removal and payment of any charges for storage. The police officer or other authorized individual who directed the removal of any such vehicle shall report such removal and disposition of the vehicle to the Police Chief or officer in charge of the Sodus Point Police Department and also to the Village Clerk, and it shall be the duty of the Police Chief or officer in charge to attempt to ascertain the owner of such vehicle or the person lawfully entitled to possession thereof and to use diligent efforts to notify such owner or person of the removal and disposition of such vehicle and of the amount which will be required to redeem same.

Chapter 184

WATER

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- § 184-27. Waste of water.
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- § 184-39. Stop orders.
- § 184-40. Civil action.
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§ 184-42. Vandalism.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 5-21-1987 by L.L. No. 7-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 147.

**ARTICLE I
General Provisions****§ 184-1. Title.**

This chapter shall be known and may be cited as the "Water Use Law of the Village of Sodus Point."

§ 184-2. General intent.

The provisions of the chapter and all regulations and specifications promulgated thereunder it shall be considered as part of the contract between the village and every person who takes water supplied by the village. Every person using this service shall be bound by this contract, including those using water on a renewable contract base, in which case the contract may stipulate any conditions that are exceptions to this chapter.

§ 184-3. Definitions.

When used in this chapter, unless otherwise expressly stated, or otherwise the context or subject matter requires, the following terms shall have the meanings indicated:

BOARD OF TRUSTEES — The Board of Trustees of the Village of Sodus Point, Wayne County, New York.

CROSS-CONNECTION — Any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.

CUSTOMER — The person responsible for payment of charges for water or other facilities and services.

PERSON — An individual, firm, association or corporation, either public or private.

PUBLIC PLACES — All real property included within the boundaries or limits of any highway, street, road or lane, park or other open or improved area, used or frequented by the public generally, whether or not the ownership is held by the Village of Sodus Point.

SERVICE CONNECTIONS — The tap or connection to the main, corporation stop, curb box, curb stop and sufficient tubing or pipe to connect the corporation stop to the curb box.

SUPERINTENDENT — The Superintendent of Water or his duly authorized representative.

VILLAGE — The Village of Sodus Point, Wayne County, New York.

WATER SYSTEM — The entire system of pipes, valves, buildings, reservoirs, plants and other facilities owned by the Village of Sodus Point and used for the supply, treatment, storage and transmission of water.

ARTICLE II Applications

§ 184-4. Application for use of system.

No person shall uncover, make any connections to, use, alter or disturb any portion of the water system without an approved application.

§ 184-5. Form and consent.

All applications for new service connections must be made in writing to the Superintendent by the proposed customer using such forms as provided by the Superintendent. If the proposed customer is not the owner of the premises, the written consent of the owner must accompany the application. Where more than one building or tenant is supplied through one service connection, the application shall be made by one person who shall be the customer responsible for all water supplied through the service connection. The application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. Applications may be denied by the Superintendent for failure to fully comply with the laws of the village or the regulations and specifications adopted under those laws or if the approval of the application is not in the best interests of the village.

§ 184-6. Water main extensions.

Applications for the extension of public mains may be initiated by the Board of Trustees or by petition from the abutting property owners. The Board of Trustees reserves the right to refuse all petitions for extensions of mains where the estimated water rents will not warrant the cost of installation.

§ 184-7. Application to be concurrent with building permit.

When appropriate, it is required that application for the installation of new water service or for temporary water service be made concurrently with application for a building permit in order to facilitate any necessary inspections and service installations by the Superintendent. Approval of applications shall be valid for a period of up to one year.

ARTICLE III
Installation and Maintenance of Service

§ 184-8. Advance payment of fees.

At the time application is made for water service, the costs of installation shall be paid in accordance with the rates established pursuant to this chapter. A previously abandoned service connection may be used in connection with new buildings only when it is found, upon examination and testing by the Superintendent, to meet the requirements established by the village. A separate connection fee shall be paid for each separate use; provided, however, that where a separate use is to be supplied from a preexisting pipe, the connection fee shall be reduced 50%.

§ 184-9. Village-owned portion of service.

The village shall furnish and install and at all times remain the owner of meters, corporation cock, gooseneck, curb box, curb cock and pipe from main to curblin. All costs and expenses incidental to the installation and connection of the service connection, including opening and closing of trenches, shall be borne by the customer.

§ 184-10. Easements.

It is the responsibility of the customer to provide, where necessary, easements at his own expense for all water installations made by the Superintendent.

§ 184-11. Liability.

Neither the Superintendent nor the village, its officers and employees shall be held liable for any damage that may occur as a result of maintaining or replacing any part of the village-owned service.

§ 184-12. Responsibility of customer.

The customer to be serviced shall be responsible for the installation and maintenance of service pipes and fixtures between the curb box and the meter. Service pipes will be required to be laid not less than 4½ feet below the surface of the earth at any point to the inside of the foundation wall of the building into which the water service is introduced. In the event that the final grade of the street or sidewalk has been officially determined and established, then the service pipe shall be laid at a depth of not less than 4½ feet below said established grade at all points, so that when the street and walk are graded there shall not be less than 4½ feet covering of each over any point. Where it is impracticable to install the service pipe at a depth of 4½ feet or more, the Superintendent may approve a lesser footage; provided, however, such approval shall not lessen the customer's obligation to protect his service pipes and meter from freezing. The size, alignment, materials of construction and methods to be used in placing the pipe, jointing, testing and backfilling shall be approved by the Superintendent. The customer shall be required to maintain in perfect order, at his expense, the service pipe from the curb cock to his premises,

including all fixtures provided for the transmission of water. Immediately inside the foundation wall of a building into which a service pipe extends, a stop and waste cock shall be conveniently located and arranged so that plumbing inside the building can be drained. All pipes must be so arranged that they will empty when the waste cock is open. The customer shall be responsible for the protection of his service pipes and the meter from freezing.

§ 184-13. Inspection.

Before the building service is covered, it must have been inspected and approved by the Superintendent. Before the meter is installed and the water service activated, all parts of the service that are the responsibility of the customer shall be again subject to inspection and approval of the Superintendent. Upon either inspection, the customer will be notified as to any necessary repairs to be made before metered service will be granted.

§ 184-14. Excavations.

In the opening of a street or public grounds for the introduction of any water, service pipe or connection under authorization from the Superintendent, the customer shall be responsible for protecting the public and public property from hazard or damage. All excavations shall be adequately guarded with barricades and lights, and public safety and convenience duly regarded and conserved. Streets, sidewalks, parkways and other property disturbed in the course of work shall be restored in a manner satisfactory to the Superintendent.

§ 184-15. Repair of service.

Failure on the part of the customer to immediately notify the Superintendent of any defective or broken part of the service for which the customer is responsible or to repair or replace immediately any defective part of the service that is his responsibility may result in the suspension of water service until repairs and replacements that meet with the Superintendent's approval have been made.

**ARTICLE IV
Meters**

§ 184-16. Rental of meters; charge.

All meters will be furnished, owned and installed by or under the direction of the Superintendent, and shall be subject to his exclusive control and jurisdiction. Meters shall be rented to the customer, but title to all meters so furnished shall remain in the Village of Sodus Point. A rental charge shall be established by resolution of the Board of Trustees, but in no event shall be more than the then-current cost to the village for such meters.

§ 184-17. Superintendent responsible for maintenance.

The Superintendent will be responsible for installing and maintaining all meters and for replacing meters that have become inoperable through ordinary wear and tear. Only the Superintendent, or one acting under his direction, shall open, adjust or otherwise disturb any meter. Damage to meters that is the result of an insecure location or of the negligence or carelessness on the part of the owner, occupant, tenant or others, such as failure to protect against damage from freezing, hot water or steam, will be rectified by the Superintendent at the expense of the property owner. In the event of damage chargeable to the property owner, the Superintendent may discontinue the supply of water without notice, and in addition, provide at the expense of the property owner a meter vault and meter at the curblin or other convenient location between the main and the building on the premises.

§ 184-18. Location of meter.

Wherever a meter is to be installed, a suitable place must be provided by the customer, which must be free from frost, above groundwater and accessible at all times and properly safeguarded. If it is impracticable to place a meter where it will be free from frost, the customer must provide, at his expense, suitable boxing and packing for the meter to prevent damage from freezing.

§ 184-19. Testing.

The Superintendent may remove and test any or all meters at his discretion in order to maintain the accuracy of the meter. Customers may request the removal of a meter for testing upon payment of a fee established therefor.

§ 184-20. Meter seal.

If disturbance of the meter seal is noted, the Superintendent shall be immediately notified. If the meter seal is broken while the meter is in service and such immediate notice is not given, the customer shall be charged for water service a sum equal to the amount paid for said service in the same quarter of the previous year, as well as a penalty of 10% of said sum. Said penalty shall not relieve the customer of repair or replacement charges otherwise imposed in § 184-17 of this chapter.

§ 184-21. Remote reading registers.

The Superintendent may place remote reading registers on any service as an integral part of the meter installation.

§ 184-22. Accessibility.

The Superintendent, or any person acting under his direction, shall have access to meters, as well as all aspects of the water service, at all reasonable hours for purposes of reading, inspecting or service repairs.

§ 184-23. Liability.

Neither the Superintendent nor the village, its officers and employees shall be responsible for damage or injury caused by drainage of water in connection with the testing, repairing or removal of any meter. In addition, they shall not be responsible for any damage to property caused by a defectively functioning meter.

**ARTICLE V
Water Supply****§ 184-24. Right to control supply.**

- A. The village and its Superintendent may, in relation to any or all customers, shut off the water, restrict the supply or change the water reserve, if necessary, without notice, whenever it is deemed necessary for extensions, alterations, repairs or in case of emergency conditions. Water service to premises outside the corporate limits may be discontinued at any time.
- B. Whenever possible, notification of any change in water supply will be given in advance by the Superintendent, but in any event, neither the Superintendent nor the village, its officers and employees, shall be liable for any damage or injury that may occur as a result of a change in supply, as may result from any cause. There shall be no deduction from water billings as a result of temporary termination or reduction in service.
- C. Customers using apparatus depending on the village water supply, including but not limited to range and steam boilers, are advised to take precautions against damage when the village water supply is altered and that Subsection B of this section applies to such situations as well. All house and other boilers shall be fitted with suitable check valves to prevent damage or injury from collapse or other malfunction in the event of an alteration in water supply.

§ 184-25. Supply to construction sites.

Upon application, to coincide with the application for a building permit, temporary water service may be supplied to builders, contractors and others upon such terms and conditions, including charges therefor, as the Board of Trustees by resolution may prescribe.

§ 184-26. Outside users.

This chapter shall not apply to or preclude the making of any contract between the village and any other municipal corporation or water district for the sale of water to such other municipal corporation or water district.

ARTICLE VI
Prohibitions

§ 184-27. Waste of water.

No customer shall willfully waste water either through leakage due to imperfect service pipes or fixtures or in any other manner. Taps at sinks, wash basins, water closets, baths, urinals, sprinklers and other uses must be kept closed without leakage when not in actual use. The Superintendent may terminate water service until the customer repairs the defect.

§ 184-28. Use of water.

No customer supplied with water shall supply water to other customers or to sell water whether through a separate meter or not. No multiple-customer service shall be permitted on the same property except where each customer is provided with a separate meter.

§ 184-29. Cross-connections.

No person shall install or permit to be installed any cross-connection, whether permanent or temporary. Protection against such cross-connections shall be as required by state law or regulation and by any such other regulation adopted by the Board of Trustees. In addition to any other penalties, service to any customer violating this prohibition may be discontinued by the Superintendent and not restored until the violation is corrected.

§ 184-30. Fire hydrants.

All hydrants owned by the Village of Sodus Point are under the jurisdiction of the Superintendent and shall not be opened or used for any purpose other than extinguishing fires, periodic drills or periodic tests of the fire protection system by the Sodus Point Fire Department unless specifically approved by the Superintendent in writing.

ARTICLE VII
Bills and Charges

§ 184-31. Turning water service on or off.

Except as may be otherwise resolved by the Board of Trustees, no person without the prior authorization of the Superintendent shall turn on or off the water to any premises.

§ 184-32. Rates.

Rates for the use of water and charges for installation of additional meters, discontinuance of water service, reestablishment of discontinued water service, penalties and for such other special services as may be established shall be as set, from time to time, by the Board of Trustees.

§ 184-33. Discontinuance or reinstatement of service.

Any customer may order discontinuance or reinstatement of water service by notifying the Superintendent. The Board of Trustees shall by resolution establish fees for discontinuance or reinstatement of water service. The owner of the property shall be responsible for any charges for water consumption up to the final meter reading as well as any charges for discontinuance of service if left unpaid by a customer.

§ 184-34. Separate uses.

- A. Except as provided in Subsection B, the customer shall be required to pay a separate and full scale of water rates for each separate use of water on his premises. The following services shall be considered separate uses:
- (1) Each one-family residence, occupied or unoccupied, which shall include studio apartments, mobile homes, and the like, whether in a single structure or part of a single structure. Each two-family house, apartment or multiple dwelling shall consist of one rental unit for each living quarter equipped with separate toilet facilities and separate kitchen or kitchenette.
 - (2) Each business, commercial, fraternal, governmental, service or other similar use carried on in a building or group of buildings under the ownership, domination or control of a single person.
 - (3) Each portion of any premises occupied by a separate business, commercial, fraternal, governmental, service or other enterprise using and maintaining water facilities to the practical exclusion of other occupants of the premises.
- B. The Board of Trustees may, upon written application, by resolution waive the requirements for separate metering of separate services if the Board finds such requirement to work unnecessary hardship and unusual expense. In such case, the customer shall nevertheless pay in addition to the established gallonage rate the minimum rate for each separate service multiplied by the number of unmetered separate services. All existing services shall be deemed to have the privilege hereby accorded, unless and until the customer or the Superintendent shall request a review of facts and circumstances, whereupon the Board shall by resolution make a determination for or against the installation of separate metering.

§ 184-35. Liability for charges.

The property owner shall be held responsible for water rental charges or any other charges relating to water service held against the property unless paid by the customer.

§ 184-36. Payment.

Charges for water supplied in each calendar quarter year shall be due and payable on the first day of the calendar month next succeeding the last calendar month in such calendar quarter

year. There shall be added to any charges remaining unpaid for 30 days or longer a penalty of 10% of the amount due.

§ 184-37. Estimated bills.

In cases where a reading cannot be obtained, an estimated bill will be rendered to the customer based upon average usage in a corresponding period. In the event that a reading cannot be obtained for a period of nine months, the Superintendent reserves the right to suspend the water service until such time as accurate billing is made possible through a reading of the meter, and all service charges for suspending and reinstating the water service have been paid to the village.

§ 184-38. Inability to obtain final reading.

If a customer has requested a final reading of his meter or a final reading of the meter plus a discontinuance of service and the Board is unable to gain entry to the property for such purpose, an additional service charge will be made. This charge will be effected only after notification of the property owner who is obliged to make the premises available to the Board for a final reading. If this is not done, for each additional service call made necessary through the inability of the Board to gain entry to a property, a charge will be made as set by the Board.

**ARTICLE VIII
Enforcement and Penalties**

§ 184-39. Stop orders.

If the Superintendent shall find any conditions to exist which create a hazard or danger to the health of the community or the neighboring properties, he shall determine the cause thereof and shall issue such stop orders or directives to the person or persons causing such situation as he shall determine necessary, and he shall immediately report such conditions to the village which shall take such action as it deems appropriate. The failure of any person to comply with a lawfully issued stop order or directive of the Superintendent or village hereunder shall constitute a violation of this chapter.

§ 184-40. Civil action.

Any person violating any provision of this chapter shall be responsible in money damages for any injury to the water system or expense caused the village by such violation. This money may be collected by civil action in any court of competent jurisdiction. Obedience to this chapter may also be enforced by injunction.

§ 184-41. Penalties for offenses.

Any person violating any provisions of this chapter and interfering with, entering or using said water system without obtaining permission hereunder shall be guilty of an offense and subject

to a fine of not less than \$50 nor more than \$100 or to imprisonment of not less than one day nor more than six months, or both such fine and imprisonment and in addition, when a violation of this chapter or any of the provisions thereof is continuous, each 24 hours thereof shall constitute a separate, distinct and additional violation.

§ 184-42. Vandalism.

The malicious, willful or negligent breaking, damaging, destruction, uncovering, defacing or tampering with any structure, appurtenance or equipment which is part of the water system shall be a violation of this chapter and any person violating this section shall be subject to the fines herein provided, and shall be liable for any damage or loss suffered by the village arising therefrom.

Chapter 186
WATERFRONT CONSISTENCY

- | | |
|---|---|
| § 186-1. Title. | § 186-5. Enforcement. |
| § 186-2. Statutory authority; purpose. | § 186-6. Penalties for offenses. |
| § 186-3. Definitions. | § 186-7. Severability. |
| § 186-4. Review of actions. | § 186-8. When effective. |

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 5-18-2006 by L.L. No. 2-2006. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 102.	Zoning — See Ch. 190.
Flood damage prevention — See Ch. 107.	

§ 186-1. Title.

This chapter will be known as the "Village of Sodus Point Waterfront Consistency Law."

§ 186-2. Statutory authority; purpose.

- A. This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of the chapter is to provide a framework for agencies of the Village of Sodus Point to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the waterfront area; and to assure that such actions and direct actions are consistent with the said policies and purposes.
- C. It is the intention of the Village of Sodus Point that the preservation, enhancement and utilization of the natural and man-made resources of the unique waterfront area of the Village occur in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, this chapter is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing loss of fish and wildlife; adverse impacts to historic structures; diminution of open space areas or public access to the waterfront; erosion of shoreline; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
- D. The substantive provisions of the chapter shall only apply while there is in existence a Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

§ 186-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONS — Either Type I or unlisted actions as defined in SEQRA regulations which are undertaken by an applicant and which include:

- A. Projects or physical activities, such as construction or other activities, that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
 - (1) Are directly undertaken by an agency; or
 - (2) Involve funding by an agency; or
 - (3) Require one or more new or modified approvals from an agency or agencies;
- B. Agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
- C. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- D. Any combinations of the above.

AGENCY — Any board, agency, department, office, other body, or officer of the Village of Sodus Point.

APPLICANT — Any person, corporation, partnership, or other entity requesting approval or funding of an action, or undertaking any action for which approval is required pursuant to the chapter.

BUILDING INSPECTOR — The Building Inspector or, if none, the Code Enforcement Officer of the Village of Sodus Point.

CONSISTENT — The action will comply with the LWRP policy standards and conditions.

DIRECT ACTIONS — Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policy-making.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) — The Local Waterfront Revitalization Program of the Village of Sodus Point, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which shall be on file in the Office of the Village Clerk of the Village of Sodus Point.

WATERFRONT AREA — The Waterfront Revitalization Area delineated in the Village's Local Waterfront Revitalization Program.

WATERFRONT ASSESSMENT FORM (WAF)— The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

§ 186-4. Review of actions.

- A. Whenever a proposed action is located in the Village's waterfront area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection D below.
- B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the applicant, or in the case of direct action, the agency, shall prepare a Waterfront Assessment Form (WAF) to assist with the consistency review.
- C. Whenever an agency shall make a determination that an action is not consistent with the LWRP policy standards and conditions, it shall notify the applicant of such findings and the reason therefor within 45 days of filing of the application.
- D. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Sodus Point LWRP, a copy of which shall be on file in the Village Clerk's office and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making its consistency determination.
 - (1) Fostering a pattern of development in the Village of Sodus Point that enhances community character, preserves open space, makes efficient use of the infrastructure, makes beneficial use of a waterfront location, and minimizes potential adverse impacts of development.
 - (2) Preserving and protecting historic resources.
 - (3) Enhancing visual quality and protecting outstanding scenic resources.
 - (4) Minimizing loss of life, structures and natural resources from flooding and erosion.
 - (5) Protecting and improving water resources.
 - (6) Protecting and restoring ecological resources, including significant fish and wildlife habitats, wetlands and rare ecological communities.
 - (7) Protecting and improving air quality.
 - (8) Minimizing environmental degradation from solid waste and hazardous substances and wastes.
 - (9) Improving public access to the waterfront and the use of public lands.

- (10) Protecting existing water-dependent uses in the Village of Sodus Point and promoting the siting of new water-dependent uses in suitable locations.
 - (11) Promoting the sustainable use of living marine resources in the Village of Sodus Point.
 - (12) Protecting existing agricultural land in the Village of Sodus Point.
 - (13) Promoting appropriate use and development of energy and mineral resources.
- E. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such actions shall not be undertaken unless the determining agency makes a written finding with respect to the proposed action that:
- (1) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions.
 - (2) The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions; and
 - (3) The action will advance one or more of the other LWRP policy standards and conditions; and
 - (4) The action will result in an overriding Village, regional or state-wide public benefit.
- F. Each agency shall maintain a file for each action made the subject of a consistency determination. Such files shall be under the control of the Village Clerk.

§ 186-5. Enforcement.

- A. The Village Building Inspector shall be responsible for enforcing this chapter. No work or activity on an action in the waterfront area which is subject to review under this chapter shall be commenced or undertaken until the Building Inspector has been presented with a written determination from an agency that the action is consistent with the Village's LWRP policy standards and conditions.
- B. In the event that any construction, action or other activity is being performed in violation of this chapter or any conditions imposed thereunder, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect. Posting of a stop-work order at any work site, or delivery to any individual shall constitute issuance. Issuance of a stop-work order shall not be a prerequisite to prosecution for violating this chapter.

§ 186-6. Penalties for offenses.

- A. The undertaking or performing or exercising any action as defined herein without agency approval shall constitute a violation of this chapter and shall be punishable by a fine not

to exceed \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment.

- B. Each week of continuing violation of this chapter shall constitute a separate violation.
- C. This chapter may be enforced by a civil action, and any violation thereof may be enjoined by a court of competent jurisdiction.

§ 186-7. Severability.

The provisions of this chapter are severable. If any provision of this chapter is found invalid, such finding shall not affect the validity of this chapter as a whole or any part or provision hereof other than the provision so found to be invalid.

§ 186-8. When effective.

This chapter takes effect immediately upon its filing in the office of the Secretary of State.

