

VILLAGE OF LITTLE VALLEY

LOCAL LAW NO. 1 of 2022

**A LOCAL LAW ADOPTING THE CODE
OF THE VILLAGE OF LITTLE VALLEY**

Pursuant to the Municipal Home Rule Law Section 20

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF LITTLE VALLEY AS FOLLOWS:

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Little Valley, as codified and consisting of Chapters I through 240, are hereby approved, adopted, and enacted as the Code of the Village of Little Valley, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments. This local law and the Code adopted hereby shall supersede and replace the prior Code of the Village of Little Valley, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Village of Little Valley by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Trustees to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Little Valley" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Little Valley shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

- A. Repeal of inconsistent enactments. All local laws and ordinances of a general and permanent nature, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Little Valley which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Board of Trustees of the Village of Little Valley has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - (1) Loitering regulations as set. orth in Article 1, Loitering, of Chapter 15, Peace and Good Order, of Village's prior Code compilation.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in§ 1-5 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Little Valley prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- 8. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Little Valley or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Village of Little Valley.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Little Valley.
- E. Any local law or ordinance of the Village of Little Valley providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Little Valley or any portion thereof.
- F. Any local law or ordinance of the Village of Little Valley appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Little Valley or other instruments or evidence of the Villages indebtedness.

- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Village employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.
- N. Any local law adopted subsequent to January 12, 2016.

§ 1-7. Changes in previously adopted legislation.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Little Valley, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)
- C. In Chapter 231, instances of "Water Superintendent," the "Superintendent of the Village Water Department" and the "Superintendent of Public Works" are amended to read "Streets Superintendent."

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
 - B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
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§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Village of Little Valley in any manner whatsoever which will cause the legislation of the Village of Little Valley to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than. \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-10. SEQRA.

The Village Board hereby determines that the adoption of this Local Law is a Type E1 action under the New York State Environmental Quality Review Act ("SEQRA").

§ 1-11. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**Village of Little Valley
Code Adoption Local Law 2022**

**Schedule A
Specific Revisions at Time of Adoption of Code**

Chapter 1, General Provisions.

Article I, Rules of Construction; Definitions.

Section 1-1A is amended as follows:

In the construction of this Code, and of each local law therein, the following rules shall be observed, unless such construction of this Code; and of each local law therein, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Village Board of Trustees:

Article II, Enforcement and Penalties.

Section 1-3 is amended as follows:

Unless a specific penalty is provided elsewhere in this Code for a specific violation, any person committing an offense in violation of any provision of this Code shall be guilty of a violation as such term is defined in the New York State Penal Law, punishable by a fine not exceeding \$250, imprisonment for up to 15 days, or both such fine and imprisonment.

Chapter 14, Americans With Disabilities Act.

Section 14-1D and G is amended to change "303 Court Street" to "103 Rock City Street."

Chapter 41, Ethics, Code of

The following definitions in § 41-2 are amended to read as provided:

INTEREST — A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of (a) his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves; (b) a firm, partnership or association of which such officer or employee is a member or

employee; (c) a corporation of which such officer or employee is an officer, director or employee; and (d) a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE -- An officer or employee of a municipality, whether paid or unpaid, including members of any administrative board, commission or other agency thereof No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except a fire chief or assistant fire chief

Chapter 72, Procurements.

Section 72-2B is amended to change the statutory reference to State Finance Law § 162.

Chapter 80, Records.

Article II, Public Access to Records.

This article is adopted to read as follows; such provisions replace original Chapter 5 of the compilation.

ARTICLE II

Public Access to Records

§ 80-3. Purpose and scope.

- A. The people's right to know the process of government decisionmaking and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
- B. These regulations provide information concerning the procedures by which records may be obtained.
- C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 80-4. Designation of Records Access Officer.

- A. The Village of Little Valley is responsible for insuring compliance with the regulations herein, and designates the following person as Records Access Officer:
Clerk Treasurer, 103 Rock City Street, Little Valley, NY 14755
- B. The Records Access Officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a Records Access Officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so. The Records Access Officer shall insure that agency personnel:
 - (1) Maintain an up-to-date subject matter list.
 - (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.

- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:
 - (a) Make records available for inspection; or
 - (b) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (5) Upon request for copies of records:
 - (a) Make a copy available upon payment or offer to pay established fees, if any, in accordance with § 80-10; or
 - (b) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:
 - (a) Village of Little Valley is not the custodian for such records; or
 - (b) The records of which Village of Little Valley is a custodian cannot be found after diligent search.

§ 80-5. Location.

Records shall be available for public inspection and copying at:

Village of Little Valley Municipal Building, 103 Rock City Street, Little Valley, NY 14755

§ 80-6. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are:

Monday through Friday, 8:00 a.m. to 4:00 p.m.

§ 80-7. Requests for public access to records.

- A. A written request may be required, but oral requests may be accepted when records are readily available.
- B. If records are maintained on the Internet, the requester shall be informed that the records are accessible via the Internet and in printed form either on paper or other information storage medium.
- C. A response shall be given within five business days of receipt of a request by:
 - (1) Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - (2) Granting or denying access to records in whole or in part;
 - (3) Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period

under the circumstances of the request, when the request will be granted in whole or in part; or

- (4) If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
- D. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- E. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
- (1) Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
 - (2) Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
 - (3) Furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
 - (4) Fails to respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of the acknowledgment of the receipt of a request;
 - (5) Determines to grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
 - (6) Does not grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
 - (7) Responds to a request, stating that more than 20 business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

§ 80-8. Subject matter list.

- A. The Records Access Officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

§ 80-9. Denial of access to records.

- A. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, which shall be identified by name, title, business address and business phone number.
- B. If requested records are not provided promptly, as required in § 80-7 of these regulations, such failure shall also be deemed a denial of access.
- C. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Clerk Treasurer, Village of Little Valley, 103 Rock City Street, Little Valley, NY 14755,
(716) 938-9151
- D. Any person denied access to records may appeal within 30 days of a denial.
- E. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - (1) The date and location of requests for records;
 - (2) A description, to the extent possible, of the records that were denied; and
 - (3) The name and return address of the person denied access.
- F. A failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- G. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Avenue, Suite 650, Albany, NY 12231
- H. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within 10 business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth Subsection F of this section.

§ 80-10. Fees.

- A. There shall be no fee charged for:
 - (1) Inspection of records;
 - (2) Search for records; or
 - (3) Any certification pursuant to this part.
- B. Copies may be provided without charging a fee.
- C. Fees for copies may be charged, provided that:
 - (1) The fee for copying records shall not exceed \$0.25 per page for photocopies not exceeding nine inches by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than \$0.25 for such copies;
 - (2) The fee for photocopies of records in excess of nine inches by 14 inches shall not exceed the actual cost of reproduction; or
 - (3) An agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are

made.

- D. The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
- (1) An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
 - (2) The actual cost of the storage devices or media provided to the person making the request in complying with such request; or
 - (3) The actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- E. When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with Subsection D(1) and (2) above.
- F. An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- G. An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- H. An agency may waive a fee in whole or in part when making copies of records available. §

80-11. Public notice.

A notice containing the title or name and business address of the Records Access Officer and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

§ 80-12. Severability.

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

Chapter 108, Buildings, Unsafe.

- A. Section 108-3 is amended to change "Building Inspector" to "Code Enforcement Officer."
- B. The following sections are added to the chapter:

§ 108-8. Emergency cases.

Where it reasonably appears that a building or structure presents a clear and imminent danger to the life, safety or health of any person or property, unless such building or structure is immediately repaired and secured or demolished by its owner or occupant, the Village Board may by resolution authorize the Code Enforcement Officer or Village Engineer to immediately cause the repair or demolition of such unsafe building or structure. The expenses of such repair or demolition shall be a charge against the land

on which it is located and shall be assessed, levied and collected as provided in § 108-7 hereof

§ 108-9. Penalties for offenses.

In addition to assessment of costs provided fir in § 108-7, any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a maximum fine of \$250 or a maximum term of imprisonment of 15 days, or both, for each offense.

Chapter 116, Construction Codes, Uniform.

- A. Section 116-5B(4) is amended to add "construction" to the end thereof.
- B. Section 116-5B(8) is amended to delete the fee amount and instead state that the such fee shall be in an amount set forth in the Village Fee Schedule.

Chapter 160, Notices and Bill Posting.

Section 160-3 is added:

§ 160-3. Penalties for offenses.

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a maximum fine of \$250 or a maximum term of imprisonment of 15 days, or both, for each offense.

Chapter 166, Notification of Defects.

- A. Section 166-2A is amended as indicated:

No civil action shall be maintained against the Village for damages or injuries to person or property sustained by reason of any highway, street, bridge, culvert, sidewalk, parking lot, easement or right-of-way area, 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 such 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 or the Superintendent of Public Works, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction regarding which the complaint is made, or to cause the snow or ice to be removed. Constructive notice shall not be deemed an acceptable alternative to such prior written notice.

- B. Section 166-4 is amended to add the following preceding the last sentence thereof:

All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. He/she shall, at the Board meeting next following receipt of such written notice by him/her, or within 10 days, whichever is sooner, cause said written notice to be brought to the attention of the Board of Trustees.

Chapter 173, Parades, Gatherings and Assemblies.

Section 173-2C is amended, in part, as follows: "... *The application for a permit shall be in writing on a form...* "

Chapter 179, Peddling and Soliciting.

A. Section 179-3 is amended to add the following Subsection C:

"C. The licensing provisions of this chapter shall not apply to any person or individual that is merely proselytizing for either religious or political purposes, distributing religious or political handbills at no cost, or exercising the right to anonymous religious or political speech without soliciting any fluids and without selling any goods or soliciting for contributions."

B. Section 179-6, License fees, is amended as indicated:

Annual or daily licenses may be obtained. The person seeking a license under this chapter shall pay to the Village Clerk at the time of the issuance of said license a fee in an amount as set forth in the Village fee schedule. fees
therefore:

For a daily license, the ~~amount~~

C. The following section is added:

§ 179-9. Penalties for offenses.

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a maximum fine of \$250 or a maximum term of imprisonment of 15 days, or both, for each offense.

Chapter 185, Property Maintenance.

Section 185-16A(1) is amended to change "Building Inspector" to "Code Enforcement Officer."

Chapter 194, Sewers.

Article I, Sewer Use.

A. The last sentence of § 194-5B is revised as follows:

...A permit and inspection fee of \$25 for a residential or commercial building sewer permit and \$-3-5-fef an industrial building sewer permit in an amount as set forth in the Village fee schedule shall be paid to the Village at the time the application is filed.

B. Section 194-6G is amended as follows:

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Chief Sewer Operator or Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or living units or dwelling-units. All interceptors shall be of a type and capacity approved by the Chief Sewer Operator or Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. The Chief Sewer Operator or

Superintendent shall require grease interceptors on all restaurants and food processing establishments. A periodic inspection of these interceptors shall be made by the Chief Sewer Operator or Superintendent at least four times per year.

C. Section 194-7 is amended as follows:

No unauthorized person shall maliciously, ~~nr~~ willfully or ~~neklizentiv~~ break, damage, destroy, uncover, deface, or tamper with ~~anifneffthot.iffed-personr-sliall-negligenily-~~ any structure, appurtenance, or equipment, which is a part of the public sewer and sewage works.

Article II, Sewer Rents.

- A. In § 194-13, the definition of "Class 1" is amended to change "within the Village" to "within the Village and Town"; and the definition of "Class 11" is repealed.
- B. Section 194-14 is amended to revise, in Subsection A, the parenthetical phrase "(Class 1 through V)" to read "(Class I and Classes III through V)"; and is further amended to revise Subsection B to delete the subsection that refers to Class II.
- C. In § 194-15, Subsections B and D are amended to delete the references to Class II charges.
- D. Original Section 5.c.ii, regarding Class II charges, is repealed.

Article III, Connections to Sanitary Sewer.

A. Section 194-20B is amended as follows:

*13. Permit fee. The permit fees as required by Chapter 194, Article I, Sewer Use, are as set forth in the Village fee Schedule. ~~fellewe {4}Foefesidential-and-eomtnereiol-huddingisewer--permit~~
(2) For industrial building sewer permits: \$35.*

B. Section 194-21B is amended so that the fourth sentence thereof reads as follows:

This amount shall be paid to the Village at the current union rate for Sewer Department in addition to the regular fee.

C. Section 194-22A is amended to delete references to Sec. 5.3. in the subsections thereof

Chapter 200, Snowmobiles.

- A. Original Sec. 5.d.ix, Village Dump Road, is repealed.
- B. The latter portion of § 200-6E is amended to read: "...the hours of 11:00 p.m. and 7:00 a.m."
- C. Section 200-6G is amended to read:

G. Age of operation. No person under 18 years of age shall operate a snowmobile except as provided far in this subsection.

(1) No person under the age of 14 years shall operate a snowmobile except upon land owned or leased by his or her parent or guardian. "Leased lands," as used in this section, shall not include lands leased by an organization of which said operator or his or her parent or guardian is a member.

(2) A person 10 years of age or older but less than 14 years of age who holds a valid snowmobile safety certificate issued by the Commissioner may operate a snowmobile on any lands upon which snowmobiling is allowed if accompanied by a person over 18 years of age. For the purpose of this section, "accompanied" shall mean within 500 feet of the person over 18 years of age.

(3) A person 14 years of age or older but less than 18 years of age, who either holds a valid snowmobile safety certificate issued by the Commissioner or is accompanied by a person over 18 years of age, may operate a snowmobile in the same manner as a person over 18 years of age.

Chapter 206, Streets and Sidewalks.

A. Section 206-5A is amended to change "Village Street Superintendent" to "Public Works Superintendent."

B. Section 206-6B is amended to read:

B. Removal by property owners.

(1) Duty of property owner and occupant. It shall be the duty of the owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining such property free from snow and ice for the full paved width of such sidewalk.

(2) Time limit. Snow and ice shall be removed within 24 hours after the end of a snowfall. In addition, sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours of 9:00 a.m. and 5:00 p.m.

13 Severe icing. in cases where snow and ice on any sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, it shall, within the time specified in Subsection B(2), be strewn and kept strewn with environmentally safe, snow/ice melt, sand or other suitable material, so as to be no longer dangerous to life and limb. As soon as practicable thereafter, the sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in this section.

C. Section 206-7G is amended to change "\$10 per man hour" to "current laborer rate per the Village of Little Valley Union contract."

D. Section 206-8 is added:

§ 206-8. Penalties for offenses.

Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a maximum fine 4.5250 or a maximum term of imprisonment of 15 days, or both, for each offense.

Chapter 213, Taxation.

Article I, Utility Tax.

A. Section 213-1A is amended to change "under Article 3-B of the Public Service Law" to "as otherwise provided by law."

B. Section 213-2 is amended to read:

§ 213-2. Definitions.

Words and phrases used in this chapter, unless otherwise noted, shall have the same meanings as ascribed to them in § 186-a of the Tax Law.

Article II, Energy Systems Exemption.

This article is adopted to read as follows:

Article H, Energy Systems Exemption

§ 213-18. Legislative intent to opt out of statutory exemption.

It is the intent of this article to opt out from any exemption from taxation as authorized in Real Property Tax Law § 487.

§ 213-19. Exclusion of taxation exemption for certain energy systems.

No exemption from Town taxation shall be applicable with respect to any solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system.

§ 213-20. Severability.

If any provision of this article shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy in which such judgment shall have been rendered."

Chapter 222, Vehicles and Traffic.

A. Original Article 6, Sec. 2.h., regarding Second Street, is repealed.

B. Section 222-12 is amended to delete the phrase at the end that reads "except as noted in Section 3."

C. Section 222-13 is amended to add the following phrase at the end: "except between 2:00 and 6:00 a.m. from November 1 to May 1 of each year."

D. Section 222-14.

(1) The table entries for Court Street, Park Place, Tenth Street and Fourth Street, and Winship Avenue are all amended to add "Entire length" for location description.

(2) The entry for Seventh Street is amended so that the Location reads "Entire length."

E. Section 222-15 is amended to read: "The parking of vehicles for a period of longer than two hours is hereby prohibited on any Village highway."

F. Section 222-19 is amended to delete the last sentence thereof that refers to Chapter

G. The fines in § 222-20 are revised to be as follows: for a first conviction thereof a fine of not more than \$150; for a second such conviction within 18 months thereafter, a fine of not more than \$300; upon a third or subsequent conviction within 18 months after the first conviction, a fine of not more than \$450.

Chapter 231, Water.

Article I, Water Use.

- A. Section 231-3 is amended to change "type K copper pipe" to "type K copper or CTS piping with copper-coated tracer wire."
- B. Section 231-4A is amended to change "stop and waste cock" to "ball valve."
- C. Section 231-4B.
 - (1) Section 231-4B(1) is amended to change the fee amount to: \$650 plus four hours of current employee rate per union contract.
 - (2) Section 234-4B(2) is amended to change the fee amount to: \$750 plus four hours of current employee rate per union contract.
- D. Original Sec. 11, Deposits, is repealed.

Chapter 240, Zoning.

- A. Section 240-28F(1) is amended to read: *"Any person, firm or corporation who shall violate any provision of this chapter shall, upon conviction, be subject to a maximum, fine of \$250 or a maximum term of imprisonment of .15 days, or both, for each offense. "*
- B. Section 240-31.
 - (1) Section 240-31C is amended as follows: "Training and attendance requirements. The Village Board of Trustees may **shall** establish requirements for members of the Zoning Board of Appeals to complete training and/or continuing education classes on zoning and planning issues in accordance with Village Law 4 7-712. In addition, the Village Board of Trustees may establish minimum requirements for attendance at Zoning Board of Appeals meetings."
 - (2) Subsection F is added:
 - F. Alternate members.*
 - (1) The Village Board of Trustees may, by local law or as a part of the local law creating the Zoning Board of Appeals, establish alternate Zoning Board of Appeals member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the Zoning Board of Appeals shall be appointed by the Mayor, subject to the approval of the Board of Trustees, for terms established by the Village Board of Trustees.*
 - (2) The Chairperson of the Zoning Board of Appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.*
 - (3) All provisions of this section relating to Zoning Board of Appeals member training and continuing education, attendance, conflict of interest, compensation,*

eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.

C. Section 240-75B(4) is amended to change the reference to § 240-75C(3) to § 240-75C.