

At the Farmington Town Board Meeting, held in the Town Hall or by Phone/Video Conferencing on the 27th day of April, 2021, at 7:00 PM, there were:

PRESENT: Peter Ingalsbe – Supervisor
Mike Casale – Councilman
Steven Holtz – Councilman
Nate Bowerman – Councilman-necessarily absent
Ron Herendeen – Councilman
Michelle Finley – Town Clerk

Also present in person: **Don Giroux** – Highway and Parks Superintendent, **Dan Delpriore** – Code Enforcement Officer, **Adrian Bellis** – Planning Board Member, **Ed Hemminger** – Planning Board Chairman, **Ron Brand-** Director of Planning and Development, and **Bill Davis** – MRB Group, **Robin MacDonald** – Acting Water & Sewer Superintendent.

Also present by telephone/video conferencing were: **John Piper** – HR Consultant, **Michelle Nicodemus** – Assessor.

PUBLIC HEARINGS:

Supervisor Ingalsbe opened the public hearings at 7:00 p.m. The Town Clerk read the legal notices.

A LOCAL LAW AMENDING CHAPTER 165 (ZONING) OF THE FARMINGTON TOWN CODE, SECTION 165-55 ENTITLED “KEEPING OF ANIMALS”, SECTION 165-61 ENTITLED “FENCES”, AND SECTION 165-76 ENTITLED “MOBILE HOMES AND MOBILE HOME PARKS”

Supervisor Ingalsbe asked if anyone wanted to speak for or against this proposed local law, hearing none, the public hearing was closed at 7:01 p.m.

A LOCAL LAW AMENDING GENERAL LEGISLATION IN CHAPTER 5 OF THE FARMINGTON TOWN CODE, ENTITLED “APPEARANCE TICKETS” OF THE TOWN OF FARMINGTON

Supervisor Ingalsbe asked if anyone wanted to speak for or against this proposed local law, hearing none, the public hearing was closed at 7:02 p.m.

A LOCAL LAW AMENDING GENERAL LEGISLATION IN CHAPTER 165 OF THE FARMINGTON TOWN CODE, ARTICLE II TERMINOLOGY, SECTION 10 DEFINITIONS

Supervisor Ingalsbe asked if anyone wanted to speak for or against the proposed local law, hearing none, the public hearing was closed at 7:03 p.m.

A LOCAL LAW AMENDING GENERAL LEGISLATION IN CHAPTER 74 OF THE FARMINGTON TOWN CODE, ENTITLED “CONSTRUCTION CODES, UNIFORM”

Supervisor Ingalsbe asked if anyone wanted to speak for or against the proposed law, hearing none, the public hearing was closed at 7:04 p.m.

A LOCAL LAW AMENDING GENERAL LEGISLATION IN CHAPTER 90 OF THE FARMINGTON TOWN CODE, ENTITLED “ILLICIT DISCHARGE AND CONNECTION TO STORM SEWERS”

Supervisor Ingalsbe asked if anyone wanted to speak for or against this proposed local law, hearing none, the public hearing was closed at 7:05 p.m.

APPROVAL OF MINUTES:

A motion was made by **Councilman Holtz** and seconded by **Councilman Herendeen**, that the minutes of the April 13, 2021, Town Board Meeting, and given to members for review, be approved. All Voting “Aye” (Holtz, Casale, Herendeen, and Ingalsbe). Motion Carried.

PRIVILEGE OF THE FLOOR: None.

PUBLIC CONCERNS: None.

REPORTS OF STANDING COMMITTEES:

Public Works Committee: Councilman Holtz reported:

1. Regular testing and maintenance.
2. Discussed Belt press sludge.
3. Discussed Sand Filter backwash pump replacement.
4. Discussed routine maintenance on Hydro dyne.

5. Water main breaks – none.
6. Minor cleanup of projects around plant.
7. Yerkes Road watermain is complete and in service.
8. Water Quality is complete and being published in the newspaper.
9. Discussed restoration of lawns.
10. Discussed installation of new watermain at Rt. 96 and Mertensia Road.
11. Discussed flow meters on Loomis Road and East Victor Road – installation this week.
12. One resolution on the agenda- surplus.

Highway & Parks:

1. Highway- Equipment Maintenance, Canandaigua-Farmington Townline Road project., training on flagging, and snow run.
2. Parks- building and parks maintenance, preparing ballfields, sealing park benches, and mowing at all buildings.
3. One resolution on the agenda – purchase.

Town Operations Committee: Councilman Casale reported:

1. Discussed various projects: DRS solar project, Auburn Trail Grant, Byrne Dairy, Myers RV, and Comprehensive Plan Update.
2. Discussed resolutions on agenda.

Town Personnel Committee: None.**Town Finance Committee: Supervisor Ingalsbe reported:**

1. 1st Quarter Sales Tax is up 4.43% from last year's quarter.

Town Public Safety Committee: Councilman Holtz reported: None.**REPORTS OF TOWN OFFICIALS:****Supervisor Peter Ingalsbe reported:**

1. Discussed progress at Beaver Creek Park- restrooms/maintenance building is 84% completed, electrical work is 88% completed, and overall park site work is 59% completed. This week parking lot curbing and tree and shrubs planting.

Highway& Parks Superintendent Giroux reported:

1. Discussed Canandaigua-Farmington Townline Road project.
2. Roadside mowing started this week.
3. Discussed Beaver Creek Park.

Town Clerk Michelle Finley reported:

1. NYSTCA virtual Conference.

Water & Sewer Superintendent Robin MacDonald reported:

1. Discussed watermain on Hook Road.

Code Enforcement Officer Dan Delpriore reported:

1. 5 new projects received last week.
2. Busy with inspections.
3. Keeping up with Covid guidelines.
4. Discussed Beaver Creek Park.
5. Discussed MS4 violations, blown grass in roadways, going to use door hangers as a courtesy in educating violators.

Director of Planning and Development Ron Brand reported:

1. Report available on website and filed with the Town Clerk.

Assessor Michelle Nicodemus reported:

1. 2021 Tentative tax roll is filed.
2. Exemptions processed, changes to assessments have been made, 500 notices sent, has had 5 informal meetings.
3. Not a reval year, no equalization rate change.
4. Waiting to hear from County and State – tentative rolls balance and changes made.

5. Summer 2021 – start reval.

Town Engineer Bill Davis reported:

1. Discussed annual manhole rehab project, Rt. 332/Rt. 96 Watermain replacement, and Brickyard Road tank.

Fire Chief reported: None.

Planning Board Chairman Ed Hemminger reported:

1. Next Meeting – FingerLakes Hotel/banquet room and short term and long-term housing.

Zoning Board of Appeals Jeremy Marshall reported: None.

Recreation Advisory Committee Bryan Meck reported: None.

Recreation Director Mark Cain reported: None.

Ontario County Planning Board Member reported: None.

Conservation Board Chairman Hilton reported: None.

Town Historian Donna Herendeen reported: None.

Swap Shop Update: Councilman Holtz:

Agricultural Advisory Committee Chairman Hal Adams: None.

COMMUNICATIONS:

1. Letter to the Town Supervisor from Donald MacCormack and Jonathan Halligan of Bank of Greene County. Re: Municipal Banking.
2. Letter to the Town Supervisor from Monroe County Water Authority. Re: Backflow Prevention Device Annual Test Due.
3. 2021 Assessment Notification. Re: Hathaway Cemetery.
4. 2021 Assessment Notification. Re: Highway Garage.
5. 2021 Assessment Notification. Re: Beaver Creek Park.
6. Letter to Cody and Danielle Craft, residents, from the Town Supervisor. Re: Deferred Payment Agreement.
7. Letter to Erin Allen, resident, from the Town Supervisor. Re: Deferred Payment Agreement.
8. Letter to Edward Perdue, resident, from the Town Supervisor. Re: Deferred Payment Agreement.
9. Email to Kendall Larsen from the Acting W&S Superintendent. Re: Yerkes Road Watermain Replacement.
10. Letter to the Town Supervisor from Fishers Fire District. Re: Two fire stations.
11. Email to the Town Supervisor from Stephanie St. Clair, resident. Re: Speed limit on Holtz Road.
12. Memo from the Town Supervisor to the Town Board and Principal Account Clerk. Re: Financial Review Meeting April 20th, 2021.
13. Letter to the Town Supervisor from Senator Pamela Helming. Re: 2021 Women of Distinction Program.
14. Letter to the Town Board from Christa Graney of Horizon Land Management, LLC. Re: Waive late fee.
15. Certificates of Liability Insurance from: John Close Roofing; BLM Construction Company, Inc.; Serenity Pool and Spa, LLC; MM&B Studio, LLC; Landry Mechanical Contractors, LLC; CP Ward, Inc.; Crown Castle International; Five Star Improvements, Inc.
16. Certificate of Workers' Compensation Insurance from: Remade.
17. Certificate of Disability and Paid Family Leave Benefits Insurance from: John Close Roofing.
18. Cancellation of Workers' Compensation Insurance from: Monag International.

REPORTS & MINUTES:

1. Building Department – Inspections Report – March 2021.
2. Planning Board Meeting Minutes – April 7, 2021.

ORDER OF BUSINESS:

RESOLUTION 167-2021:

Councilman Casale offered the following Resolution, seconded by **Councilman Holtz**:

RESOLUTION ADOPTING THE ACTION “LOCAL LAW NO. 10 OF 2021, A LOCAL LAW TO AMEND PORTIONS OF CHAPTER 165 OF THE FARMINGTON TOWN CODE, TO BE ENTITLED AMENDMENTS TO PART II, GENERAL LEGISLATION, CHAPTER 165 OF THE FARMINGTON

TOWN CODE, ENTITLED ZONING, ARTICLE V, SECTION 165-55. "KEEPING OF ANIMALS;" ARTICLE V, SECTION 165-61, "FENCES;" AND ARTICLE V, SECTION 165-76, "MOBILE HOMES AND MOBILE HOME PARKS."

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) by Resolution No. 137 of 2021, dated March 23, 2021 accepted the final draft of the above referenced Local Law (Local Law No. 10 of 2021); and directed the scheduling of a public hearing upon that was held on April 13, 2021 upon the above referenced adoption; and

WHEREAS, there was discussion made during the above referenced public hearing for a further proposed amendment to the portion of the above referenced Local Law, in particular the provisions proposed for Article V, Section 165-76, "Mobile homes and mobile home parks," which was deemed to be appropriate for public consideration; and

WHEREAS, the Town Board, at the April 13th meeting, decided not to act upon said resolution and instead directed the Town Clerk to publish a new legal notice and to post the proposed amendment to Article V, Section 165-76 portion of Local Law No. 10 of 2021, on the Town Hall Bulletin Board and the Town's website; and

WHEREAS, the Town Director of Planning and Development has made the proposed amendment to the above referenced portion of proposed Local Law No. 10 of 2021 and has amended the date of the final draft amendment from March 23, 2021 to April 14, 2021; and

WHEREAS, the Town Clerk has published and posted the legal notice for tonight's public hearing in accordance with the Town's adopted Open Meetings Law provisions of New York State Town Law; and

WHEREAS, the Town Board has conducted a public hearing on the proposed amendments to Chapter 165 of the Farmington Town Code contained within the final draft document dated April 14, 2021; and

WHEREAS, the Town Board has given consideration to the public hearing record held upon the proposed amendments contained within the Final Draft of Local Law No. 10 of 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt in its entirety the above referenced Final Draft Local Law (Local Law No. 10 of 2021) dated April 14, 2021.

BE IT FINALLY RESOLVED, that the Town Clerk is to provide a Certified Copy of this resolution and the adopted Local Law No. 10 of 2021, to the New York State Secretary of State for filing in that Office.

BE IT FURTHER RESOLVED, that the Town Clerk upon receipt from the State Secretary of State Office of the filing of said local law, is to file a certified copy with General Code Publishers requesting the involved portions of Chapter 165 be amended and that copies thereof be provided to the Town for inserting in the Town Code Book.

BE IT FINALLY RESOLVED, that copies of this resolution be provided to: the Town Code Enforcement Officer; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers, MRB Group, Lance Brabant, CPESC; the Town Zoning Officer; and the Town Director of Planning and Development.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

Local Law No. 10 of the year 2021

Amendments to Part II, General Legislation, Chapter 165 of the Farmington Town Code, entitled Zoning, Article V, Section 165-55. "Keeping of animals;" Article V, Section 165-61, "Fences;" and Article V, Section 165-76, "Mobile homes and mobile home parks."

Be it enacted by the **Town Board**

Town of Farmington

as follows:

Section 1. The following amendments are hereby made to Part II, General Legislation, Article V, Chapter 165, Section-55 of the Farmington Town Code, entitled "Keeping of animals."

§ 165-55. Keeping of animals.

This Section of the Farmington Town is hereby repealed and replaced with the following §§ 165.A. and B. to read in their entirety as follows:

§ 165-55. A. Keeping of domestic animals.

No birds, fowl, or poultry shall be housed or kept within a secure outdoor area on any premises zoned residential having less than five (5) acres, except for domestic animals. Such animal(s) shall be kept in such a manner as not to create a nuisance or to be an annoyance to surrounding properties. All outdoor areas shall be kept clean of animal waste and such waste shall be stored inside approved containers. All secure outdoor areas shall be enclosed and

located within either the side or rear yard portions of the lot and not closer than five (5) feet from side and/or rear property lines.

§ 165-55. B. Keeping of farm animals.

Farm Animals shall be allowed on land located within the A-80 Agricultural District and the RR-80 Rural Residential District. No Farm Animals shall be housed or kept within a secure outdoor area on any premises of less than five (5) acres. Kennels or shelters for animals shall not be closer than 200 feet to all Side or Rear Lot Lines. No kennels or shelters for Farm Animals shall be allowed within the Front Yard portion of a Lot. The storage of any Farm Animal waste or other odor- or dust-producing materials shall not be closer than 200 feet to any Lot Line as per §165-18 and/or § 165-19 of this Chapter. These setback regulations may be exempted by the protection provided to an active farm site located within and established County Agricultural Use District, as further regulated under the New York State Agriculture and Markets Laws.

Section 2. The following amendments, §§ 165-61. A., B., C., E., F., G. and H. are hereby made to Part II, General Legislation, Article V, Chapter 165, Section-61 of the Farmington Town Code, entitled “Fences.”

§ 165-61. A. This Section of the Farmington Town Code is hereby repealed and is replaced in its’ entirety with the following:

§ 165-61. A. No fence that exceeds six (6) feet in height shall be erected or maintained on any Lot whose permitted principal use is residential. All fences shall be located within the Side or Rear Yard portion of a Lot. Fences that are four (4) feet or lower in height above existing grade may be permitted within the Front Yard portion of a Lot that is located within a residential district.

§ 165-61. B. This Section of the Farmington Town Code is hereby repealed and is replaced in its’ entirety with the following:

§ 165-61. B. No fence shall exceed eight (8) feet in height above existing grade when located in the Side or Rear Yard portion of any Lot. A fence that is four (4) feet or lower in height above existing grade may be placed within the Front Yard portion of any Lot that is located within a business, commercial, or industrial zoned district. The following are allowed exceptions to these restrictions:

- (1) A security fence that is accessory to a permitted personal wireless telecommunications facility, or a Wind Farm, or a large-scale Solar (PV) System shall be allowed provided that said fence does not exceed fifteen (15) feet above existing grade; and
- (2) A security fence that is accessory to a permitted principal business, commercial or industrial use of the property.

§ 165-61. C. Authorized security fence may have barb wire strands located at least eight (8) feet above existing grade and said barb wire strands may be extended to a height of ten (10) feet from the adjacent existing grade. Such security fence shall not be electrically charged.

§ 165-61. E. Fencing used to enclose a tennis, pickleball or basketball courts on a residential property may be permitted, in the Side or Rear Setbacks of a Lot up to a height not exceed ten (10) feet above existing grade, provided that such fencing is not less than twenty-five (25) feet from an adjacent property line.

§ 165-61. F. All fences shall be erected within the property lines and no fence shall be erected so as to encroach upon a public right-of-way, publicly owned lands, easements, or adjacent land.

§§ 165-61 G. and H. The following two (2) new subsections of Chapter 165, Section 61 are hereby added to the Town of Farmington Code to read in their entirety as follows:

§ 165-61. G. All fences shall be maintained in a safe and sound condition.

§ 165-61. H. No fence may be allowed to be erected or maintained which would be located within a mapped Area of Special Flood Hazard, as shown on any one of the Federal Insurance Rate Maps (FIRMs), prepared and adopted as part of the National Flood Insurance Program for the Town of Farmington, Community Number 361299, dated September 30, 1983, without first obtaining a Floodplain Development Permit in accordance with the provisions of Chapter 87 of the Farmington Town Code.

Section 3. Part II, General Legislation, Article VI, Chapter 165, Section 76 of the Farmington Town Code entitled “Mobile homes and mobile home parks” is hereby deleted in its’ entirety and replaced in its’ entirety to read as follows:

§ 165-76. Title. Manufactured Dwellings and Manufactured Dwelling Communities.

§ 165-76. A. Manufactured Dwelling Community Operating Permit and Final Site Plan Criteria.

- 1. Manufactured Dwelling Communities may be allowed in the RMF Residential Multiple-Family and the PD Planned Development Districts upon the approval of an application for an Operating Permit granted by the Town Board and Final Site Plan Approval granted by the Planning Board. A Manufactured Dwelling Community Operating Permit issued by the Town Board shall be for a specified period of time and shall

expire in the event construction of said Manufactured Dwelling Community is not completed within the time period specified. This provision shall also apply to an application to the Town Board for an amendment to an existing special use permit involving the expansion or alteration of any existing Manufactured Dwelling Community. The Planning Board Final Site Plan Approval shall remain valid as long as there continues to be a valid Manufacturing Dwelling Community Operating Permit.

2. No site preparation or construction shall commence until final site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved.
3. Annual Operating Permits for the continued operation of Manufactured Dwelling Communities may be renewed for a period of one year in duration, upon application to the Development Office. The Zoning and/or Code Enforcement Officer shall not grant renewals where violations of provisions of this chapter pertaining to Manufactured Dwelling Communities. In such case, the applicant shall appear before the Town Board for a decision on the renewal of said application.
4. The minimum site area of proposed Manufactured Dwelling Communities shall be not less than 30 acres.
5. Manufactured Dwelling Units may be placed upon a lot that has a Lot Area of not less than 7,200 square feet, in any established Manufactured Dwelling Community. Each Manufactured Dwelling Unit parcel shall front only upon an interior community roadway and have a minimum width of 60 feet. An iron stake shall be located and maintained by the Manufactured Dwelling Unit Community owner and shall be placed at each corner of each Manufactured Dwelling Unit parcel.
6. Minimum front setbacks, for Manufactured Dwelling Units, from the travel lane of an interior community roadway shall be twenty (20) feet; minimum side setbacks shall five (5) feet on one side, with a minimum total of twenty (20) feet on both sides of the lot; and minimum rear setbacks shall be ten (10) feet. In no instance shall adjacent parcels have Manufactured Dwelling Units located closer than ten (10) feet to the common property line.
7. The minimum setback of every Manufactured Dwelling, building or other accessory structure on an approved parcel located within a Manufactured Dwelling Community, from the nearest public street line shall be seventy (70) feet; and from every other parcel line of the Manufactured Dwelling Community, from an adjacent parcel or property line, shall be forty (40) feet.
8. Not more than one (1) Manufactured Dwelling Unit shall be located on any one Manufactured Dwelling parcel. Every Manufactured Dwelling Unit within a Manufactured Dwelling Community shall be located on a Manufactured Dwelling parcel.
9. At least one (1) community service building shall be constructed within each Manufactured Dwelling Community. Said service building, shall be adequate to provide for storage of all equipment, tools and materials necessary for the maintenance of the community, and all such equipment, tools and materials shall be stored within said building when they are not in use.
10. All Manufactured Dwelling Unit parcels shall be provided with a concrete sidewalk at least three feet wide extending from the parcel's designated parking area to the main door of the Manufactured Dwelling Unit, a patio, or base of the steps to the deck that provides access to the Manufactured Dwelling Unit. Such walkway shall not be used as a parking space. No portion of the Manufactured Dwelling Unit shall be located upon any such patio.
11. Each Manufactured Dwelling Unit parcel shall have not less than two (2) off-street parking spaces.
12. No boats, campers, travel trailers, recreational vehicles, off-road vehicles or unregistered and unlicensed motor vehicles shall be parked or stored at any place within a Manufactured Dwelling Community except in areas designated for such storage as part of the Planning Board's final site plan approval.
13. Every roadway within a Manufactured Dwelling Community shall have a minimum pavement width of 22 feet and a minimum right-of-way width of 50 feet. If cul-de-sacs exist, they shall have a minimum radius of 70 feet.
14. A complete water distribution system approved by the New York State Health Department and the Town Water Superintendent, including a water service pipe for each Manufactured Dwelling Unit parcel and appropriately spaced fire hydrants, shall be installed, and maintained along the Community's interior roads.
15. A public sanitary sewage disposal system approved by the New York State Health Department and other appropriate agencies shall be installed, including a sewer connection for each Manufactured Dwelling Unit parcel.
16. Every roadway and water distribution and sewer disposal system to be constructed within a Manufactured Dwelling Community shall conform to the requirements and specifications set forth in Chapter 144, Subdivision of Land, as amended, of the Code of the Town of Farmington and shall conform with the latest adopted edition of the Town of Farmington Site Design and Development Criteria.

17. An adequate storm water drainage system shall be installed and maintained in accordance with the adopted Town of Farmington's Stormwater Management Program Plan (SWMP); and Chapter 138 of the Farmington Town Code.
18. All public utilities, electric, gas, cable television and telephone lines for the Manufactured Dwelling Community shall be installed underground.
19. Appropriate streetlighting shall be installed on interior roadways, with the minimum number of lights being one at each intersection of interior roadways with each other or with abutting public roads and spaced apart at least every two hundred (200) feet where such intersections are more than two hundred (200) feet apart.
20. Pedestrian walkways shall be part of any site plan and provided along at least one side of all interior community roadways, having a sidewalk width of approximately four (4) feet. All walkways are to be delineated.
21. A Pedestrian Access Easement extending across the entire frontage of a Manufactured Dwelling Community site, which is adjacent to any public road, shall be provided to the town-for the purpose of constructing and maintaining a public sidewalk.
 - A. The property owner, at the time of application for a Manufactured Dwelling Community Operating Permit from the Town Board, will be responsible for the installation of all sidewalks located along the frontage portion of the proposed site; and
 - B. As part of any renewal of an Annual Operating Permit from the Code Enforcement Officer, a pedestrian access easement shall be filed with the County Clerk's Office and copy thereof provided to the Town Clerk's Office within a three (3) month calendar of the date of renewal of the Annual Operating Permit.
22. A landscape plan for the Manufactured Dwelling Community shall be prepared and approved by the Planning Board as part of any Final Site Plan. Said plan is to be planted and maintained by the Manufactured Dwelling Community owner. Said landscape plan will include screening of any approved community service buildings and/or storage areas.
23. No Manufactured Dwelling Unit shall be located on a Manufactured Dwelling Unit parcel until the roadways, sanitary sewage disposal system, water supply system, storm drainage system, landscaping and sidewalks serving said Manufactured Dwelling Unit parcel have been installed in accordance with the approved site plan for the Manufactured Dwelling Community.
24. Each roadway name, located within a Manufactured Dwelling Community, shall be approved by Ontario County 911 Office; and noted upon street signs at each community roadway intersection. Each Manufactured Dwelling Unit parcel shall be assigned a permanent number, made of reflective material, which shall be displayed on the front of the Manufactured Dwelling Unit and in a location clearly visible from the roadway. The address identification numbers shall be at least four (4) inches in height. The numbering of the parcels shall be sequential, and the community roadway signs at each roadway intersection shall prominently display the location and direction of parcel numbers. The community roadways shall also be signed and marked in accordance with the requirements of the Uniform Manual of Traffic Control Devices of the State of New York.
25. All fuel heating tanks within a Manufactured Dwelling Community, shall be installed in accordance with the latest National Fire Protection Association (NFPA) standards.
26. Every Manufactured Dwelling Community shall have a recreational area for use by the occupants of the Manufactured Dwelling Community. Such area shall be as centrally located to complement the site's topography and the design of the overall Manufactured Dwelling Community site. Such area shall not be less than ten thousand (10,000) square feet; or less than one thousand (1,000) square feet, in area whichever is greater, per the number of approved Manufactured Dwelling Units located within the Manufactured Dwelling Community site.
27. The Manufactured Dwelling Community owner shall provide for the regular collection and disposal of garbage, trash, and rubbish from each approved Manufactured Dwelling Unit parcel.
28. Not more than one (1) accessory building shall be permitted to be placed upon any Manufactured Dwelling Unit parcel. Such accessory building shall comply with the requirements within § 165-58. of the Town of Farmington Code.
29. Each Manufactured Dwelling Unit shall be enclosed at the bottom with either a metal, wood or vinyl skirt or enclosure within thirty (30) days after the placement of the Manufactured Dwelling Unit on the parcel.
30. No enclosure or addition having a ground area greater than 50% of the ground area of the Manufactured Dwelling Unit shall be constructed on or added or attached to the exterior of any Manufactured Dwelling Unit. Any enclosure or addition shall have a concrete floor or other suitable floor on a concrete base. Such enclosure shall be constructed of wood or metal frame and siding and shall be portable as a unit or in sections. The foregoing provisions of this subsection shall not apply to carports. A building permit must be

obtained from the Code Enforcement Officer prior to construction of any such enclosure or addition, and the application therefor must show a detailed plan of the proposed construction, showing compliance with the terms of this Chapter. Such structure must be completed, and a Certificate of Compliance (C of C)

issued by the Town within twelve (12) months of the date of issuance of such building permit, or the structure shall be removed from the Manufactured Dwelling Unit parcel.

31. No Manufactured Dwelling Unit shall be offered for sale, displayed for sale or sold within a Manufactured Dwelling Community unless such Manufactured Dwelling Unit is located upon an approved Manufactured Dwelling Unit parcel; and at the time of sale offering, connected to an approved electric public utility and to a public sewer and public water supply.
32. All Manufactured Dwelling Units shall be anchored in a manner acceptable to the Town Code Enforcement Officer prior to occupancy of the dwelling unit.

§ 165-76. B. Register of occupants and units. The owner of every Manufactured Dwelling Community shall keep a record of the occupants and the Manufactured Dwellings Units located within the Community. A copy of such register shall be made available to the Zoning and/or Code enforcement Officer upon their request. Such records shall contain the following:

1. The name of each occupant and the parcel address of each Manufactured Dwelling Unit located within the Manufactured Dwelling Community.
2. The make, model, year, and serial number of each Manufactured Dwelling Unit located within the Manufactured Dwelling Community.

§ 165-76. C. Sale of parcels.

Any sale of a Manufactured Dwelling Unit parcel, or the combining of approved parcels within a Manufactured Dwelling Community, other than those parcels as shown on the approved final site plan of such Community, shall thereupon immediately invalidate the operating permit for such Community approved by the Town Board. Any use of any of the parcels within the Manufactured Dwelling Community other than as a Manufactured Dwelling Community shall thereupon immediately invalidate the permit of such community approved by the Town Board.

§ 165-76. D. Applicability of Manufactured Dwelling Community.

This Section of the Farmington Town Code shall also apply to all property's previously referred to as "Trailer Homes", "Trailer Home Parks", "Trailers" or "Mobile Home Parks."

Section 4. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION #168-2021:

Councilman Herendeen offered the following Resolution, seconded by **Councilman Holtz**:

A RESOLUTION ADOPTING THE ACTION "LOCAL LAW NO. 11 OF 2021, A LOCAL LAW TO AMEND CHAPTER 5, APPEARANCE TICKETS, OF THE FARMINGTON TOWN CODE."

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) by Resolution No. 137 of 2021, dated March 23, 2021 accepted the final draft of the above referenced Local Law (Local Law No. 11 of 2021); and directed the scheduling of tonight's public hearing upon the above referenced adoption; and

WHEREAS, the Town Clerk has published and posted the legal notice for tonight's public hearing in accordance with the Town's adopted Open Meetings Law provisions of New York State Town Law; and

WHEREAS, the Town Board has conducted a public hearing on the proposed amendments to Chapter 5, of the Farmington Town Code; and

WHEREAS, the Town Board reviewed the list of Type II Actions contained in Section 617.5 of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Town Board has given consideration to the public hearing record held upon the proposed amendments contained within the Final Draft of Local Law No. 11 of 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby determine the Action to adopt Local Law No. 11 of 2021 to be a Type II Action as defined within Section 617.5 (26) and (33), thereby satisfying the procedural requirements of the SEQR Regulations.

BE IT FURTHER RESOLVED, that the Town Board does hereby adopt in its entirety the above referenced Final Draft Local Law (Local Law No. 11 of 2021) dated March 23, 2021.

BE IT FINALLY RESOLVED, that the Town Clerk is to provide a Certified Copies of this resolution and the adopted Local Law to the New York State Secretary of State for filing in that Office.

BE IT FURTHER RESOLVED, that the Town Clerk upon receipt from the State Secretary of State Office is to submit a copy of the filed local law to General Code Publishers requesting Chapter 5 be amended and that copies thereof be provided to the Town for inserting in the Town Code Book.

BE IT FINALLY RESOLVED, that copies of this resolution be provided to: the Town Code Enforcement Officer; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers, MRB Group, Lance Brabant, CPESC; and the Town Director of Planning and Development.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

Local Law No. 11 of the year 2021

“Amendments to Part I, Administrative Legislation, Chapter 5, Appearance Tickets, of the Farmington Town Code.”

Be it enacted by the **Town Board**

~~County~~
~~City~~
Town of Farmington
~~Village~~

as follows:

Section 1. Part I, Chapter 5 of the Town of Farmington Code, entitled Appearance Tickets, Section 5-1, is hereby deleted in its’ entirety and is hereby replaced in its’ entirety as follows:

§ 5-1 Authorization to issue and serve.

The Code Enforcement Officer (CEO), Assistant CEOs, Fire Marshall, Zoning Officer, and any State or Local Law Enforcement Officer are hereby authorized to issue and serve upon a person an appearance ticket when the they have reasonable cause to believe that such person has committed a violation of any provisions of any Chapter of the Town of Farmington Town Code in the presence of such CEO, Assistant CEOs, Fire Marshall, Zoning Officer, or any State or Local Law Enforcement Officer.

Section 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION #169-2021:

Councilman Holtz offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION ADOPTING THE ACTION “LOCAL LAW NO. 12 OF 2021, A LOCAL LAW TO AMEND CHAPTER 165, ARTICLE II, TERMINOLOGY, SECTION 165-10, DEFINITIONS, OF THE FARMINGTON TOWN CODE.”

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) by Resolution No. 137 of 2021, dated March 23, 2021 accepted the final draft of the above referenced Local Law (Local Law No. 12 of 2021); and directed the scheduling of tonight’s public hearing upon the above referenced adoption; and

WHEREAS, the Town Clerk has published and posted the legal notice for tonight’s public hearing in accordance with the Town’s adopted Open Meetings Law provisions of New York State Town Law; and

WHEREAS, the Town Board has conducted a public hearing on the proposed amendments to Chapter 165, Article II, Terminology, Section 165-10, Definitions, of the Farmington Town Code; and

WHEREAS, the Town Board reviewed the list of Type II Actions contained in Section 617.5 of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Town Board has given consideration to the public hearing record held upon the proposed amendments contained within the Final Draft of Local Law No. 12 of 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby determine the Action to adopt Local Law No. 12 of 2021 to be a Type II Action as defined within Section 617.5 (26) and (33), thereby satisfying the procedural requirements of the SEQR Regulations.

BE IT FURTHER RESOLVED, that the Town Board does hereby adopt in its entirety the above referenced Final Draft Local Law (Local Law No. 12 of 2021) dated March 23, 2021.

BE IT FINALLY RESOLVED, that the Town Clerk is to provide a Certified Copies of this resolution and the adopted Local Law to the New York State Secretary of State for filing in that Office.

BE IT FURTHER RESOLVED, that the Town Clerk upon receipt from the State Secretary of State Office is to submit a copy of the filed local law to General Code Publishers requesting Chapter 5 be amended and that copies thereof be provided to the Town for inserting in the Town Code Book.

BE IT FINALLY RESOLVED, that copies of this resolution be provided to: the Town Code Enforcement Officer; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers, MRB Group, Lance Brabant, CPESC; and the Town Director of Planning and Development.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

Local Law No. 12 of the year 2021

"Amendments to Part II, General Legislation, Chapter 165, Article II, Terminology, Section 165-10, Definitions, of the Farmington Town Code."

Be it enacted by the **Town Board**

Town of Farmington
as follows:

Section 1. Title. Article II, Chapter 165 of the Town of Farmington Code, entitled Terminology § 165-10, Definitions, are hereby amended as follows:

§ 165-10. Definitions.

The following definition of terms is hereby added to § 165-10, Definitions, and shall be inserted in alphabetical order thereby amending the list of all definitions in this Section:

ANIMAL, DOMESTIC – an animal kept primarily for a person's company or entertainment, examples include but are not limited to: Dog, Cat, Rabbit, Guinea Pig, Hamster, Goldfish; and excludes all farm animals.

ANIMAL, FARM – animals raised as part of an agricultural activity to produce commodities such as meat, eggs, milk, fur, leather and wool. Examples include but are not limited to horses, cattle, swine, poultry, sheep, goats and excludes all domestic animals.

CARPORT – a shelter for vehicles or personal storage with a roof and one or more open sides, that can be built against the side of a dwelling, or free standing on a parcel of land.

LONG TERM PARKING – consists of a space adequate for parking vehicles for a period of time longer than seven (7) consecutive days which is located on the same lot to which it is related.

OFF-ROAD VEHICLE- any motorized vehicle designed for, or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

OFF-SEASON – a time of year when a particular activity is not engaged in.

PARK – any parcel of land owned or used by the Town of Farmington, designated as park land by the Town Board and devoted to active or passive recreation under the jurisdiction of the Town of Farmington Parks Department and/or administered by the Town Recreation Advisory Board.

PERMIT, RECREATION – any written authorization issued by or under the authority of the Town Board or the Town Clerk, permitting the performance of a specified act or acts or the conduct of a particular function, program or activity, on town owned land park land, trails or conservation area.

SIGN – any structure, part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, logo, or other representation used as, or in the nature of an announcement, advertisement, direction or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land, or on any building; provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants or premises or other identification of premises not having commercial connotations.
- B. Flags and insignia of any government except when displayed in connection with a commercial promotion.
- C. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter. (2)

SIGN, TEMPORARY POLITICAL – any sign which advocates or suggests to the reader that they vote for or against, endorse, or not endorse, contribute or not contribute to, or otherwise support or refrain from supporting in any way, any proposition to be voted upon by the public or any individual seeking election or appointment to a particular position or office. The term shall also include any sign which declares or affirms support or endorsement for any proposition to be voted on by the public or individual seeking election or appointment to a particular position or office. Temporary Political signs may be placed on a parcel of land up to 30 days prior to a scheduled election and shall be removed within 48 hours after said election.

VEHICLE – any vehicle propelled by power other than muscular power.

VIOLATION – any violation of the rules and regulations provided in this Chapter of the Town of Farmington Town Code shall be deemed a violation as defined elsewhere in the New York State Penal Law.

Section 2. Article II, Chapter 165 of the Town of Farmington Code, entitled Terminology, § 165-10, Definitions, is hereby amended by deleting one (1) of the definitions of the term SIGN.

§ 165-10. Definitions.

This section of the Town of Farmington Town Code is hereby amended by deleting from the definition of the term SIGN, item F. which reads in total as follows:

- A. Temporary signs announcing a campaign, drive or event of a governmental, political, civic, philanthropic, educational or religious nature.

Section 3. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 4. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION #170-2021:

Councilman Holtz offered the following Resolution, seconded by **Councilman Herendeen**:

RESOLUTION ADOPTING THE ACTION “LOCAL LAW NO. 13 OF 2021, A LOCAL LAW TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 74, CONSTRUCTION CODES, UNIFORM OF THE FARMINGTON TOWN CODE.”

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) by Resolution No. 137 of 2021, dated March 23, 2021 accepted the final draft of the above referenced Local Law (Local Law No. 13 of 2021); and directed the scheduling of tonight’s public hearing upon the above referenced adoption; and

WHEREAS, the Town Clerk has published and posted the legal notice for tonight’s public hearing in accordance with the Town’s adopted Open Meetings Law provisions of New York State Town Law; and

WHEREAS, the Town Board has conducted a public hearing on the proposed amendments to Part II, General Legislation, Chapter 74, Construction Codes, Uniform of the Farmington Town Code; and

WHEREAS, the Town Board reviewed the list of Type II Actions contained in Section 617.5 of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Town Board has given consideration to the public hearing record held upon the proposed amendments contained within the Final Draft of Local Law No. 13 of 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby determine the Action to adopt Local Law No. 13 of 2021 to be a Type II Action as defined within Section 617.5 (26) and (33), thereby satisfying the procedural requirements of the SEQR Regulations.

BE IT FURTHER RESOLVED, that the Town Board does hereby adopt in its entirety the above referenced Final Draft Local Law (Local Law No. 13 of 2021) dated March 23, 2021.

BE IT FINALLY RESOLVED, that the Town Clerk is to provide a Certified Copies of this resolution and the adopted Local Law to the New York State Secretary of State for filing in that Office.

BE IT FURTHER RESOLVED, that the Town Clerk upon receipt from the State Secretary of State Office is to submit a copy of the filed local law to General Code Publishers requesting Chapter 74 be amended and that copies thereof be provided to the Town for inserting in the Town Code Book.

BE IT FINALLY RESOLVED, that copies of this resolution be provided to: the Town Code Enforcement Officer; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers, MRB Group, Lance Brabant, CPESC; and the Town Director of Planning and Development.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

Local Law No. 13 of the year 2021

"Amendments to Part II, General Legislation, Chapter 74, Construction Codes, Uniform of the Farmington Town Code."

Be it enacted by the **Town Board**

Town of Farmington
as follows:

Section 1. Title. Part II, General Legislation, Chapter 74, Construction Codes, Uniform of the Town of Farmington Code, is hereby amended as follows:

§ 74-1. Code Enforcement Officer.

Section 74-1 of Chapter 74 is hereby deleted in its entirety and is hereby adopted in its' entirety to read as follows:

§ 74-1. Code Enforcement Officer.

A. The office of Code Enforcement Officer (CEO) is hereby created. The CEO shall administer and enforce all provisions of the International Code, State Uniform Code, the State Energy Code, State Code Supplement, Part 1203 of Title 19 of the NYCRR, Town Code, Town Site Design and Development Criteria, and this chapter. The CEO shall have the following powers and duties:

- (1.) To receive, review and approve or disapprove applications for building permits, certificates of compliance, certificates of occupancy, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications; and
- (2.) Upon approval of such applications, to issue building permits, certificates of compliance, certificates of occupancy, temporary certificates and operating permits, and to include such terms and conditions as the CEO may determine to be appropriate; and
- (3.) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy or certificates of compliance, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter:
 - a. To issue stop-work orders;
 - b. To review and investigate complaints;
 - c. To issue orders pursuant to § 74-13A of this chapter; (Violations; penalties for offenses);
 - d. To maintain records;
 - e. To calculate fees as set by the Town Board and that are collected by the Town Clerk's Office;
 - f. To pursue administrative enforcement actions and proceedings;
 - g. To pursue such legal actions and proceedings, in consultation with the Town Attorney, as may be necessary to enforce the Uniform Code, the Energy Code and the Code of the Town of Farmington, or to abate or correct conditions not in compliance with these codes;
 - h. To exercise all other powers and fulfill all other duties conferred upon the CEO by this chapter; and

- i. To issue appearance tickets.
- B. The CEO shall be appointed by the Town Board. The CEO shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced training and continued education and training to maintain certification as the State of New York shall require for code enforcement personnel, and the CEO shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder. The CEO may fulfill the description of the duties and responsibilities of the Town Fire Marshal, Building Inspector, and Zoning Officer as may be further defined in any chapter of the Town Code.
- C. In the event that the CEO is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting CEO shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the CEO by this chapter.
- D. One or more Assistant Code Enforcement Officers may be appointed by the Town Board to act under the supervision and direction of the CEO and to assist the CEO in the exercise of the powers and fulfillment of the duties conferred upon the CEO by this chapter. Each Assistant CEO shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Assistant CEO shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- E. A Fire Marshal may be appointed by the Town Board to act under the supervision and direction of the CEO and to assist the CEO in the exercise of the powers and fulfillment of the duties conferred upon the CEO by this chapter. The Fire Marshal shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require, and shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- F. A Zoning Officer may be appointed by the Town Board to act under the supervision and direction of the CEO and to assist the CEO in the exercise of the powers and fulfillment of the duties conferred upon the CEO by this chapter. The Zoning Officer, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require, and shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- G. The compensation for the CEO, Assistant CEOs, Fire Marshal, and Zoning Officer shall be fixed from time to time by the Town Board.

§ 74-2. Building Permits.

Section 74-2 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-2. Building Permits.

- A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the CEO.
- B. Exemptions. No building permit shall be required for work in any of the following categories:
 - (1.) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (2.) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - (3.) Construction of landscaping retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - (4.) Construction of temporary motion picture, television and theater stage sets and scenery;
 - (5.) Installation of window awnings supported by an exterior wall of a one- or two- family dwelling or multiple single-family dwellings (townhouses);
 - (6.) Installation of partitions or movable cases less than five feet nine inches in height;

- (7.) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (8.) Installation of replacement listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (9.) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (10.) Repairs, provided that such repairs do not involve:
 - a. The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
 - b. The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - c. The enlargement, alteration, replacement or relocation of any building system; or
 - d. The removal from service of all or part of a fire protection system for any period of time.
- C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- D. Applications for building permits. Applications for a building permit shall be made in writing or online, on a form provided by, or otherwise acceptable to, the CEO. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the CEO deems sufficient to permit a determination by the CEO that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include, or be accompanied by, the following information and documentation:
- (1.) Applicant Name, phone number, email address, and home or business address;
 - (2.) A description of the proposed work;
 - (3.) Proof of ownership of the premises where the work is to be performed;
 - (4.) The Tax Map number and the street address of the premises where the work is to be performed;
 - (5.) The occupancy classification of any affected building or structure;
 - (6.) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (7.) One set of construction documents (drawings and/or specifications) Hard copy or PDF which:
 - a. Define the scope of the proposed work;
 - b. Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - c. Indicate, with sufficient clarity and detail, the nature and extent of the work proposed;
 - d. Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
 - e. Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or on-site wastewater treatment system, the location of the intended work and the distances between the buildings and structures and the lot lines.
 - (8.) Provide proof of compliance with New York State Workers Compensation Law.
- E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in of Subsection D. (5) above in this section. Construction documents that are accepted, as part of the application for a building permit, shall be marked as accepted by the CEO in writing or by stamp. A set of the accepted construction documents shall be retained by the CEO, accepted of construction documents shall

not be construed as authorization to commence work, or as an indication that a building permit will be issued. Work shall not begin until, and unless, a building permit is issued.

- F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and the Town Code. The CEO shall issue a building permit only if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and the Town Code.
- G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents that were submitted with, and accepted as part of, the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the CEO of any change occurring during the course of the work. The building permit shall contain such a directive. If the CEO determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
- I. Time limits. Building permits shall become invalid unless the authorized work is commenced within 12 months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit that has become invalid or has expired pursuant to this subsection may be replaced upon application by the permit holder, payment of the applicable fee, and approval of the new application by the CEO.
- J. Work Hours. Daily Hours of work on all projects located within the Town of Farmington are limited to the following days and times:
 - (1.) Weekdays from 7:00 am to 7:00 pm.
 - (2.) Saturdays from 7:00 am to 6:00 pm
 - (3.) Sundays – No work is permitted.
 - (4.) Work may be permitted on Federal Holidays as specified in the latest adopted version of the Town of Farmington Site Design and Development Criteria provided farther that said work does not require an inspection by Town Staff
- K. Revocation or suspension of building permits. If the CEO determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violated the Uniform Code, the Energy Code, or the Town Code, the CEO shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that:
 - (1.) All work then completed is in compliance with all applicable provisions of the Uniform Code, the Energy Code and the Town Code; and
 - (2.) All work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Energy Code and the Town Code.
- L. Fee. The fee specified in or determined in accordance with the provisions set forth in § 74-14 (Fees) of this chapter must be paid at the time of pickup of an building permit, for an amended building permit, or for renewal of a building permit.

§ 74-3. Construction inspections.

Section 74-3 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-3. Construction inspections.

- A. Work to remain accessible and exposed. All work shall remain accessible and exposed until inspected and accepted by the CEO. The permit holder shall notify the CEO when any element of work described in Subsection C below is ready for inspection. Said notification shall be no less than 24 hours in advance of a scheduled inspection.
- B. Inspection and re-inspections. When the permit holder or its designee has notified the CEO that any element of work described in Subsection C below is ready for inspection and the CEO finds that the element of work is not ready for inspection, another inspection must be rescheduled with the CEO. Any time after the first failed inspection of any of the elements listed in Subsection C below occurs, then a reinspection fee may be charged for each subsequent failed inspection before either a certificate of occupancy or a certificate of compliance is issued by the CEO. The fees for reinspection shall be established by the Town Board in the Town's Fee Schedule and may be amended from time to time.

- C. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1.) Work site prior to the issuance of a building permit;
 - (2.) Footing and foundation, including drainage requirements;
 - (3.) Preparation for concrete slab;
 - (4.) Framing;
 - (5.) Building systems, including underground and rough-in;
 - (6.) Fire-resistant construction;
 - (7.) Fire-resistant penetrations;
 - (8.) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
 - (9.) Energy Code compliance;
 - (10.) Town Code compliance; and
 - (11.) A final inspection within 10 business days after all work authorized by the Building Department has been completed.
- D. Inspection results. After inspection, the work, or a portion thereof, shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code, the Energy Code, or the Town Code. Work not in compliance with any applicable provisions of the Uniform Code, the Energy Code, or the Town Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code, or the Town Code, re-inspected and found satisfactory as completed.

§ 74-4. Stop-work Orders.

Section 74-4 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-4. Stop-work Orders.

- A. Authority to issue. The CEO is authorized to issue stop-work orders pursuant to this section. The CEO may issue a stop-work order to halt:
- (1.) Any work that is determined by the CEO to be contrary to any applicable provision of the Uniform Code, the Energy Code or the Town Code without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
 - (2.) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the CEO, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
 - (3.) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of stop-work order. A stop-work order shall:
- (1.) Be in writing on forms prescribed by the CEO;
 - (2.) Be dated and signed by the CEO;
 - (3.) State the reason or reasons for issuance; and
 - (4.) If applicable, state the conditions that must be satisfied before work will be permitted to resume.
- C. Service of stop-work orders. The CEO shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally, or by registered mail. The CEO shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any person taking part or assisting in work affected by the stop-work order personally or by registered mail; provided, however, that failure to serve any person mentioned in this section shall not affect the efficacy of the stop-work order.
- D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work that is the subject of the stop-work order.
- E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue

a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 74-13 (Violations; penalties for offenses) of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 74-5. Certificates of occupancy/certificates of compliance.

Section 74-5 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-5. Certificates of occupancy/certificates of compliance.

- A. Certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.

- B. Issuance of certificates of occupancy/certificates of compliance. The CEO shall issue a certificate of occupancy/certificate of compliance if the work that was the subject of the building permit issued was completed in accordance with all applicable provisions of the Uniform Code, the Energy Code and the Town Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code, the Energy Code and the Town Code. The CEO or an Assistant CEO shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code, the Energy Code and the Town Code, by such person or persons as may be designated by or otherwise acceptable to the CEO, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to the CEO prior to the issuance of the certificate of occupancy/certificate of compliance:
 - (1.) A written statement of structural observation and/or a final report of special inspections; and
 - (2.) Flood hazard certifications.

- C. Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:
 - (1.) The building permit number, if any;
 - (2.) The date of issuance of the building permit, if any;
 - (3.) The name, address and Tax Map number of the property;
 - (4.) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;
 - (5.) The use and occupancy classification of the structure;
 - (6.) The type of construction of the structure;
 - (7.) The assembly occupant load of the structure, if any;
 - (8.) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9.) Any special conditions imposed in connection with the issuance of the building permit; and
 - (10.) The signature of the CEO issuing the certificate of occupancy/certificate of compliance and the date of issuance.

- D. Temporary certificate. The CEO shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work that is the subject of a building permit. However, in no event shall the CEO issue a temporary certificate unless the CEO determines:
 - (1.) That the building or structure, or the portion thereof covered by the temporary certificate may be occupied safely;
 - (2.) That any fire- and smoke-detecting or fire protection equipment which has been installed is operational; and
 - (3.) That all required means of egress from the building or structure have been provided.
 - (4.) The CEO may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of

the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the CEO and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, the Energy Code and the Town Code.

- E. Revocation or suspension of certificates. If the CEO determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the CEO within such period of time as shall be specified by the CEO, the CEO shall revoke or suspend such certificate.

§ 74-6. Notification regarding fire or explosion.

Section 74-6 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-6. Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property located within the Town of Farmington shall promptly notify the CEO and/or Fire Marshall of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent, and fire or suppression safety equipment.

§ 74-7. Unsafe buildings and structures.

Section 74-7 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-7. Unsafe buildings and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 2 of 1981, and more commonly known as Chapter 68, Buildings, Unsafe, of the Code of the Town of Farmington as now in effect or as hereinafter amended from time to time.

§ 74-8. Operating Permits.

Section 74-8 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-8. Operating Permits.

- A. Operating permits required. Any person who proposes to undertake any activity or to operate any type of building listed in this subsection shall be required to obtain an operating permit prior to commencing such activity or operation. Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
 - (1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1 (4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR, 1225.1;
 - (2) Hazardous processes and activities, including, but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening and waste handling;
 - (3) Use of pyrotechnic devices in assembly occupancies;
 - (4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
 - (5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board.
- B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by, or otherwise acceptable to, the CEO. Such application shall include

information as the CEO deems sufficient to permit a determination by the CEO that quantities, materials and activities conform to the requirements of the Uniform Code. If the CEO determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the CEO, at the expense of the applicant.

- C. Inspections. The Fire Marshal, Zoning Officer, CEO or Assistant CEO shall inspect the subject premises prior to the issuance of an operating permit.
- D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A above herein is to be conducted at a location, the CEO may require a separate operating permit for each such activity, or the CEO may, in his or her discretion, issue a single operating permit to apply to all such activities.
- E. Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the CEO to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the CEO, payment of the applicable fee and approval of such application by the CEO.
- F. Revocation or suspension of operating permits. If the CEO determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 74-14 of this chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 74-9. Fire safety and property maintenance.

Section 74-9 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-9. Fire safety and property maintenance.

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Fire Marshall, CEO or an Assistant CEO at the following intervals:
 - (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 calendar months;
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 calendar months;
 - (3) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2) above herein, and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) of this section, shall be performed at least once every 24 calendar months.
- (4) Inspections permitted. In addition to the inspections required by Subsection A above herein, a fire safety and property maintenance inspection of any building, structure, use or occupancy of any dwelling unit may also be performed by the Fire Marshall and/or CEO at any time upon:
 - (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) receipt by the CEO of a written statement alleging that conditions or activities failing to comply with the Uniform Code, the Energy Code or the Town Code exist; or
 - (3) receipt by the CEO of any other information reasonably believed by the CEO to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code, the Energy Code or the Town Code exist; provided further, however, that nothing in this section shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- (5) New York State Office of Fire Prevention and Control (OFPC) inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties

and responsibilities of the OFPC and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b, notwithstanding any other provision of this section to the contrary.

B. Upon completing a fire prevention and safety inspection, the Town of Farmington Fire Marshall or Code Enforcement Officer shall serve, by first class mail, or email a written invoice for the inspection fee upon the owner of the property inspected and, if the property is not owner-occupied, the occupant or any person having the control of any such property. If the owner does not occupy the subject property, the owner shall be so served at the current address on file in the Town of Farmington Assessor's Office.

C. Fee. The fee specified in, or determined in accordance with, the provisions set forth in § 74-14 of this chapter must be paid prior to issuance of the fire and safety inspection report. This section shall not apply to inspections performed by OFPC. In the event the Town Clerk does not receive full payment of the inspection fee within 30 days of the date such invoice is mailed, the inspection fee, or balance thereof, plus a service charge of 50% of the unpaid balance, may be added to cover the cost of supervision and administration by the CEO and Town Supervisor. Said fee shall be charged and assessed against the owner, tenant or occupant of the property that was the subject to the inspection. The inspection fee and service charge, so assessed, shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected in the same manner, and at the same time, as other Town taxes and charges.

§ 74-10. Complaints.

Section 74-10 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-10. Complaints.

The Town Zoning Officer, Fire Marshall and/or CEO shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code, the Energy Code or the Town Code. The process for responding to a complaint shall include such of the following steps as the CEO may deem to be appropriate:

- A. Performing an inspection of the conditions and/or activities alleged to be in violation and documenting the results of such inspection.
- B. If a violation is found to exist, providing the owner of the affected property, and any other person who may be responsible for the violation, with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 74-13 of this chapter;
- C. If appropriate, issuing a stop-work order; and
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 74-11. Record keeping.

Section 74-11 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-11. Record keeping.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
 - (1) All applications received, reviewed and approved or denied;
 - (2) All plans, specifications and construction documents approved;
 - (3) All building permits, certificates of occupancy/certificates of compliance, temporary certificates, stop-work orders and operating permits issued;
 - (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted;
 - (8) All other features and activities specified in or contemplated by §§ 74- 4 through 74-9, inclusive, of this chapter; and
 - (9) All fees charged and collected.

- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 74-12. Program review and reporting.

Section 74-12 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-12. Program review and reporting.

A. The CEO shall annually submit to the Town Board a written report and summary of all business conducted by the CEO, including a report and summary of all transactions and activities described in § 74-11 (Record keeping) of this Chapter and a report and summary of all appeals or litigation pending or concluded.

B. The CEO shall annually submit to the Secretary of State, on behalf of the Town of Farmington, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code and the Energy Code.

C. The CEO shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of activities of this Town in connection with administration and enforcement of the Uniform Code and the Energy Code.

§ 74-13. Violations; penalties for offenses.

Section 74-13 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-13. Violations; penalties for offenses.

A. Compliance orders. The CEO, Fire Marshall, or Zoning Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure or premises in violation of the Uniform Code, the Energy Code, the Town Code or this chapter. Upon finding that any such condition or activity exists, the CEO, Fire Marshall or Zoning Officer shall issue a compliance order. The compliance order shall:

- (1) Be in writing;
- (2) Be dated and signed by the CEO, Fire Marshall or Zoning Officer.
- (3) Specify the condition or activity that violates the Uniform Code, the Energy Code and the Town Code;
- (4) Specify the provision or provisions of the Uniform Code, the Energy Code or the Town Code which is/are violated by the specific condition(s) or activity(ies);
- (5) Specify the period of time which the CEO deems to be reasonably necessary for achieving compliance;
- (6) Direct that compliance be achieved within the specified period of time; and
- (7) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The CEO shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail. The CEO shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

B. Appearance tickets. The CEO, Assistant CEOs, Fire Marshall, and Zoning Officer are authorized to issue appearance tickets for any violation of the Uniform Code or the Town Code.

C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or the Town Code, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the CEO pursuant to any provision

of this chapter, shall be liable to a civil penalty, or not more than \$200, for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in an action instituted in the name of the Town of Farmington.

- D. Injunctive relief. An action or proceeding may be instituted in the name of the Town of Farmington, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code or the Town Code, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order or other order obtained under the Uniform Code, the Energy Code or the Town Code, an action or proceeding may be commenced in the name of the Town of Farmington, in the Supreme Court, or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure, or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board.
- E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 74-4 (Stop-work orders) of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 74-4 (Stop-work orders) of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for, or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

§ 74-14. Fees

Section 74-14 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-14. Fees.

A fee schedule shall be established by resolution of the Town Board. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, re-inspections of construction, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, fire, safety and property maintenance inspections, and other actions of the CEO described in or contemplated by this chapter.

§ 74-15. Intermunicipal agreements.

Section 74-15 of Chapter 74 is hereby deleted in its entirety and is hereby replaced in its' entirety to read as follows:

§ 74-15. Intermunicipal agreements.

The Town Board may, by resolution, authorize the Town Supervisor to enter into an agreement, in the name of the Town of Farmington, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, the Town Code or any other applicable law.

Section 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION 171-2021:

Councilman Herendeen offered the following Resolution, seconded by **Councilman Holtz**:

RESOLUTION ADOPTING THE ACTION "LOCAL LAW NO. 14 OF 2021, A LOCAL LAW TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 90, ILLICIT DISCHARGES AND CONNECTIONS TO STORM SEWERS, OF THE FARMINGTON TOWN CODE."

WHEREAS, the Town of Farmington Town Board (hereinafter referred to as Town Board) by Resolution No. 137 of 2021, dated March 23, 2021 accepted the final draft of the above referenced Local Law (Local Law No. 14 of 2021); and directed the scheduling of tonight’s public hearing upon the above referenced adoption; and

WHEREAS, the Town Clerk has published and posted the legal notice for tonight’s public hearing in accordance with the Town’s adopted Open Meetings Law provisions of New York State Town Law; and

WHEREAS, the Town Board has conducted a public hearing on the proposed amendments to Part II, General Legislation, Chapter 90, Illicit Discharges and Connections to Storm Sewers, of the Farmington Town Code; and

WHEREAS, the Town Board reviewed the list of Type II Actions contained in Section 617.5 of the State Environmental Quality Review (SEQR) Regulations, a part of article 8 of the New York State Environmental Conservation Law; and

WHEREAS, the Town Board has given consideration to the public hearing record held upon the proposed amendments contained within the Final Draft of Local Law No. 14 of 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby determine the Action to adopt Local Law No. 14 of 2021 to be a Type II Action as defined within Section 617.5 (26) and (33), thereby satisfying the procedural requirements of the SEQR Regulations.

BE IT FURTHER RESOLVED, that the Town Board does hereby adopt in its entirety the above referenced Final Draft Local Law (Local Law No. 14 of 2021) dated March 23, 2021.

BE IT FINALLY RESOLVED, that the Town Clerk is to provide a Certified Copies of this resolution and the adopted Local Law to the New York State Secretary of State for filing in that Office.

BE IT FURTHER RESOLVED, that the Town Clerk upon receipt from the State Secretary of State Office is to submit a copy of the filed local law to General Code Publishers requesting Part II, General Legislation, Chapter 90, Illicit Discharges and Connections to Storm Sewers, of the Farmington Town Code be amended and that copies thereof be provided to the Town for inserting in the Town Code Book.

BE IT FINALLY RESOLVED, that copies of this resolution be provided to: the Town Code Enforcement Officer; the Town Highway and Parks Superintendent; the Acting Town Water and Sewer Superintendent; the Town Construction Inspector; the Town Engineers, MRB Group, Lance Brabant, CPESC; and the Town Director of Planning and Development.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

Local Law No. 14 of the year 2021

“Amendments to Part II, General Legislation, Chapter 90, Illicit Discharges and Connections to Storm Sewers, of the Farmington Town Code.”

Be it enacted by the **Town Board**

~~County~~
~~City~~
Town of Farmington
~~Village~~

as follows:

Section 1. Part II, Chapter 90 of the Town of Farmington Code, entitled “Illicit Discharges and Connections to Storm Sewers,” is hereby deleted in its’ entirety and is hereby replaced in its’ entirety as follows:

§ 90-1 **Purpose; intent.**

The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the Town of Farmington through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this chapter are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4, since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and

- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products,
- F. cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 90-2 **Definitions.**

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms will have meanings set forth below:

BEST MANAGEMENT PRACTICES (BMPs) - Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

CLEAN WATER ACT - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY - Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

DEPARTMENT - The New York State Department of Environmental Conservation.

DESIGN PROFESSIONAL - A New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

ILLCIT CONNECTIONS - Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any non-stormwater discharge, including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4, which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLCIT DISCHARGE - Any direct or indirect non-stormwater discharge to the MS4, except as exempted in § 90-5. B. of this chapter.

INDIVIDUAL SEWAGE TREATMENT SYSTEM - A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

INDUSTRIAL ACTIVITY - Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

MS4 - Municipal Separate Storm Sewer System.

MUNICIPALITY - The Town of Farmington.

MUNICIPAL SEPARATE STORM SEWER SYSTEM - A conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains):

- A. Owned or operated by the Town of Farmington;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

NON-STORMWATER DISCHARGE - Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON - Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT - Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause, or might reasonably be expected to cause, pollution of the waters of the state in contravention of the standards.

PREMISES - Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 - A permit, under the New York State Pollutant Discharge Elimination System (SPDES), issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

SPECIAL CONDITIONS -

- A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater, authorized under their MS4 permit, may have caused, or has the reasonable potential to cause or contribute to, the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure that future discharges do not cause, or contribute to, a violation of water quality standards.
- B. 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern, specified in the TMDL, is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT - A permit issued by the Department, pursuant to 6 NYCRR Part 750, that authorizes the discharge of pollutants to waters of the state.

STORMWATER - Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) - The Code Enforcement Officer, or Deputy Code Enforcement Officer, of the Town of Farmington, who shall enforce this chapter. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

303(d) LIST - A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by § 303(d) of the Clean Water Act. The 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL - Total maximum daily load.

TOTAL MAXIMUM DAILY LOAD - The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water allocated among the sources of that pollutant.

WASTEWATER- Water that is not stormwater, is contaminated with pollutants and is, or will be, discarded.

§ 90-3 Applicability.

This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 90-4 Responsibility for administration.

The Stormwater Management Officer (SMO) shall administer, implement and enforce the provisions of this chapter. Such powers granted, or duties imposed upon, the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 90-5 Discharge and connection prohibitions; exceptions.

A. Prohibition of illegal discharges. No person shall discharge, or cause to be discharged, into the MS4 any materials other than stormwater except as provided in § 90-5. B. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows.

B. Exceptions.

1. The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: waterline flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
2. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.
3. Dye testing in compliance with applicable state and local laws is an allowable discharge but requires a verbal notification to the SMO prior to the time of the test.
4. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger, and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver or order, and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

C. Prohibition of illicit connections.

1. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable, or prevailing, at the time of connection.
3. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 90-6 Failing individual sewage treatment systems.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one that has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§ 90-7 Activities contaminating stormwater.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions, as defined in § 90-2, Definitions, of this chapter.
- B. Such activities include failing individual sewage treatment systems, as defined in § 90-6, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization. All individual on-site wastewater treatment systems must also be in compliance with Chapter 126 of the Code of the Town of Farmington.
- C. Upon notification to a person that he or she is engaged in activities that cause, or contribute to, violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes, or contributes to, violations of the municipality's MS4 SPDES permit authorization.

§ 90-8 Prevention, control, and reduction of stormwater pollutants by use of best management practices.

- A. Best management practices. Where the SMO has identified illicit discharges, as defined in § 90-2, or activities contaminating stormwater, as defined in § 90-7, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.
 - (1) The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials, or other wastes, into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premises who is, or may be, the source of an illicit discharge, as defined in § 90-2, or an activity contaminating stormwater, as defined in § 90-7, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutants to the MS4.
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

B. Individual sewage treatment systems and response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions, as defined in § 90-2 of this chapter, the owner or operator of such individual sewage treatment systems shall be required to:

(1) Maintain and operate individual sewage treatment systems as follows:

a. Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee, or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee.

b. Avoid the use of septic tank additives.

c. Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes and household chemicals.

d. Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.

(2) Repair or replace individual sewage treatment systems as follows:

a. In accordance with 10 NYCRR, Appendix 75-A to the maximum extent practicable.

b. A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

i. Relocating or extending an absorption area to a location not previously approved for such.

ii. Installation of a new subsurface treatment system at the same location.

iii. Use of an alternate system or an innovative system design or technology.

C. A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§ 90-9 Suspension of access to MS4.

A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents, or may present, imminent and substantial danger to the environment, to the health or welfare of persons or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter, in writing, of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps, as deemed necessary, to prevent or minimize damage to the MS4 or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator, in writing, of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines, in writing, that the illicit discharge has not ceased, or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated, pursuant to this section, without the prior approval of the SMO.

§ 90-10 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 90-11 Access to facilities; monitoring of discharges.

a. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists or potentially exists, in or upon any premises, any condition which constitutes a violation of this chapter.

b. Access to facilities.

- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
- (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records, as may be required to implement this chapter.
- (3) The municipality shall have the right to set up, on any facility subject to this chapter, such devices as are necessary, in the opinion of the SMO, to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The municipality has the right to require the facilities, subject to this chapter, to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained, at all times, in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Unreasonable delays in allowing the municipality access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
- (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter, or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 90-12 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via calling 911 emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the SMO, in person or by telephone or facsimile, no later than the next business day. Notifications, in person or by telephone, shall be confirmed by written notice, addressed and mailed to the SMO, at the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 90-13 Enforcement; penalties for offenses.

A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance, by written notice of violation, to the responsible person. Such notice may require, without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses and reporting;
- (5) Payment of a fine; and
- (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency, or a contractor, and the expense thereof shall be charged to the violator.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed 15 days, or both, upon conviction. Each week's continued violation shall constitute a separate additional violation.

§ 90-14 Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Town Board of the Town of Farmington within 15 days of its issuance, which Board shall hear the appeal within 30 days after the filing of the appeal and, within five days of making its decision, file its decision in the office of the Municipal Clerk and mail a copy of its decision by certified mail to the discharger.

§ 90-15 Corrective measures.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within five business days of the decision of the Town Board upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 90-16 Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 90-17 Alternative remedies.

A. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:

- (1) The violation was unintentional.
- (2) The violator has no history of previous violations of this chapter.
- (3) Environmental damage was minimal.
- (4) The violator acted quickly to remedy violation.
- (5) The violator cooperated in the investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops.
- (2) Storm drain stenciling or storm drain marking.
- (3) River, stream or creek cleanup activities.

§ 90-18 Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 90-19 Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 3. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

RESOLUTION 172-2021:

Councilman Casale offered the following Resolution, seconded by **Councilman Herendeen**:

RESOLUTION AUTHORIZING THE HIRING OF HOLTZ FOREST AND SHADE TREE, LLC FOR REMOVAL OF 11 ADDITIONAL TREES FROM POWER CEMETERY

WHEREAS, the Historic Preservation Commission is requesting approval to spend money for removing an additional 11 trees from the Power Cemetery. Removing the trees will lessen further damage to the burial remains and headstones, and

WHEREAS, two quotes were received regarding the removal and Holtz Forest and Shade Tree, LLC was the lower of the two quotes, now

THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the hiring of Holtz Forest and Shade Tree, LLC for removal of 11 additional trees from Power Cemetery at a cost not to exceed \$3,200.00; and

BE IT FURTHER RESOLVED, that the Town Clerk provide copies of this resolution to the Town Historian and the Principal Account Clerk.

All Voting "Aye" (Ingalsbe, Casale, Herendeen), One "Abstention" (Holtz), the Resolution was **CARRIED**.

RESOLUTION #173-2021:

Councilman Holtz offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION APPOINTING TIM THOMPSON TO THE RECREATION ADVISORY BOARD

WHEREAS, John Palmerini was not reappointed to the Recreation Advisory Board at the end of his term December 31, 2020 leaving a vacancy, and

WHEREAS, Tim Tompson is interested in filling this vacancy and is supported by the Recreation Advisory Board Chairperson, Julie LaRue, now therefore

BE IT RESOLVED, that the Farmington Town Board hereby authorizes the appointment of Tim Thompson to the Recreation Advisory Board to fill the vacancy for a term ending December 31, 2027, and

BE IT FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Supervisor's Secretary, the Principal Account Clerk, Julie LaRue, Chairperson of the Recreation Advisory Board and Tim Thompson at 1420 Old Park Square, Farmington, NY 14425.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #174-2021:

Councilman Holtz offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION APPOINTING NATHAN THOMAS TO THE RECREATION ADVISORY BOARD

WHEREAS, Eric Biletzky resigned from his position on the Recreation Advisory Board effective December 29, 2020 leaving a vacancy, and

WHEREAS, Nathan Thomas is interested in filling this vacancy and is supported by the Recreation Advisory Board Chairperson, Julie LaRue, now therefore

BE IT RESOLVED, that the Farmington Town Board hereby authorizes the appointment of Nathan Thomas to the Recreation Advisory Board to fill the vacancy for the remainder of Eric's term ending December 31, 2022, and

BE IT FURTHER RESOLVED, that copies of this resolution be submitted by the Town Clerk to the Supervisor's Secretary, the Principal Account Clerk, Julie LaRue, Chairperson of the Recreation Advisory Board and Nathan Thomas at njthomas80@gmail.com.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #175-2021:

Councilman Herendeen offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION AUTHORIZING REFURBISHMENTS TO THE BASEBALL/SOFTBALL FIELDS

WHEREAS, the fields at Town Park and Mertensia Park are in need of spring repairs, and

WHEREAS, Dura Edge has assigned Batavia Turf to be the exclusive distributor of DuraEdge Classic (*please see attached letter*), and

WHEREAS, 25 Bulk-Tons of the DuraEdge Classic Infield Mix is required at \$112.00 per ton totaling (\$2,800) and 15 bags of Dura Pitch Mound Clay is required at \$14.50 per 50 pound bag totaling (\$267.50 with a \$50.00 freight fee), and

THEREFORE, the Highway/Parks Superintendent requests that the Town Board authorize expenditures to Batavia Turf for material **not to exceed \$3,200 and to be expended from the A-7110.4 Parks – Contractual line** and to authorize the Town Supervisor to sign the quotation and acceptance order, and therefore

BE IT FURTHER RESOLVED, that the Town Clerk provides the Highway/Parks Department with the original signed contract and a certified copy of the resolution, with copies to the Supervisor's Confidential Secretary and the Principal Account Clerk.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #176-2021:

Councilman Holtz offered the following Resolution, seconded by **Councilman Herendeen**:

RESOLUTION APPROVING THE PROPOSAL FROM LABELLA FOR THE FUEL TANK REMOVAL AT THE WASTE WATER TREATMENT PLANT

WHEREAS, a proposal was submitted from Labella for the removal of tanks at the WWTP for a total estimated cost of \$7550,

WHEREAS, a contingency factor for potential contaminated soil will be added in to the budget amendment in the amount of \$4450,

RESOLVED, that the Supervisor sign the proposal from Labella

FURTHER RESOLVED, that the Town Board approves the following budget amendments to fund the project:

SS599	Appropriated Fund Balance	\$6,000	
SS8130.465	Fuel Tank Removal		\$6,000
SW1-599	Appropriated Fund Balance	\$6,000	
SW1-8340.45	Fuel Tank Removal		\$6,000

FULLY RESOLVED, that the Town forwards a copy of the resolution and the proposal to the Principal Account Clerk and the Highway Department.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #177-2021:

Councilman Casale offered the following Resolution, seconded by **Councilman Herendeen**:

RESOLUTION APPROVING CHANGE ORDER EC-01 FOR CONCORD ELECTRIC CORPORATION FOR THE BEAVER CREEK PARK MAINTENANCE BUILDING

WHEREAS, change order EC-01 was submitted with an increase in contract price of \$4484.25 to Concord Electric Corp for labor and materials cost for the installation of six new type C4 fixtures to be installed at the maintenance building,

RESOLVED, that the Town Supervisor signs EC-01,

FULLY RESOLVED, that the Town Clerk returns the signed change order to MRB group and forwards a copy of the resolution and change order to the Highway Department and the Principal Account Clerk.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #178-2021:

Councilman Holtz offered the following Resolution, seconded by **Councilman Casale**:

RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENTS

WHEREAS, the Town of Farmington, by its officers or representatives, has engaged in discussions with Maple Grove Associates ("Owner") regarding the Town's obtaining a Water and Utility Easement and a Sidewalk Easement over portions of its property on 6210, 6220, and 6230 Elizabeth Way, Farmington, NY, as shown on a map prepared by MRB Group dated August, 2020; and

WHEREAS, Town of Farmington officials have recommended to the Town Board that said Owner grant to the Town the easements over said land of said Owner; and

WHEREAS, said easements have been offered by Owner to the Town of Farmington; and

WHEREAS, the Town Board of the Town of Farmington is desirous of accepting said offered easements on behalf of said Town; and

WHEREAS, the Town Board of the Town of Farmington has examined said instruments and finds the consideration described in said easements to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Farmington does hereby accept the Easements attached hereto as Exhibit 1 from Owner in accordance with the terms and conditions contained in said instruments and directs that the same be recorded in the Office of the Clerk of the County of Ontario, the fees for said recording to be borne by the Town, and be it further

RESOLVED, that the Town Supervisor shall be and hereby is authorized to take any and all further action necessary to carry forth the intent of this resolution, including but not limited to the execution of all documents necessary to complete the conveyance of the premises referenced herein.

All Voting "Aye" (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #179-2021:

Councilman Holtz offered the following Resolution, seconded by **Councilman Herendeen**:

RESOLUTION WAIVING THE RESERVATION FEE FOR THE FARBROOK PARK PAVILION FOR THE FARBROOK HOMES ASSOCIATION BOARD

WHEREAS, the Farmbrook Homes Association Board has requested the use of the Farmbrook Park Pavilion on May 20th, 2021, for their Board of Directors election, and

WHEREAS, the Farmbrook Homes Association Board has requested to have the registration fee waived, therefore be it

RESOLVED, the Farmington Town Board authorizes the waiving of the reservation fee for the Farmbrook Park Pavilion for the Farmbrook Homes Association Board of Directors election on May 20th, 2021, and further be it

RESOLVED, that the Town Clerk provide a copy of this resolution to the Liz Herpich of the Farmbrook Homes Association at PO Box 25221, Farmington, NY 14425.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #180-2021:

Councilman Casale offered the following Resolution, seconded by **Councilman Holtz**:

RESOLUTION DECLARING THE WEEK OF MAY 2-8, 2021 AS “PUBLIC SERVICE RECOGNITION WEEK”

WHEREAS, the citizens of the United States are served every day by public servants at the federal, state, county, town and city levels, and these public servants supply continuity to our democratic society; and

WHEREAS, Public employees make great contributions to their communities by serving in areas such as health, education, community development, human services, crime prevention, fire protection, environmental protection, highway, parks and water & sewer; and

WHEREAS, the public employees of the Town of Farmington are committed to exhibiting values and behaviors to achieve its vision of creating a vibrant community where every citizen has the opportunity to be healthy, safe and successful; and

WHEREAS, the Town of Farmington Board recognized the dedication and talents of public employees, as well as the importance of the services they render at all levels of government; now, therefore be it

RESOLVED, that the Farmington Town Board does hereby declare May 2-8, 2021 as “PUBLIC SERVICE RECOGNITION WEEK” in the Town of Farmington.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #181-2021:

Councilman Herendeen offered the following Resolution, seconded by **Councilman Holtz**:

RESOLUTION- PROCLAMATION OF THE 52nd ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK May 2-8, 2021

WHEREAS, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS, The Office of the Professional Municipal Clerk is the oldest among public servants, and

WHEREAS, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, The Professional Municipal Clerk serves as the information center on functions of local government and community, and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations, and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk, now

THEREFORE BE IT RESOLVED, the Farmington Town Board recognizes the week of May 2 through May 8, 2021, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Michelle Finley and her Deputies, Jennifer Goodell and Sarah Cerniglia, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #182-2021:

Councilman Casale offered the following Resolution, seconded by **Councilman Herendeen**:

RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT FOR THE TOWN OF FARMINGTON WATER AND SEWER DEPARTMENT

WHEREAS, the Water and Sewer Superintendent had prepared a Five-Year Capital Equipment Replacement Program and newer equipment replacement items were budgeted in the 2021 Budget for replacement, and

WHEREAS the Water & Sewer Supt. has recommended that the following pieces of equipment utilized by the Water and Sewer Department are currently obsolete and/or surplus:

1. 2006 International 6 Wheel Dump Truck VIN 1HTTXAHR66J244243 Purchased New 12/01/05 from Regional International Corp. (W-10) and
2. 2012 Chevrolet 3500 HD, 4WD Ext Cab VIN 1GC2KVCG4CZ336484 Purchased New 07/18/12 from Hoselton Automall (W-30) and
3. 1999 Gorman-Rupp Portable Pump Serial # 1182497N (W-39)

WHEREAS, the Palmyra Municipal Equipment Auction is scheduled for May 8, 2021 at the Town of Palmyra Highway Dept., 131 Kent Street Palmyra, New York 14522, and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Farmington acting on behalf of the Water and Sewer Districts, hereby declares the listed equipment/Iron as surplus and authorizes the Water and Sewer Superintendent to have this equipment sold at auction or by internet bidding with proceeds being revenue split between both SS-2665 (Sale of Equipment) and SW1-2665 (Sale of Equipment), and

BE IT FURTHER RESOLVED, that a copy of this resolution will be supplied from the Town Clerk to the Water and Sewer Superintendent and the Principal Account Clerk.

All Voting “Aye” (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

RESOLUTION #183-2021:

Councilman Casale offered the following Resolution, seconded by **Councilman Herendeen**:

Abstract 8-2021

TOWN OF FARMINGTON ABSTRACT OF UNAUDITED VOUCHERS

TO: MARCY DANIELS

FROM: J. MARCIANO

ABSTRACT NUMBER	<u>8</u>
DATE OF BOARD MEETING	<u>4/27/2021</u>

FUND CODE	FUND NAME	TOTAL FOR EACH FUND	VOUCHER NUMBERS
A	GENERAL FUND	92,790.98	596-601,603-607,609-611, 613,615-625,627-633,635-643, 689
HG	MERTENSIA WATERLINE	256,459.15	634
DA	HIGHWAY FUND	16,560.96	613,615,628,631,636,641,644-646
HA	AUBURN TRAIL PROJ	0	
HB	BEAVER CREEK PARK	231,447.30	599,602,608,626,690
SF	FIRE PROTECTION DISTRICT	182,731.67	614
HM	FUEL STATION CAP PROJ	0	
HN	NORTH RD CAP PROJ	0	
HP	TOWN PARK IMPROVEMENTS	0	
HQ	LED STREET LIGHTING	0	
HW	WATER TANK REPAIR	0	
HZ	TOWNLINE CAP PROJ		
SD	STORM DRAINAGE	1,907.93	613,631
SL1	LIGHTING DISTRICT	0	
SM	SIDEWALKS	0	
SS	SEWER DISTRICT	26,447.93	613,620,628,631,636,641,647, 650,655,657,660,662,666,667 671-673,675-688
SW1	WATER DISTRICT	27,100.97	613,620,628,631,636,641-647, 650,655,657,660,662,666,667, 671-673,675-688
TA93	LETTER OF CREDIT (CASH)	0	
TA200	PAYROLL DEDUCTIONS(TA85UNI,TA20,TA20D,TA86)	6,834.63	612,613,628,640,672,673
	TOTAL ABSTRACT	\$ 5842,281.52	

All Voting “Aye” (Ingalsbe, Casale, Herendeen, and Holtz), the Resolution was **CARRIED**.

TRAINING UNDER \$100: None.

DISCUSSION: None.

EXECUTIVE SESSION: None.

WAIVER OF THE RULE: None.

With no further business before the Board, **Councilman Herendeen** offered a motion to adjourn the meeting at 7:32 p.m., seconded by **Councilman Casale**. Motion **CARRIED**.

Michelle A. Finley, MMC, RMC -Town Clerk: _____