

GENERAL NOTES:

1. PARCEL DATA: 490 MAIN STREET  
TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NEW YORK  
EXISTING/PROPOSED USE: BANK

2. EXISTING CONDITIONS SHOWN ON THE DRAWINGS ARE BASED ON A LIMITED AMOUNT OF INFORMATION AVAILABLE TO THE ENGINEER. ALL SUCH CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO SUBMITTING THE BID, AND ADJUSTED IF NECESSARY. NO ADDITIONAL COMPENSATION SHALL BE GRANTED AFTER A BID AWARD FOR ANY EQUIPMENT, MATERIAL, OR LABOR REQUIRED TO MODIFY THE DESIGN TO MATCH FIELD CONDITIONS.

3. NO SURVEY WAS PERFORMED IN SUPPORT OF THIS SITE.

4. NO SOILS REPORT HAS BEEN PERFORMED IN PREPARATION OF THIS PLAN. IF ONE IS REQUIRED, THE CONTRACTOR SHALL ENGAGE A PROFESSIONAL ENGINEER, LICENSED IN THE STATE OF NEW YORK, TO PERFORM TESTING AND ANALYSIS AS NECESSARY.

5. PRIOR TO STARTING WORK, THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE SURE THAT ALL REQUESTED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS PROVIDED BY ALL APPLICABLE PERMITTING AUTHORITIES.

6. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY.

7. SITE CLEARING SHALL INCLUDE THE LOCATION AND REMOVAL OF ALL UNDERGROUND TANKS, PIPES, VALVES, ETC. CONTRACTOR SHALL REPAIR ANY DISTURBED AREAS TO EXISTING CONDITION, INCLUDING PAVED AREAS AND LANDSCAPED AREAS.

8. SOLID WASTE SHALL BE DISPOSED OF BY CONTRACTOR IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.

9. ALL UNSUITABLE EXCAVATED MATERIAL SHALL BE TRANSPORTED TO AN APPROVED DISPOSAL LOCATION.

10. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SHORING REQUIRED DURING CONSTRUCTION. SHORING SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH CURRENT OSHA STANDARDS. CONTRACTOR SHALL MAKE SUFFICIENT ADDITIONAL PROVISIONS TO ENSURE STABILITY OF ALL CONTIGUOUS AND ADJACENT STRUCTURES, AS FIELD CONDITIONS MAY DICTATE.

11. CONTRACTOR AND HIS SUBCONTRACTORS SHALL CARRY STATUTORY WORKERS' COMPENSATION INSURANCE, EMPLOYERS' LIABILITY INSURANCE, AND COMMERCIAL GENERAL LIABILITY INSURANCE AT REQUIRED LIMITS OF COVERAGE. ALL CONTRACTORS SHALL HAVE CGL POLICIES ISSUED TO INCLUDE INDEPENDENCE ENGINEERING LLC, GMR, INC., AND THEIR SUBCONSULTANTS LISTED AS ADDITIONAL INSURED. ALL CONTRACTORS MUST FURNISH INDEPENDENCE ENGINEERING LLC WITH CERTIFICATES OF INSURANCE PRIOR TO THE COMMENCEMENT OF WORK, AND UPON RENEWAL OF EACH POLICY DURING THE TERM OF CONSTRUCTION. CONTRACTOR SHALL INDEMNIFY AND HOLD HARMLESS INDEPENDENCE ENGINEERING LLC, GMR, INC., AND THEIR SUBCONSULTANTS AGAINST ANY DAMAGES, LIABILITIES, OR COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND DEFENSE COSTS CONNECTED WITH THE PROJECT, INCLUDING ALL CLAIMS BY CONTRACTORS' EMPLOYEES, TO THE FULLEST EXTENT PERMITTED BY LAW.

12. NEITHER THE PROFESSIONAL ACTIVITIES OF INDEPENDENCE ENGINEERING NOR THE PRESENCE OF ITS EMPLOYEES AT THE PROJECT SITE SHALL RELIEVE THE CONTRACTOR OF ITS DUTIES, OBLIGATIONS, AND/OR RESPONSIBILITIES, INCLUDING BUT NOT LIMITED TO CONSTRUCTION MEANS, METHODS, SEQUENCING AND/OR PROTOCOLS NECESSARY FOR PERFORMING, COORDINATING, AND/OR SUPERINTENDING THE WORK IN ACCORDANCE WITH THE PROJECT DOCUMENTS AND APPLICABLE HEALTH AND SAFETY REGULATIONS. THE CONTRACTOR SHALL BEAR SOLE RESPONSIBILITY FOR SITE SAFETY PLANNING, PROVISIONING, IMPLEMENTATION, AND MAINTENANCE. INDEPENDENCE ENGINEERING BEARS NO AUTHORITY TO EXERCISE CONTROL OVER CONTRACTOR OR ITS EMPLOYEES IN CONNECTION WITH CONSTRUCTION.

13. INDEPENDENCE ENGINEERING LLC, SHALL REVIEW AND TAKE APPROPRIATE ACTION ON SUBMITTALS TO BE SUBMITTED BY CONTRACTOR PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, INCLUDING BUT NOT LIMITED TO SHOP DRAWINGS, PRODUCT, DATA, AND MATERIAL SAMPLES. INDEPENDENCE ENGINEERING LLC SHALL REVIEW SUBMITTALS ONLY FOR CONSISTENCY WITH THE DESIGN DRAWINGS. SUBMITTALS SHALL NOT BE REVIEWED FOR CONSTRUCTION MEANS AND METHODS, COORDINATION OF TRADES, OR SITE SAFETY, WHICH ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. INDEPENDENCE ENGINEERING LLC SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR THE RESULTS THEREFROM FROM THE APPROVED CONSTRUCTION DRAWINGS, UNLESS SAID DEVIATIONS ARE PROVIDED IN WRITING BY THE CONTRACTOR PRIOR TO IMPLEMENTATION, AND APPROVED IN WRITING BY INDEPENDENCE ENGINEERING LLC.

14. THE CONTRACTOR SHALL NOT DEVIATE FROM THE PLANS AND SPECIFICATIONS, INCLUDING THE NOTES THEREON, WITHOUT PRIOR WRITTEN AUTHORIZATION FROM INDEPENDENCE ENGINEERING LLC, AND THE PROJECT OWNER. SHOULD THE CONTRACTOR DEVIATE FROM THE APPROVED PROJECT DOCUMENTS, HE SHALL BEAR SOLE RESPONSIBILITY FOR FINES, PENALTIES, AND ALL COMPENSATORY AND PUNITIVE DAMAGES RESULTING THEREFROM. IN SUCH CASE, THE CONTRACTOR SHALL INDEMNIFY AND HOLD INDEPENDENCE ENGINEERING LLC, HARMLESS AGAINST ANY DAMAGES, LIABILITIES, OR COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND DEFENSE COSTS CONNECTED WITH THE PROJECT, INCLUDING ALL CLAIMS BY CONTRACTOR'S EMPLOYEES, TO THE FULLEST EXTENT PERMITTED BY LAW.

15. DISPUTES BETWEEN INDEPENDENCE ENGINEERING LLC, AND THE CONTRACTOR SHALL BE SUBMITTED TO NONBINDING MEDIATION UNLESS THE PARTIES MUTUALLY AGREE OTHERWISE.

16. THE CONTRACTOR AND ITS SUBCONTRACTORS SHALL INCLUDE A PROVISION IN THEIR CONTRACTS WITH THEIR SUBCONTRACTORS, SUBCONSULTANTS, AND SUPPLIERS, PROVIDING FOR MEDIATION AS THE PRIMARY METHOD OF DISPUTE RESOLUTION BETWEEN THOSE PARTIES.

17. ALL TRAFFIC SIGNS SHALL FOLLOW THE REQUIREMENTS SPECIFIED IN THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS," PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION, INCLUDING LOCALLY ADOPTED REVISIONS THERETO.

18. BUILDING SETBACKS SHOWN HEREON ARE MEASURED FROM THE EXTERIOR FACE OF BUILDING WALLS. SETBACKS DO NOT ACCOUNT FOR ROOF OVERHANGS, ORNAMENTAL ARCHITECTURAL ELEMENTS, SIGNAGE, OR OTHER EXTERIOR EXTENSION UNLESS OTHERWISE NOTED.

19. CONTRACTOR SHALL WASH LENS, RE-LAMP, AND RE-BALLAST ALL LIGHTING FIXTURES THAT IMPACT THE 60' RADIUS AROUND ALL ATMS AND WITHIN 10' OF AFTER-HOUR DEPOSITORIES, IF THEY ARE TO REMAIN IN PLACE.

20. CONTRACTOR SHALL TRIM ALL TREES/LANDSCAPING TO MINIMIZE IMPEDING LIGHT FROM ANY LIGHT FIXTURES THAT IMPACT THE 60' RADIUS AROUND ALL ATMS AND A RADIUS OF 50' AROUND ALL AFTER-HOURLIGHT DEPOSITORIES. CONSIDERATION MUST BE GIVEN TO TREES/LANDSCAPING IN A STATE OF FULL FOLIAGE/BLOOM AND FUTURE GROWTH. ALL LANDSCAPING WORK WILL BE PERFORMED BY OTHERS WITH A SEPARATE PERMIT (IF REQUIRED).

21. THE CONTRACTOR SHALL VERIFY THAT LIGHT POLES FOR PROPOSED OR MODIFIED FIXTURES ARE ADEQUATE FOR THE INTENDED MOUNTING HEIGHT. IF AN EXISTING LIGHT POLE IS BEING USED, THE CONTRACTOR SHALL VERIFY THAT IT IS IN SATISFACTORY CONDITION. A TYPICAL POLE BASE DETAIL (AS PER EACH STATE) WILL BE PROVIDED BY GMR FOR EACH SITE. IF A SITE SPECIFIC POLE BASE DETAIL IS REQUIRED, THIS WILL BE COORDINATED BY THE CONTRACTOR AND WILL FOLLOW ANY APPLICABLE STATE OR LOCAL JURISDICTION STANDARDS.

22. ALL MOUNTING HEIGHTS SHALL BE MEASURED TO THE BOTTOM OF THE FIXTURE.

23. DIMENSIONING SHOWN HEREON IS FOR PROPOSED FIXTURE LOCATIONS ONLY, UNLESS OTHERWISE NOTED ON DRAWING. CONTRACTOR SHALL FIELD VERIFY FIXTURE PLACEMENT DIMENSIONS PRIOR TO CONSTRUCTION.

24. CONTRACTOR SHALL PERFORM ANY NECESSARY REPATCHING OR REPAINTING MEASURES ON ANY ADDED, REMOVED, OR REMOVED-IN-PLACE EXPOSED CONDUIT WHERE POSSIBLE. IF EXPOSED CONDUIT IS NECESSARY, CONTRACTOR SHALL VERIFY ITS USE WITH INDEPENDENCE ENGINEERING LLC, AND GMR, LLC.

25. ALL EXISTING LIGHTS WILL BE REPLACED WITH LED LIGHTS AND ALL PROPOSED LIGHTS WILL ALSO BE LED, UNLESS OTHERWISE NOTED.

26. ALL PROPOSED LIGHTS WILL BE FULL CUTOFF LED LIGHT FIXTURES.

27. ALL EXISTING LIGHTS WILL BE REPLACED WITH FULL CUTOFF LED LIGHT FIXTURES.

28. REFERENCE THE LUMINAIRE SCHEDULE FOR ADDITIONAL LIGHT FIXTURE INFORMATION.

29. ALL FIXTURES ARE TO BE MOUNTED ABOVE FINISH GRADE.

30. UNLESS OTHERWISE NOTED, MATCH EXISTING POLE BASES.

31. THIS LIGHTING DESIGN IS BASED ON A COMBINATION OF STATE STANDARDS, THE BANK'S CURRENT SECURITY POLICY FOR EXTERIOR ATM AND AFTER-HOUR DEPOSITORIES AND BANK GUIDELINES FOR NON-SECURITY COMPLIANCE ZONES.

32. THIS PLAN ILLUSTRATES ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKE UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) APPROVED METHODS. ACTUAL SITE ILLUMINATION LEVELS AND PERFORMANCE OR LUMINARIES MAY VARY DUE TO WEATHER, ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER RELATED VARIABLE FIELD CONDITIONS.

33. ALL WIRING METHODS AND EQUIPMENT CONSTRUCTION SHALL CONFORM TO THE CURRENT NATIONAL ELECTRICAL CODE.

34. CONTRACTOR SHALL GUARANTEE ITS WORK AND MATERIALS FOR A PERIOD OF ONE YEAR AFTER ACCEPTANCE BY OWNERS.

35. CONTRACTOR SHALL WASH LENS, RE-LAMP, AND RE-BALLAST ALL LIGHTING FIXTURES THAT IMPACT THE 60' RADIUS AROUND ALL ATMS AND WITHIN 10' OF AFTER-HOUR DEPOSITORIES IF PROPOSED TO REMAIN.

36. CONTRACTOR SHALL TRIM ALL TREES/LANDSCAPING TO MINIMIZE IMPEDING LIGHT FROM ANY LIGHT FIXTURES THAT IMPACT THE 60' RADIUS AROUND ALL ATMS AND A RADIUS OF 50' AROUND ALL AFTER-HOUR DEPOSITORIES. CONSIDERATION MUST BE GIVEN TO TREES/LANDSCAPING IN A STATE OF FULL FOLIAGE/BLOOM AND FUTURE GROWTH. ALL LANDSCAPING WORK WILL BE PERFORMED BY OTHERS WITH A SEPARATE PERMIT (IF REQUIRED).

37. LOCATION OF ALL EXISTING AND PROPOSED SERVICES AND CONNECTION POINTS ARE APPROXIMATE AND MUST BE CONFIRMED INDEPENDENTLY IN THE FIELD AND WITH LOCAL UTILITY COMPANIES PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION. ALL DISCREPANCIES SHALL BE REPORTED IMMEDIATELY IN WRITING TO THE ENGINEER.

38. THE CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY "DIG SAFE 811" 72 HOURS PRIOR TO ANY EXCAVATION ON SITE. CONTRACTOR SHALL ALSO NOTIFY LOCAL WATER AND SEWER AUTHORITIES TO MARK OUT THEIR SYSTEMS.

39. THE CONTRACTOR SHALL COMPLETELY FILL BELOW-GRADE AREAS AND VOIDS RESULTING FROM THE DEMOLITION OF STRUCTURES AND FOUNDATIONS WITH SOIL MATERIALS, CONSISTING OF STONE, GRAVEL, AND SAND, FREE FROM DEBRIS, TRASH, FROZEN MATERIALS, ROOTS, AND OTHER ORGANIC MATTER. STONES SHALL NOT BE LARGER THAN 6 INCHES IN ANY DIMENSION. DEMOLITION MATERIALS MAY NOT BE USED AS FILL. FILL MATERIALS SHALL BE PLACED IN HORIZONTAL LAYERS NOT EXCEEDING 6 INCHES IN LOOSE DEPTH CONTOURS AND TO PROVIDE SURFACE DRAINAGE.

40. ALL DEBRIS, RUBBISH, SALVAGE, HAZARDOUS AND COMBUSTIBLE MATERIALS SHALL BE REMOVED AT THE EARLIEST POSSIBLE TIME. REMOVED MATERIALS MAY NOT BE STORED, SOLD, OR BURNED ON SITE. HAZARDOUS AND COMBUSTIBLE MATERIALS SHALL BE REMOVED IN ACCORDANCE WITH PROCEDURES ADOPTED BY THE LOCAL FIRE DEPARTMENT AND OTHER JURISDICTIONAL AGENCIES.

41. CONTRACTOR TO VERIFY FIXTURE PLACEMENT AND DIMENSIONS PRIOR TO PLACEMENT OF FIXTURE ORDER.

42. CONTRACTOR SHALL VERIFY ANY ADDITIONAL MOUNTING HARDWARE NEEDED FOR PROPOSED FIXTURES. THIS INCLUDES REORIENTED FIXTURES, ADDED FIXTURES, AND REPLACED FIXTURES.

43. CONTRACTOR SHALL PERFORM ANY NECESSARY REPATCHING OR REPAINTING MEASURES ON ANY ADDED, REMOVED, OR REPLACED FIXTURES.

44. CONTRACTOR SHALL REPAIR ANY DISTURBED SITE AREAS BACK TO EXISTING CONDITION INCLUDING PAVED AREAS, LANDSCAPED AREAS, ETC.

45. FIXTURES NOT PERTINENT TO THIS SCOPE OF SERVICES MAY NOT BE IDENTIFIED ON THE DRAWING. THE UNIDENTIFIED FIXTURES WILL NOT BE PART OF THIS PROJECT CONSTRUCTION.

LUMINAIRE SCHEDULE

\*\*SEE FIXTURE CLARIFICATION NOTE #9

(NP) = NEW POLE (CBO) CONTROLLED BY OTHERS

\*\* CONTRACTOR TO VERIFY MOUNTING ACCESSORIES BEFORE ORDERING\*\*

SYMBOL	QTY	LABEL	FIXTURE ARRANGEMENT	TOTAL FIXTURE COUNT	NEW POLE COUNT	FIXTURE TYPE / MOUNTING / MANUFACTURER	BUG RATING	MOUNTING HEIGHT	MOUNTING ACCESSORIES	NOTES
	4	A-SA1	SINGLE	4	-	GTL-4-20L-EZ1-LP840-ABC / CANOPY MOUNT / LITHONIA	B1-U0-G1	MATCH EXISTING	-	REPLACE EXISTING FIXTURE
	2	A-VF1	SINGLE	2	-	RSX2 LED-P1-40K-R3-MVOLT-RPA-HS-DOBXD / POLE MOUNT / LITHONIA	B1-U0-G2	MATCH EXISTING	-	REPLACE EXISTING FIXTURE
	1	A-VG1 (NEW POLE)	SINGLE	1	1	RSX2 LED-P2-40K-R3-MVOLT-RPA-HS-DOBXD / POLE MOUNT / LITHONIA	B1-U0-G2	18' AFG	-	ADD NEW POLE AND FIXTURE
	1	A-VK1 (NEW POLE)	SINGLE	1	1	RSX2 LED-P1-40K-R4-MVOLT-RPA-DOBXD / POLE MOUNT / LITHONIA	B2-U0-G2	18' AFG	-	ADD NEW POLE AND FIXTURE
	1	A-VK2 (NEW POLE)	SINGLE	1	1	RSX2 LED-P1-40K-R4-MVOLT-RPA-DOBXD / POLE MOUNT / LITHONIA	B2-U0-G2	18' AFG	-	REMOVE POLE, BASE & FIXTURE - ADD NEW POLE, BASE & FIXTURE
	1	A-VL1 (NEW POLE)	SINGLE	1	1	RSX2 LED-P2-40K-R4-MVOLT-RPA-DOBXD / POLE MOUNT / LITHONIA	B2-U0-G3	18' AFG	-	ADD NEW POLE AND FIXTURE
	1	C-B01	SINGLE	1	-	CPY250-A-DM-F-20W-UL-WH-40K / CANOPY MOUNT / CREE	B1-U0-G1	MATCH EXISTING	XA-BXCC9001	REPLACE EXISTING FIXTURE
	1	C-DT1	SINGLE	1	-	LR6X-7L-40K / CANOPY MOUNT / CREE	B1-U0-G0	MATCH EXISTING	GR8 TRIM RING	REPLACE EXISTING FIXTURE
	6	C-DW1	SINGLE	6	-	LR6X-18L-40K / CANOPY MOUNT / CREE	B1-U0-G0	MATCH EXISTING	GR8 TRIM RING	REPLACE EXISTING FIXTURE
	1	C-SA1	SINGLE	1	-	SEC-EDG-2S-WM-02-E-UL-BZ-350-40K / WALL MOUNT / CREE	B1-U0-G1	9' AFG	-	ADD NEW FIXTURE
	3	C-SE1	SINGLE	3	-	SEC-EDG-3M-WM-02-E-UL-BZ-350-40K / WALL MOUNT / CREE	B1-U0-G1	MATCH EXISTING	-	REPLACE EXISTING FIXTURE
	2	C-SE2	SINGLE	2	-	SEC-EDG-3M-WM-02-E-UL-BZ-350-40K / WALL MOUNT / CREE	B1-U0-G1	9' AFG	-	ADD NEW FIXTURE
	1	C-SJ1	SINGLE	1	-	SEC-EDG-4M-WM-02-E-UL-BZ-700-40K / WALL MOUNT / CREE	B1-U0-G1	MATCH EXISTING	-	REPLACE EXISTING FIXTURE
	2	C-SK1	SINGLE	2	-	SEC-EDG-4M-WM-04-E-UL-BZ-520-40K / WALL MOUNT / CREE	B2-U0-G2	MATCH EXISTING	-	REPLACE EXISTING FIXTURE
	1	RK1	SINGLE	1	-	EXISTING DECORATIVE WALL FIXTURE	-	-	-	REMOVE AND PATCH
	1	Y1	SINGLE	1	-	EXISTING CANOPY MOUNT FIXTURE	-	-	-	OUT OF SCOPE
	2	Y2	SINGLE	2	-	EXISTING DECORATIVE WALL FIXTURE	-	-	-	OUT OF SCOPE
	1	Y3	SINGLE	1	-	EXISTING DECORATIVE POLE FIXTURE	-	-	-	OUT OF SCOPE

LIGHTING CONTROL NOTES:

THE CONTRACTOR SHALL VERIFY THE CONTROLS FOR ALL EXTERIOR LIGHTING ON THE SITE (EXCLUDING SIGNAGE) AND ADJUST ACCORDING TO THE FOLLOWING:

• PHOTOCELL CONTROL:  
CONTRACTOR SHALL REPLACE EXISTING PHOTOCELLS WITH NEW AND INSTALL IN A LOCATION BEST SUITED TO PROVIDE APPROPRIATE LIGHT EXPOSURE SUCH THAT EXTERIOR LIGHTS ARE ON ALL HOURS OF DARKNESS.

• TIME CLOCK CONTROL:  
CONTRACTOR SHALL VERIFY TIME CLOCK IS SET PROPERLY AND LEAVE CIRCUIT ON TIME CLOCK CONTROL.

• MANUAL CONTROL:  
CONTRACTOR SHALL VERIFY THAT NO EXTERIOR LIGHTING IS CONTROLLED MANUALLY. IF ANY EXTERIOR LIGHTING IS ON A MANUALLY CONTROLLED CIRCUIT, CONTRACTOR SHALL ADJUST TO BE CONTROLLED BY PHOTOCELL.

LANDSCAPE SCHEDULE:

CM = CRAPE MYRTLE UNK = UNKNOWN

SYMBOL	QTY	NOTES
LS1	-	TRIM LANDSCAPING DOWN TO 36".

CONTRACTOR RESPONSIBILITIES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR PERMITTING, INCLUDING COORDINATION WITH THE LOCAL JURISDICTION AND ANY ASSOCIATED PERMIT FEES OR PROCESSING.

2. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITTING DOCUMENTS THAT ARE NOT INCLUDED IN THE LIGHTING DESIGN PACKAGE.

3. CONTRACTOR IS REQUIRED TO RECYCLE ALL LAMPS AND BALLASTS WHEN SUCH REPLACEMENT IS REQUIRED.

4. CONTRACTOR SHALL VERIFY VOLTAGE REQUIREMENTS FOR FIXTURES PRIOR TO PLACEMENT OF FIXTURE ORDERS.

5. CONTRACTOR TO VERIFY LIGHTING CONTROLS PRIOR TO BEGINNING CONSTRUCTION. SEE LIGHTING CONTROL NOTES.

6. CONTRACTOR SHALL RECEIVE FORMAL APPROVAL FROM GMR ON ANY FIXTURE MODIFICATIONS OR VARIATIONS FROM THE LUMINAIRE SCHEDULE.

7. CONTRACTOR SHALL VERIFY EXISTING AND PROPOSED FIXTURE MOUNTING CONDITIONS IN FIELD. ANY SPECIAL MOUNTING HARDWARE NEEDED FOR PROPOSED FIXTURES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

8. CONTRACTOR SHALL SUPPLY ALL NEW LIGHT POLES. NEW LIGHT POLES SHALL MATCH EXISTING CONDITIONS ON SITE FOR POLE TYPE AND PAINT COLOR.

9. CONTRACTOR SHALL PERFORM ALL NECESSARY PATCHING OR REPAINTING FOR ADDED, REMOVED, OR REPLACED FIXTURES.

10. CONTRACTOR SHALL REPAIR ANY DISTURBED AREAS BACK TO EXISTING CONDITION INCLUDING PAVED AREAS, LANDSCAPED AREAS, ETC.

11. EXPOSED CONDUIT (ONLY WHERE IT CANNOT BE CONCEALED) SHALL BE PAINTED TO MATCH THE BACKGROUND SURFACE COLOR.

12. CONTRACTOR SHALL VERIFY AND DOCUMENT COMPLETED WORK DURING NIGHT HOURS. ALL FIXTURES (INCLUDING OUT OF SCOPE FIXTURES) MUST BE FUNCTIONAL DURING NIGHT HOURS PRIOR TO SCHEDULING A FINAL SURVEY WITH GMR.

13. CONTRACTOR SHALL PROVIDE BEFORE AND AFTER NIGHT TIME PHOTOS OF THE SITE.

14. CONTRACTOR SHALL RECEIVE A PUNCHLIST FROM GMR UPON FINAL SURVEY FOR ANY REMAINING ITEMS TO BE COMPLETED.

15. NEW LIGHT FIXTURES IN NEW LOCATIONS ARE TO BE MOUNTED IN THE INSTALL RANGE SET BY GMR ON THE DESIGN DOCUMENTS.

- ALL FIXTURES MOUNTED TO COLUMNS OR WALLS LESS THAN 5 FEET WIDE ARE TO BE CENTERED.
- ALL FIXTURE COLORS AND STYLE AND LUMEN OUTPUT ARE TO BE AS REQUIRED BY GMR WITH NO SUBSTITUTIONS WITHOUT GMR APPROVAL.
- CONDUIT AND BOXES ARE TO BE FULLY CONCEALED IN ALL WALLS, SOFFITS AND COLUMNS THAT ARE NOT A PART OF THE BUILDING STRUCTURE OR OF MASONRY THICKER THAN 6 INCHES.
- ALL EXPOSED CONDUIT AND BOXES LOCATED IN AREAS WHERE VISIBLE TO THE PUBLIC SHALL BE PAINTED TO MATCH THE COLOR OF ITS SURROUNDING SURFACES.

16. ALL FIXTURE REPLACEMENT FOR EXISTING FIXTURE LOCATIONS SHALL FULLY COVER ALL OF THE MOUNTING SURFACE EXPOSED BY THE REMOVAL OF THE EXISTING FIXTURE. SHOULD THE NEW FIXTURE NOT ENTIRELY COVER THE EXPOSED SURFACE THEN A BEAUTY PLATE IS TO BE INSTALLED BEHIND THE NEW FIXTURE.

- IF A BEAUTY PLATE IS NOT AN OPTION, THEN THE FIXTURE INSTALLER WILL PAINT OR RESURFACE THE EXPOSURE TO MATCH AND TO THE SATISFACTION OF W.F. OR THE BUILDING MANAGEMENT CO.

17. ALL REMOVED FIXTURES SHALL HAVE LAMPS AND BALLASTS RECYCLED AS REQUIRED BY WF.

18. ALL DEBRIS CAUSED BY THE REQUIRED SCOPE OF WORK SHALL BE REMOVED FROM THE SITE DAILY AT THE END OF THE WORKDAY.

19. NO MATERIALS OR EQUIPMENT ARE TO BE STORED ON SITE OVERNIGHT OR WEEKENDS.

20. WORK DURING BUSINESS HOURS AND AFTER-HOURS MUST BE APPROVED BY THE PPM.

21. ACCESS INTO THE BUILDING AND TO ELECTRICAL EQUIPMENT WILL BE AT THE DIRECTION OF THE STORE MANAGER OR PPM.

FIXTURE CLARIFICATION NOTES:

1. GMR MAY COMBINE OR ADD TO NOTES AS NEEDED IN ORDER TO CLARIFY FURTHER.

2. OUT OF SCOPE - EXISTING FIXTURES TO REMAIN ON SITE WITHOUT MODIFICATION. NO ACTION REQUIRED UNLESS NOTED OTHERWISE.

3. REMOVE AND PATCH - EXISTING FIXTURES TO BE FULLY REMOVED AND ANY PAINTING, PATCHING OR ELECTRICAL WORK NEEDED IS TO BE ASSESSED AND PERFORMED BY GC.

4. REPLACE EXISTING FIXTURE - EXISTING FIXTURE TO BE FULLY REMOVED AND REPLACED IN THE SAME LOCATION WITH A NEW FIXTURE. GC TO VERIFY IF POLE AND/OR POLE BASE IS SUFFICIENT FOR THE NEW FIXTURES. ANY PAINTING, PATCHING OR ELECTRICAL WORK NEEDED IS TO BE ASSESSED AND PERFORMED BY GC.

5. ADD NEW FIXTURE - NEW FIXTURES TO BE ADDED. ANY PAINTING, PATCHING OR ELECTRICAL WORK NEEDED TO BE ASSESSED AND PERFORMED BY GC.

6. ADD NEW POLE & FIXTURE - A NEW POLE AND FIXTURE TO BE ADDED. GC TO SPECIFY POLE TO MATCH EXISTING STYLE AND COLOR AND, IF NOT PROVIDED, POLE BASE DATA FOR NEW POLE LOCATIONS. GC TO VERIFY IF POLE AND POLE BASE IS SUFFICIENT FOR THE HEIGHT, LOCATION AND FIXTURE SPECIFIED.

7. GMR DOES NOT SPECIFY MOUNTING HARDWARE FOR ANY SPECIFIED FIXTURES. GC IS TO WORK WITH DISTRIBUTOR AND/OR MANUFACTURER ON A CASE BY CASE BASIS TO IDENTIFY AND ORDER REQUIRED MOUNTING HARDWARE.

8. GC TO VERIFY WHETHER EXISTING WIRING LOCATIONS OR THE ADDITION OF WIRING FOR NEW FIXTURE LOCATIONS IS SUFFICIENT FOR THE DESIGNATED FIXTURE LOCATION.

9. GC TO SPECIFY POLE COLOR AND TYPE PRIOR TO ORDERING.

10. ALL FIXTURES ARE ASSUMED BRONZE IN COLOR UNLESS NOTED OTHERWISE IN THE LUMINAIRE SCHEDULE. GC TO CONFIRM PRIOR TO ORDERING.

EXISTING CONDITIONS NOTES:

1. EXISTING POLES - DECORATIVE - SQUARE - STEEL

2. EXISTING POLE BASES - DECORATIVE - 3'

3. EXISTING DRIVE THRU CEILING - HARD

GC SCHEDULING NOTES:

1. PROHIBITED WORK HOURS: WORK IS PROHIBITED MONDAY THROUGH FRIDAY FROM 8 AM TO 4 PM AND ON SATURDAY FROM 8 AM TO 1 PM. LOCAL MUNICIPALITY REQUIREMENTS AND INSPECTION PROCESS TAKE PRECEDENCE AND SHOULD BE COORDINATED PRIOR TO STARTING WORK.

2. PROVIDE PROGRAM SCHEDULE, COORDINATED SCHEDULE WITH ALL AWARDED SITES. SCHEDULE SHOULD INCLUDE CREW ASSIGNMENTS AND CONTINGENCIES FOR DELAYS.

3. INCLUDE CONSTRUCTION KICKOFF MEETING WITH FINANCIAL CENTER MANAGER, MOBILE ENGINEER, AND FACILITY MANAGER.

4. PROVIDE TRENCH SKETCH FOR REVIEW.

5. IF IMPACT TO THE DRIVE THRU LANE, DETAILED DATES OF WORK INCLUDED IN SCHEDULE.

SCOPE OF WORK:

1. REPLACE TWELVE (12) CANOPY-MOUNTED FIXTURES.

2. INSTALL FOUR (4) POLE-MOUNTED FIXTURES.

3. REPLACE TWO (2) POLE-MOUNTED FIXTURES.

4. REPLACE TWELVE (12) CANOPY-MOUNTED FIXTURES.

5. INSTALL THREE (3) WALL-MOUNTED FIXTURES.

6. REPLACE SIX (6) WALL-MOUNTED FIXTURES.

7. REMOVE ONE (1) WALL-MOUNTED FIXTURE.

TOWN OF NORTH CASTLE PLANNING BOARD:

APPROVED

DATE

DRAWING INDEX:

SHEET NO.	DESCRIPTION
C 1	LIGHTING PLAN - SITE NOTES
C 2	LIGHTING PLAN - SITE
C 3	LIGHTING PLAN - ATM COMPLIANCE
C 4	LIGHTING - DETAILS
C 5	LIGHTING - DETAILS
C 6	LIGHTING - DETAILS
E 101	SITE ELECTRIC PLAN
S 101	POLE DETAIL & CALCULATIONS

20 10 0 20

GRAPHIC SCALE

1" = 20'

WELLS FARGO

GMR

Facility Analysis + Engineering

LIGHTING UPGRADES  
WELLS FARGO

LIGHTING PLAN - SITE NOTES

PROJECT  
006-085

DATE  
02/14/20

SCALE  
1" = 20'

DRAWN  
RA

DESIGNED

CHECKED  
NES

STATE OF NEW YORK  
JEROME E. SANDER  
PROFESSIONAL ENGINEER  
87981

11/23/20

C 1

OF 8

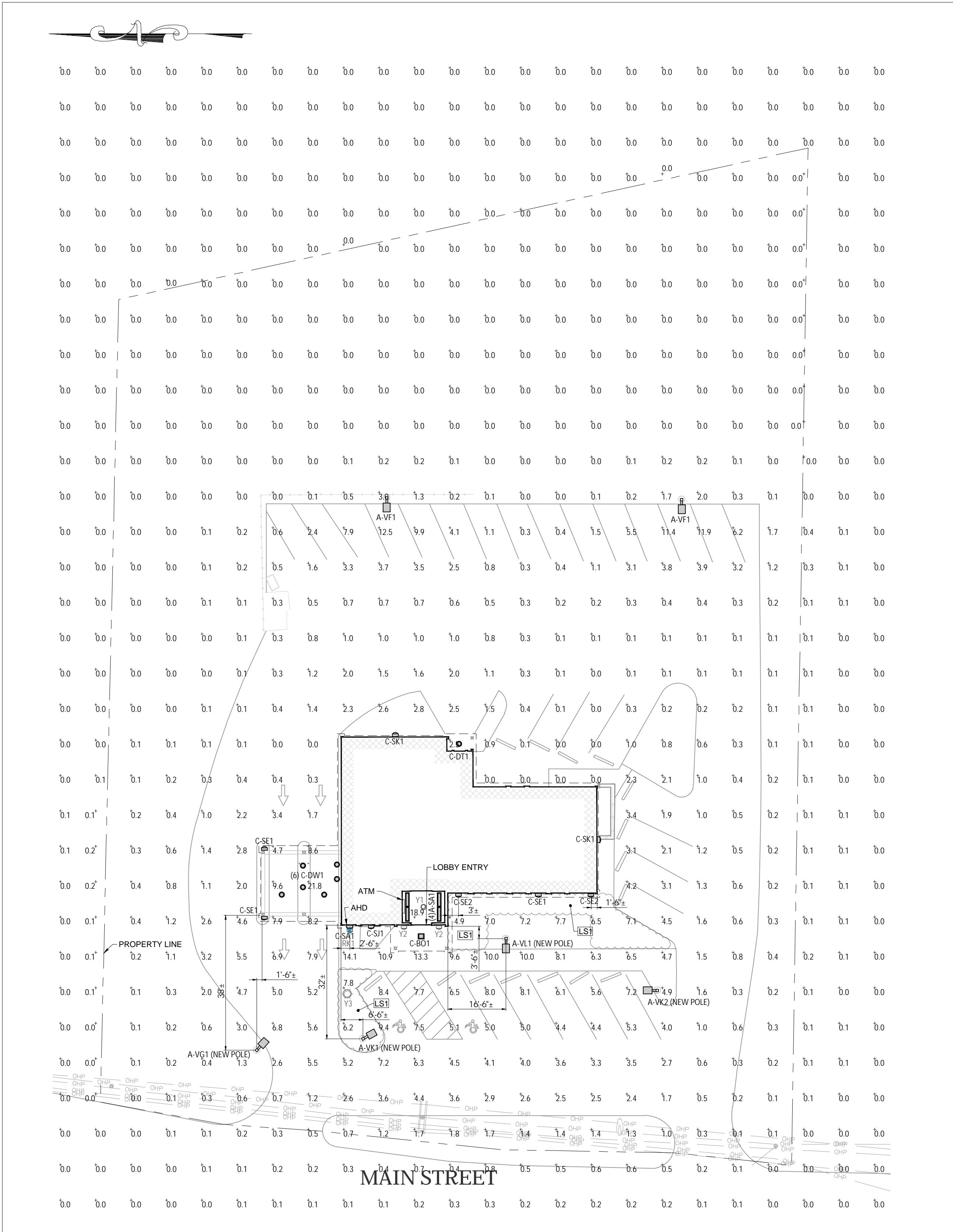
REV 3

Independence  
ENGINEERING LLC

102 FARNSWORTH AVENUE, SUITE 310  
BORDENTOWN, NEW JERSEY 08505  
(609) 496-9969  
INDEPENDENCE@INDEPENGC.COM

BRANCH 141498  
490 MAIN STREET, TOWN OF NORTH CASTLE  
WESTCHESTER COUNTY, NEW YORK



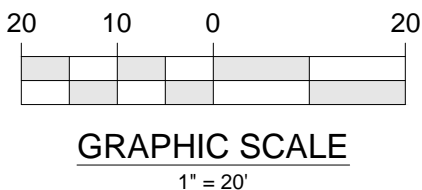


CALCULATION SUMMARY - OVERALL SITE

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
FULL SITE @ GRADE	Illuminance	Fc	0.99	21.8	0.0	N.A.	N.A.
PROPERTY LINE @ 60" VERTICAL	Illuminance	Fc	0.10	0.5	0.0	N.A.	N.A.

OVERALL PHOTOMETRIC PLAN

SCALE: 1" = 20'



LIGHTING UPGRADES  
WELLS FARGO  
LIGHTING PLAN - SITE  
BRANCH 141488  
490 MAIN STREET, TOWN OF NORTH CASTLE  
WESTCHESTER COUNTY, NEW YORK

PROJECT 006-085
DATE 02/14/20
SCALE 1" = 20'
DRAWN RA
DESIGNED NES
CHECKED NES

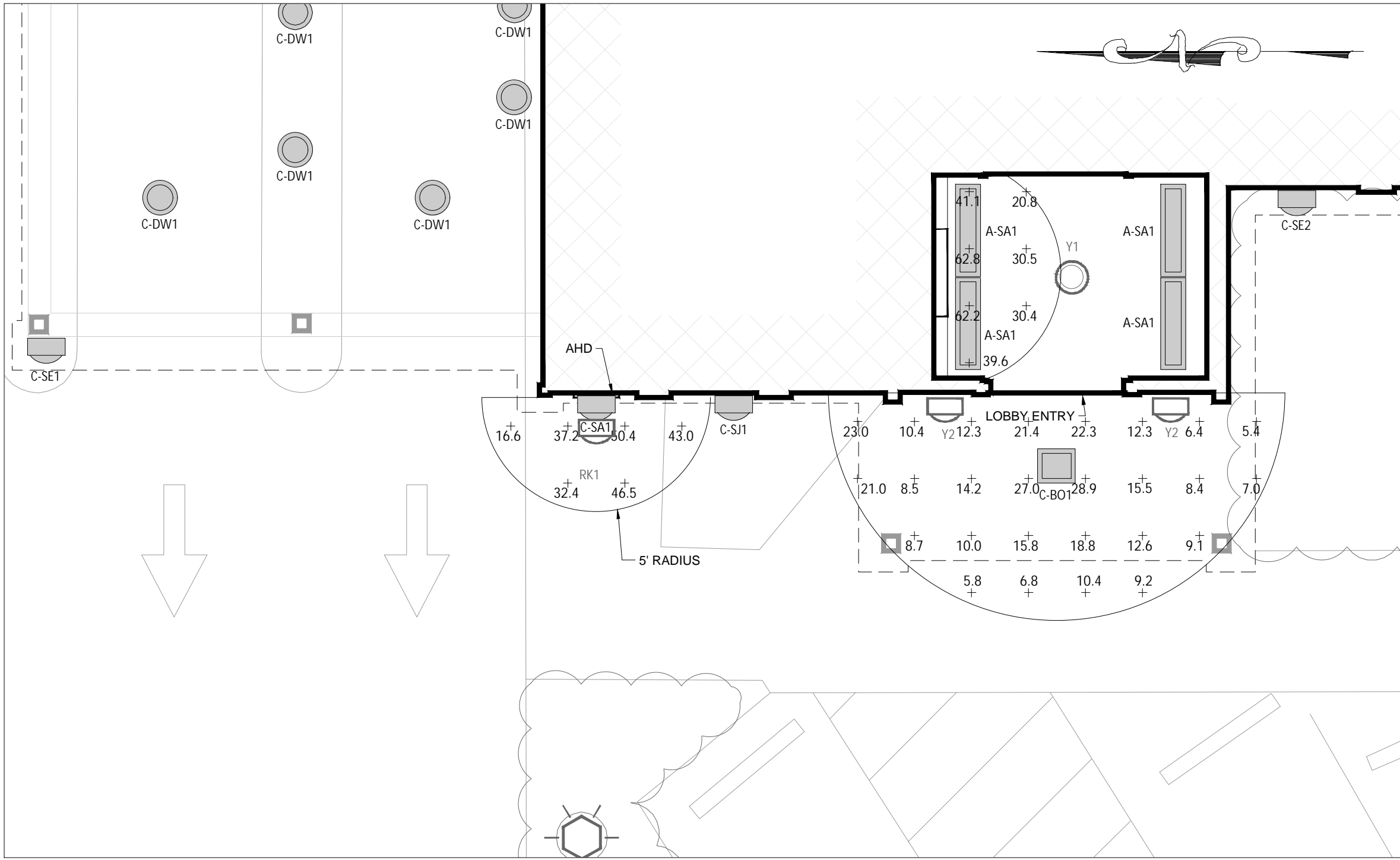


C 2
OF 8
REV 3

REV	DATE	DESCRIPTION
1	09/24/20	REVISED PER GMR DESIGN
2	09/24/20	SIGNATURE BLOCK ADDED
3	11/23/20	REVISED PER GMR DESIGN

BY MAS	DATE 09/24/20	DESCRIPTION REVISED PER GMR DESIGN
NES	09/24/20	SIGNATURE BLOCK ADDED
MAS	11/23/20	REVISED PER GMR DESIGN

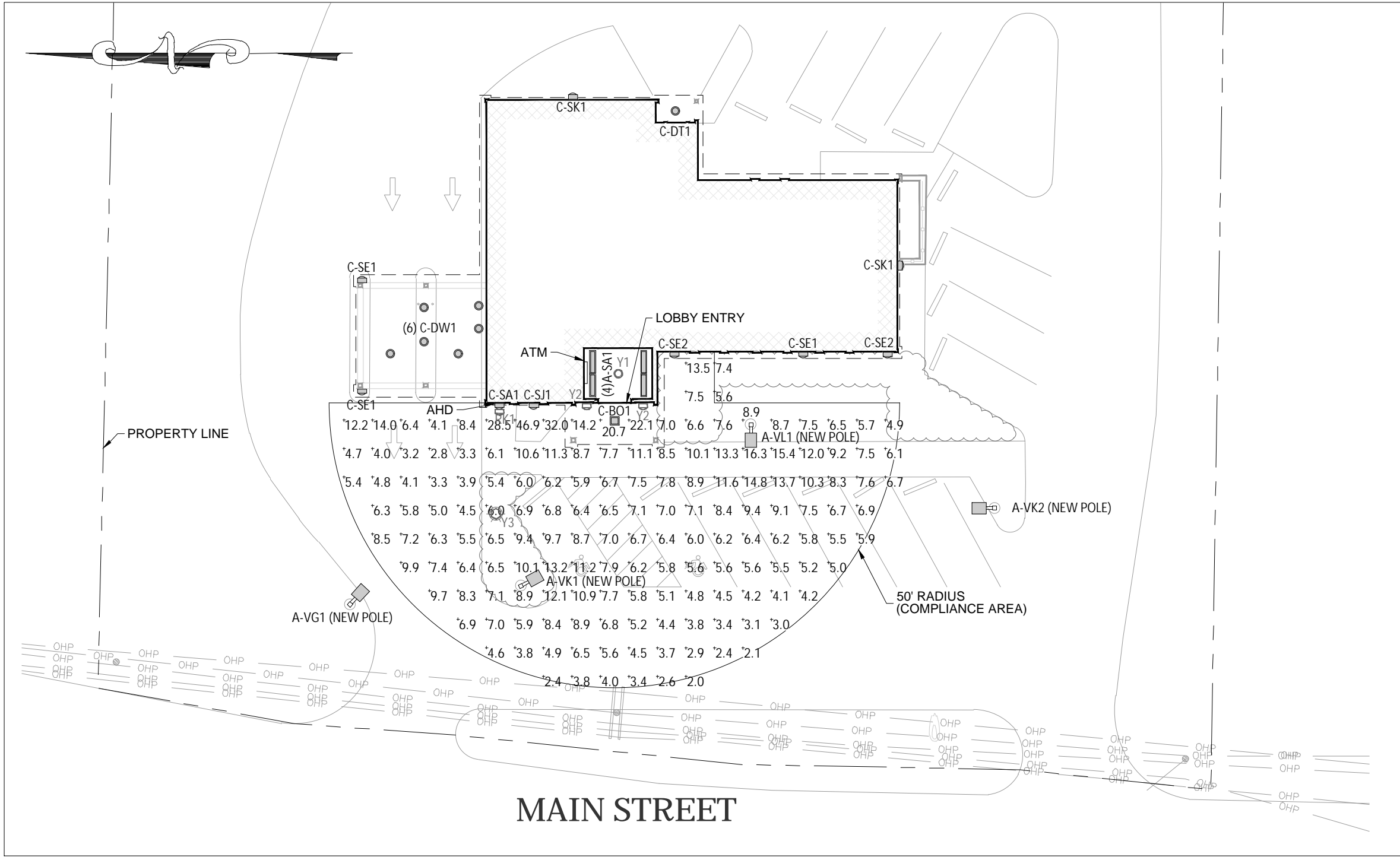
**Independence**  
ENGINEERING LLC  
102 FARNSWORTH AVENUE, SUITE 310  
BORDENTOWN, NEW JERSEY 08505  
(609) 496-9369 INDEPENDENCE@INDEPENG.COM



CALCULATION SUMMARY - 5' RADIUS						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
AHD 5' @ 60" H	Illuminance	Fc	37.68	50.4	16.6	2.27
ATM 5' @ 60" H	Illuminance	Fc	41.06	62.8	20.8	1.97
LOBBY ENTRY 10' @ 60" H	Illuminance	Fc	13.51	28.9	5.4	2.50

ATM PHOTOMETRIC PLAN - 5' RADIUS

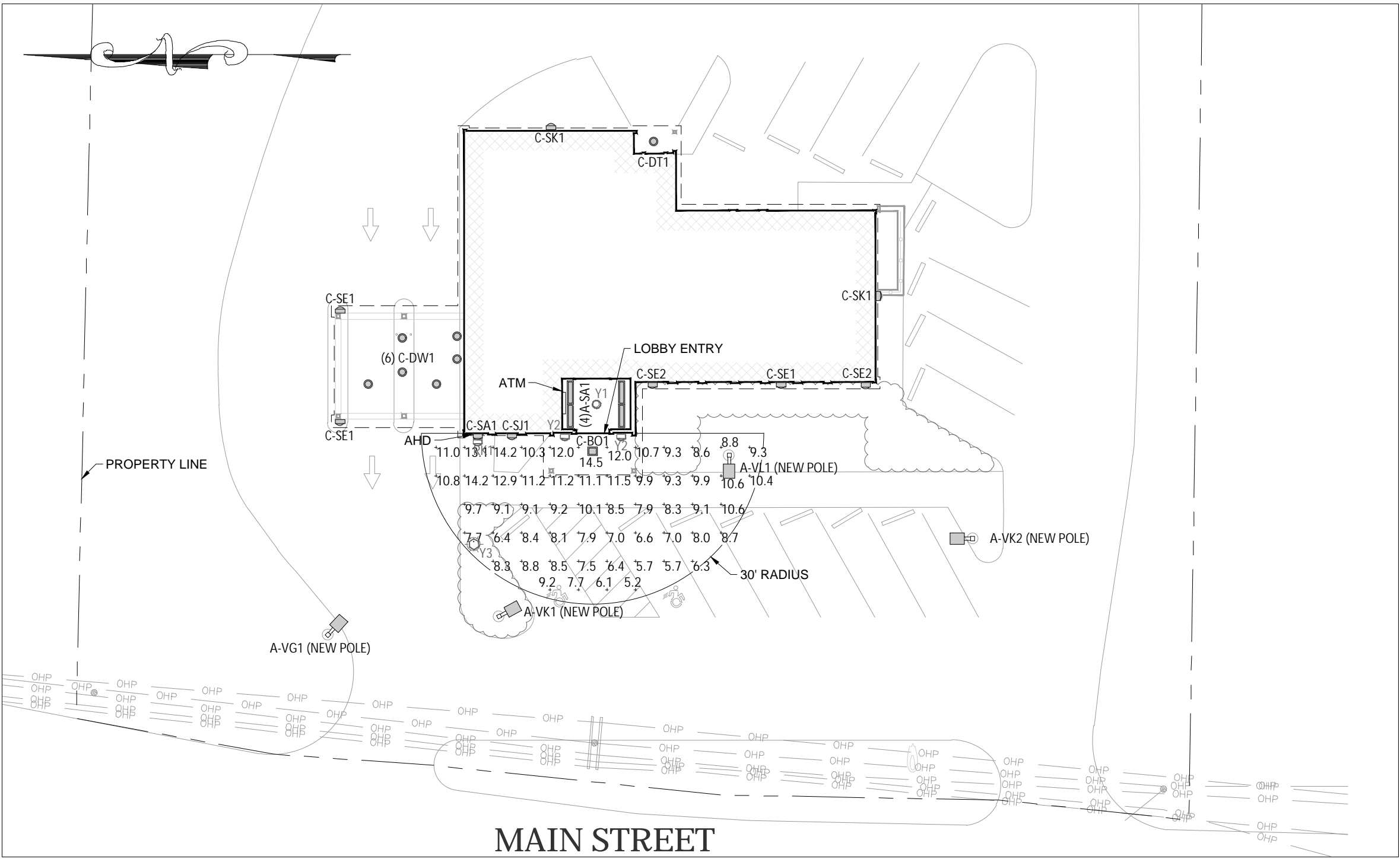
SCALE: 1" = 5'



CALCULATION SUMMARY - 50' RADIUS						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
LOBBY 50' @ 60"	Illuminance	Fc	7.69	46.9	2.0	3.85

ATM PHOTOMETRIC PLAN - 50' RADIUS

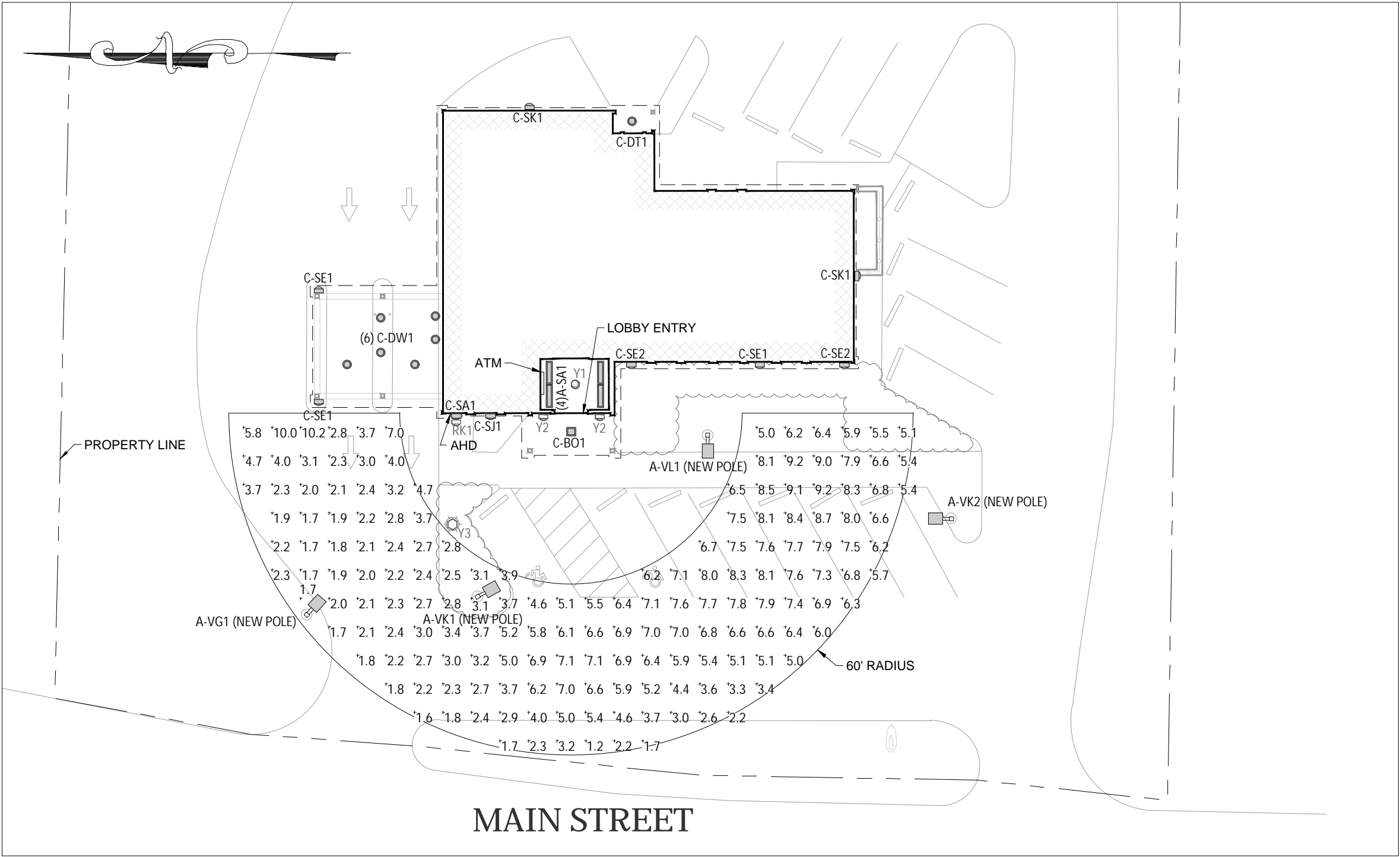
SCALE: 1" = 20'



CALCULATION SUMMARY - 30' RADIUS						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
LOBBY ENTRY 30' @ GRADE	Illuminance	Fc	9.28	14.5	5.2	1.78

ATM PHOTOMETRIC PLAN - 30' RADIUS

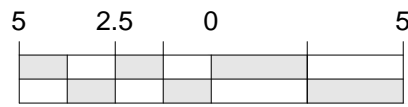
SCALE: 1" = 20'



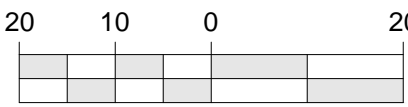
CALCULATION SUMMARY - 60' RADIUS						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
LOBBY 60' @ 60"	Illuminance	Fc	4.84	10.2	1.2	4.03

ATM PHOTOMETRIC PLAN - 60' RADIUS

SCALE: 1" = 20'



GRAPHIC SCALE  
1" = 5'

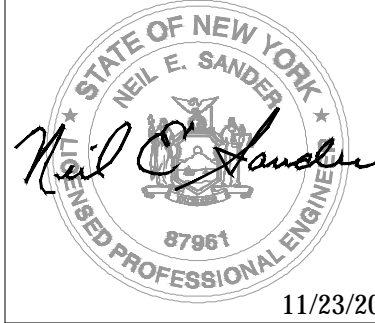


GRAPHIC SCALE  
1" = 20'



LIGHTING UPGRADES  
WELLS FARGO  
LIGHTING PLAN - ATM COMPLIANCE

PROJECT 006-085	DRAWN RA
DATE 02/14/20	CHECKED NES
SCALE AS NOTED	DESIGNED NES



11/23/20
C 3
OF 8
REV 3

Independence  
ENGINEERING LLC  
102 FARNSWORTH AVENUE, SUITE 310  
BORDENTOWN, NEW JERSEY 08505  
(609) 496-9369 INDEPENDENCE@INDEPENG.COM

REV	DATE	DESCRIPTION
1	08/24/20	REVISED PER GMR DESIGN
2	09/24/20	SIGNATURE BLOCK ADDED
3	11/23/20	REVISED PER GMR DESIGN



 GTL 134

LEDs: Don Lithonia Wire Center CA 95610 DBARR: 800.852.3769 FAX: 770.938.0700 [www.lithonia.com](http://www.lithonia.com) © 2014 Lithonia Brands Lighting Inc. All rights reserved. Rev. 01/04/10

# Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit [Lithonia Lighting's RXS data homepage](https://www.lithonialed.com/lighting).

Illuminance plots for the RXSG LED 4K. Distances are in units of mounting height (FOI).

## Performance Data

### Lumen Ambient Temperature (T<sub>A</sub>) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0.0°C (32°F) to 120°C (248°F).

Ambient	Ambient	Lumen Multiplier
0°C	32°F	1.00
5°C	41°F	1.05
10°C	50°F	1.10
15°C	59°F	1.02
20°C	68°F	1.00
25°C	77°F	1.00
30°C	86°F	0.97
35°C	95°F	0.96
40°C	104°F	0.93
45°C	113°F	0.90
50°C	122°F	0.85

### Electrical Load

Performance Factor	System Watts (W)	Current (A)					
		120V	208V	240V	277V	307V	480V
P1	77W	0.59	0.34	0.30	0.26	0.23	0.15
P2	111W	0.81	0.51	0.44	0.40	0.33	0.23
P3	147W	1.13	0.70	0.61	0.53	0.42	0.27
P4	167W	1.25	0.80	0.70	0.60	0.53	0.33
P5	211W	1.61	1.00	0.87	0.75	0.65	0.44
P6	248W	2.01	1.17	1.01	0.88	0.75	0.51

### Projected LED Lumen Maintenance

Operating Hours	10,000	75,000	100,000
Estimated Lumen Maintenance	>=97%	>=95%	>=92%

Values calculated according to IESNA TM-21-11 methodology and are valid for 40°C.

### Lumen Output

Lumen values for photometric tests performed in accordance with IESNA LM-79-02. Data is considered to be representative of the configurations shown, within the tolerances allowed by lighting fixtures. Contact fixture manufacturer for any configurations not shown here.

Performance Factor	System Watt	Beam/Spot Size (mm)	FOI (mm)								FOI (mm)							
			10'								20'							
			Beam	Spot	Beam	Spot	Beam	Spot	Beam	Spot	Beam	Spot	Beam	Spot	Beam	Spot	Beam	Spot
P1	77W	R3	65,856	2	0	2	841	15,200	2	0	2	172	8,870	2	0	2	828	4,228
		R4	16,156	2	0	2	141	17,708	2	0	2	157	11,538	2	0	2	197	11,538
		R5	16,156	2	0	2	146	11,785	2	0	2	159	11,538	2	0	2	197	11,538
		R6	16,156	2	0	1	369	11,538	3	1	2	159	11,538	3	1	2	197	11,538
		AFR	16,156	2	0	1	161	11,538	2	0	1	155	11,538	2	0	1	155	11,538
P2	111W	R3	55,427	2	0	3	161	17,202	3	1	3	155	12,240	3	1	3	155	12,240
		R4	15,862	2	0	3	161	17,202	2	0	3	157	17,202	2	0	3	157	17,202
		R5	16,675	2	0	2	345	17,461	2	0	1	339	17,461	2	0	1	339	17,461
		R6	16,675	2	0	2	149	18,130	2	0	2	163	18,130	2	0	2	163	18,130
		AFR	16,675	2	0	2	161	17,202	2	0	1	159	17,202	2	0	1	159	17,202
P3																		

## Photometric Diagrams

To see complete photometric reports or download as excel files for this product, visit [Lithonia Lighting's RXS data homepage](https://www.lithonialedlighting.com).

Illuminance plots for the R5SD LED 6x40K. Distances are in units of mounting height (30').

## Performance Data

### Lumen Ambient Temperature (LAT) Multiplier

Use these factors to determine relative lumen output for average ambient temperatures from 0-50°C (32-122°F).

Ambient	Ambient	Ambient
0°C	32°F	1.05
5°C	41°F	1.04
10°C	50°F	1.03
15°C	59°F	1.02
20°C	68°F	1.01
25°C	77°F	1.00
30°C	86°F	0.99
35°C	95°F	0.98
40°C	104°F	0.97
45°C	113°F	0.96
50°C	122°F	0.95

### Electrical Load

Performance Factor	System Watts (W)	Current (A)					
		120V	240V	277V	347V	480V	
P1	77W	0.59	0.34	0.30	0.22	0.35	
P2	111W	0.83	0.51	0.46	0.40	0.52	
P3	147W	1.23	0.70	0.61	0.53	0.62	
P4	187W	1.55	0.90	0.78	0.68	0.81	
P5	219W	1.72	1.01	0.87	0.76	0.88	
P6	244W	2.03	1.17	1.01	0.88	0.93	

### Projected LED Lumen Maintenance

Operating Hours	Lumen Maintenance Factor		
	50,000	75,000	100,000
1	>0.97	>0.95	>0.92

Values calculated according to IESNA TM-21-11 methodology and subject to +/- 40°C.

### Configuration Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Performance Package	System Watt	Description, Type	R5 (1000K, 90 CRI)						R5 (4000, 90 CRI)								
			Lumen	U	G	L	U	L	Lumen	U	G	L	U	L			
			1000K, 90 CRI	1000K, 90 CRI	1000K, 90 CRI	1000K, 90 CRI	1000K, 90 CRI	1000K, 90 CRI	4000K, 90 CRI	4000K, 90 CRI	4000K, 90 CRI	4000K, 90 CRI	4000K, 90 CRI	4000K, 90 CRI			
P1	77W	R5	16,890	2	0	2	141	16,990	2	0	2	155	16,890	2	0	2	155
		R5	16,518	2	0	2	140	15,116	2	0	2	157	15,116	2	0	2	157
		R5	16,271	4	0	2	140	13,385	4	0	2	159	13,285	4	0	2	159
		R5	15,547	2	0	1	149	11,980	2	0	1	150	11,985	2	0	1	150
		AFR	16,026	2	0	1	141	13,026	2	0	1	156	12,716	2	0	1	155
P2	111W	R5	24,542	3	0	1	161	19,290	3	0	1	155	20,021	3	0	1	155
		R5	15,862	2	0	1	141	17,567	2	0	1	157	17,427	2	0	1	157
		R5	16,575	4	0	2	140	17,661	4	0	2	159	17,640	4	0	2	159
		R5	16,562	4	0	2	149	18,130	4	0	2	163	18,130	4	0	2	163
		R5	16,691	2	0	2	141	17,246	2	0	2	158	17,246	2	0	2	158
P3	147W	R5	29,780	3	0	1	176	22,817	3	0	1	150	22,817	3	0	1	150

## Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit [Lithonia Lighting's RXS homepage](https://www.lithonialed.com/lighting).

Photometric plots for the RSX2 LED P6 40K. Distances are in units of mounting height (80').

Three photometric plots for the RSX2 LED P6 40K at 80' mounting height. The plots show beam spread and footcandle distribution for beam diameters of 6.6 ft, 6.8 ft, and 7.0 ft. Each plot includes a grid with footcandle values and a scale bar from 0 to 10 feet.

## Performance Data

### Lumen Ambient Temperature

#### LAT Multipliers

Use these factors to determine relative lumen output for different ambient temperatures from 50°F to 122°F (10°C to 52°C).

Ambient	Ambient	Lumen Multiplier
50°F	12°C	1.00
55°F	13°C	0.99
60°F	16°C	0.97
65°F	18°C	0.95
70°F	21°C	0.92
75°F	24°C	0.89
80°F	27°C	0.86
85°F	29°C	0.83
90°F	32°C	0.80
95°F	35°C	0.77
100°F	38°C	0.74
105°F	41°C	0.71
110°F	43°C	0.68
115°F	46°C	0.65
120°F	49°C	0.62
122°F	51°C	0.60

### Electrical Load

Performance Package	Supply Voltage (V)	Current (A)						
		120V	120V	208V	208V	277V	347V	480V
P1	77W	0.59	0.4	0.30	0.26	0.20	0.22	0.15
P2	111W	0.93	0.53	0.46	0.40	0.32	0.32	0.21
P3	147W	1.23	0.70	0.61	0.53	0.42	0.42	0.27
P4	197W	1.55	0.90	0.79	0.68	0.53	0.53	0.38
P5	259W	2.07	1.19	1.07	0.94	0.80	0.80	0.54
P6	244W	2.03	1.17	1.01	0.88	0.70	0.71	0.51

### Projected LED Lumen Maintenance

Operating Hours	30,000	75,000	100,000
Lumen Maintenance Factor	>0.87	>0.95	>0.92

Values calculated according to IESNA TM-21-11 methodology and valid up to 40°C.

### Lumen Output

Current values from photometric test performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations above, with the tolerance allowed by Lighting Facts. Contact your performance data for any configurations not shown above.

Performance Package	Supply Watts	Beam Diameter (ft)	40K (3000K-5000K)				40K (5000K-5700K)				40K (5000K-5700K)			
			Lumens	lm/ft²	lm/ft	lm/ft²	Lumens	lm/ft²	lm/ft	lm/ft²	Lumens	lm/ft²	lm/ft	lm/ft²
			10000	2 <td>0</td> <td>2</td> <td>10000</td>	0	2	10000	2	0	2	10000 <td>2</td> <td>0</td> <td>2</td>	2	0	2
P1	77W	R3	10,000	2	0	2	10,000	2	0	2	10,000	2	0	2
		R4	10,135	2	0	2	10,135	2	0	2	10,135	2	0	2
		R5	10,271	2	0	2	10,271	2	0	2	10,271	2	0	2
		R6	10,406	3	0	1	10,406	3	0	1	10,406	3	0	1
		R7	10,542	2	0	1	10,542	2	0	1	10,542	2	0	1
P2	111W	R3	15,602	2	0	1	15,602	2	0	1	15,602	2	0	1
		R4	15,860	2	0	1	15,860	2	0	1	15,860	2	0	1
		R5	16,118	4	0	2	16,118	4	0	2	16,118	4	0	2
		R6	16,376	4	0	2	16,376	4	0	2	16,376	4	0	2
		R7	16,634	4	0	2	16,634	4	0	2	16,634	4	0	2
P3	147W	R3	19,795	3	0	1	19,795	3	0	1	19,795	3	0	

[illegible]











ELECTRICAL NOTES:



PART 1 - GENERAL

A. REQUIREMENTS OF REGULATORY AGENCIES AND STANDARDS

- ALL EQUIPMENT, MATERIAL AND INSTALLATION SHALL MEET THE REQUIREMENTS OF ONE OR MORE THE FOLLOWING:
  - NATIONAL ELECTRICAL CODE (NEC), NFPA-70 (2020)
  - INTERNATIONAL BUILDING CODE, (2015) WITH (2017) NEW YORK STATE UNIFORM CODE AMENDMENTS
  - INTERNATIONAL ENERGY CONSERVATION CODE (IECC), (2018), WITH (2016) NEW YORK STATE ENERGY CONSERVATION CONSTRUCTION CODE SUPPLEMENTS
  - AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)
  - INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERS (IEEE)
  - ILLUMINATING ENGINEERING SOCIETY (IES)
  - UNDERWRITERS LABORATORIES (UL)
  - STANDARD FOR THE INSTALLATION, MAINTENANCE AND USE OF LOCAL PROTECTIVE SIGNALING SYSTEMS (NFPA-72)
  - FEDERAL SPECIFICATION (FED. SPEC.)
  - INSULATED POWER CABLE ENGINEERS ASSOCIATION (IPCEA)

B. SCOPE OF WORK

- THE CONTRACTOR SHALL VISIT THE JOB SITE PRIOR TO BID TO BECOME FAMILIAR WITH THE PROJECT AND INTENT OF THE DRAWINGS.
- THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING BUILDING AND SITE LIGHTING CONTROLS PRIOR TO BID.
- ALL OUTDOOR LIGHTING SHALL BE CONTROLLED TO TURN OFF AUTOMATICALLY DURING DAYLIGHT HOURS.
- ALL OUTDOOR LIGHTING SHALL BE CIRCUITED INDEPENDENTLY FROM OTHER ELECTRICAL LOADS.
- CONTRACTOR SHALL VERIFY THAT ALL CIRCUIT LOADS ARE BELOW MAXIMUM AMPACITY ALLOWED PER THE NATIONAL ELECTRICAL CODE.
- ALL NEW UNDERGROUND ELECTRICAL CONDUITS SHALL BE COORDINATED WITH EXISTING UTILITIES, INCLUDING BUT NOT LIMITED TO GAS, ELECTRICAL, TELEPHONE, FIBER OPTIC, WATER, SANITARY SEWER, AND STORM SEWER. ALL EXISTING UNDERGROUND UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. ANY CONFLICTS BETWEEN CONDUIT ROUTING AND UTILITIES SHALL BE REPORTED TO THE ARCHITECT/ENGINEER OF RECORD IN WRITING FOR CLARIFICATION AND DIRECTION.
- CONTRACTOR SHALL PROVIDE ALL NECESSARY TRENCHING, PATCHING OF CONCRETE AND/OR BLACKTOP ASPHALT, AND STABILIZATION NECESSARY TO PRODUCE A COMPLETE FINISHED PRODUCT.
- ALL NEW CIRCUIT BREAKERS IN EXISTING PANEL BOARDS SHALL MATCH EXISTING CIRCUIT BREAKERS. AIC RATINGS OF NEW CIRCUIT BREAKERS SHALL MATCH AIC RATINGS INDICATED ON EXISTING CIRCUIT BREAKERS.
- THE CONTRACTOR SHALL OBTAIN A PERMIT FOR WORK TO BE COMPLETED AND INCLUDE COST FOR ALL PERMIT FEES, PERMITS, INSPECTIONS AND TESTING IN THE BID.
- THE CONTRACTOR SHALL PROVIDE ALL NEW MATERIAL IN ACCORDANCE WITH THESE DOCUMENTS AND APPLICABLE SPECIFICATIONS.
- THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN THESE DOCUMENTS AND THOSE OF OTHER DISCIPLINES TO THE ARCHITECT/ENGINEER FOR WRITTEN DIRECTION/INSTRUCTIONS FOR CHANGES NECESSARY IN THE WORK.
- THE CONTRACTOR SHALL NOT SCALE THESE ELECTRICAL DRAWINGS, REFER TO THE ARCHITECTURAL DRAWINGS FOR EXACT LOCATIONS AND ELEVATIONS.
- THE CONTRACTOR IS EXPECTED TO PROVIDE ALL MATERIAL NECESSARY FOR A COMPLETE OPERATING SYSTEM. IT IS NOT THE INTENT OF THESE DOCUMENTS TO SHOW EVERY MINOR DETAIL OF CONSTRUCTION.
- THE CONTRACTOR SHALL COORDINATE THE ELECTRICAL WORK WITH OTHER TRADES AND MAKE PROPER PROVISIONS IN RELATION TO THEIR WORK. ANY CHANGES REQUIRED DUE TO LACK OF COORDINATION, SHALL BE MADE AT THE CONTRACTORS EXPENSE.
- THE CONTRACTOR SHALL SUBMIT EQUIPMENT DATA AND SHOP DRAWINGS IN ELECTRONIC FORMAT AND AS DIRECTED BY GENERAL PROJECT REQUIREMENTS IN PROJECT MANUAL AS APPLICABLE. SUBMITTAL SHALL CONTAIN MATERIAL UTILIZED IN THE PROJECT FOR APPROVAL BY THE ARCHITECT/ENGINEER PRIOR TO BEGINNING ANY WORK OR ORDERING ANY MATERIAL. THE MATERIAL SHALL CONTAIN ALL ELECTRICAL EQUIPMENT INCLUDING PANEL BOARDS, TRANSFORMERS, DISCONNECTS, SAFETY SWITCHES LIGHT FIXTURES, LIGHTING CONTROLS, AND CONDUCTORS.
- THE ELECTRICAL INSTALLATION SHALL BE INSTALLED IN A NEAT AND WORKMANLIKE MANNER BY A LICENSED ELECTRICAL CONTRACTOR.
- THE CONTRACTOR SHALL PROVIDE INSURANCE FOR PROTECTION AGAINST PUBLIC LIABILITY AND PROPERTY DAMAGE FOR DURATION OF THE PROJECT.
- NO COMBUSTIBLE MATERIALS, I.E. PVC CONDUIT, NON-PLENUM RATED CABLING, ETC., ARE ALLOWED ABOVE ANY CEILINGS.

C. TERMS

- "PROVIDE", AS USED IN THE DOCUMENTS AND APPLICABLE SPECIFICATIONS MEANS TO FURNISH AND INSTALL COMPLETE.
- "WIRING", AS USED IN THE DOCUMENTS MEANS CONDUIT AND WIRES WITHIN THE CONDUIT SYSTEM.
- "CONCEALED", AS USED IN THE DOCUMENTS AND APPLICABLE SPECIFICATIONS MEANS EMBEDDED IN MASONRY OR OTHER CONSTRUCTION, BEHIND WALLS, INSIDE CABINETRY OR ABOVE SUSPENDED CEILINGS.
- "NEMA 1", INDICATES THE ENCLOSURE SHALL BE LISTED FOR INDOOR USE ONLY.
- "NEMA 3R", INDICATES THE ENCLOSURE SHALL BE LISTED FOR EXTERIOR USE.

D. WARRANTY

- ALL MATERIAL AND WORK PERFORMED SHALL BE GUARANTEED FOR A PERIOD OF NOT LESS THAN ONE YEAR FROM DATE OF ACCEPTANCE.
- ANY CORRECTIONS FOR DEFECTIVE MATERIALS AND/OR INSTALLATION SHALL BE MADE AT THE CONTRACTORS EXPENSE DURING THE WARRANTY PERIOD.

PART 2 - PRODUCTS

A. BRANCH CIRCUIT PANEL BOARDS

- ALL CIRCUIT BREAKERS SHALL MATCH EXISTING CIRCUIT BREAKERS IN EXISTING PANEL BOARDS.
- AIC RATINGS SHALL MATCH AIC RATINGS AS INDICATED IN EXISTING PANELS.
- ALL PANEL BOARDS SHALL BE LABELED WITH PLASTIC LAMINATE IDENTIFICATION PLATES THAT ARE ENGRAVED WITH 1/4" LETTERING.
- ALL PANEL BOARDS SHALL BE UPDATED AS NEEDED WITH A TYPE WRITTEN SCHEDULE OF BRANCH CIRCUIT DESCRIPTIONS.
- IF THERE ARE NOT ENOUGH CIRCUITS AVAILABLE ON THE EXISTING PANEL

BOARD, THEN A SUB-PANEL SHALL BE INSTALLED AND FED FROM THE EXISTING PANEL BOARD. SEE PLAN FOR SUB-PANEL DETAILS. THE MOUNTING LOCATION SHALL BE APPROVED BY THE OWNER.

B. CONDUCTORS

- MINIMUM SIZE SHALL BE #12 AWG, EXCEPT FOR CONTROL/LOW VOLTAGE WIRING.
- INSULATION TYPE SHALL BE THWN-2 OR XHHW-2.
- ALL CONDUCTORS SHALL BE COPPER.

C. JUNCTION BOXES

- INTERIOR LOCATIONS SHALL BE PRESSED STEEL.
  - EXTERIOR LOCATIONS SHALL BE HEAVY DUTY CAST ALUMINUM WITH THREADED HUBS.
- F. CONDUIT
- EMT SHALL BE GALVANIZED STEEL FOR INDOOR USE.
  - RGS SHALL BE GALVANIZED STEEL FOR INDOOR AND OUTDOOR USE.
  - PVC SHALL BE SCHEDULE 40 WHERE NOT SUBJECT TO PHYSICAL DAMAGE. FOR UNDERGROUND USE.
  - PVC SHALL BE SCHEDULE 80 WHERE EXPOSED TO PHYSICAL DAMAGE. FOR UNDERGROUND USE.
  - MC CABLE IS ACCEPTABLE WITH LIGHTWEIGHT ALUMINUM INTERLOCKED ARMOR AND INTERNAL REDUNDANT GROUND. FOR INDOOR USE.

PART 3 - EXECUTION

A. COLOR CODING FOR CONDUCTORS SHALL BE THE FOLLOWING:

- 240/120 VOLT, SINGLE PHASE, THREE WIRE SYSTEM: A PHASE-BLACK, B PHASE-RED, GROUND (NEUTRAL)-WHITE AND GROUNDING-GREEN.
- CONDUCTORS FOR SERVICES AND BRANCH CIRCUITS #6 AND LARGER SHALL BE IDENTIFIED CONSISTENTLY BY: COLOR CODING, MARKING TAPE OR OTHER APPROVED MEANS.

B. WIRING METHODS

- CONDUCTORS SHALL BE INSTALLED IN METALLIC RACEWAY UNLESS NOTED OTHERWISE. CONNECTORS AND FITTINGS SHALL BE STEEL SET SCREW OR COMPRESSION TYPE. GROUNDING BUSHINGS SHALL BE INSTALLED AT BOTH ENDS.
- RGS, AS INDICATED IN PART 2-PRODUCTS (F) SHALL BE INSTALLED IN ALL ATMOSPHERIC CONDITIONS AND OCCUPANCIES WITH GROUNDING BUSHINGS AT BOTH ENDS.
- PVC, AS INDICATED IN PART 2-PRODUCTS (F) SHALL BE INSTALLED BELOW SLAB, UNDERGROUND AND EXPOSED WHERE LISTED FOR SUCH USE.
- MC CABLE, AS INDICATED IN PART 2-PRODUCTS (F) IS ACCEPTABLE FOR USE WITH GENERAL BRANCH CIRCUITS, RATED 20 AMPERES OR LESS, CONCEALED IN WALLS AND ABOVE SUSPENDED CEILINGS, AND AS APPROVED BY THE AUTHORITY HAVING JURISDICTION. IT IS NOT INTENDED TO USE MC CABLE EXPOSED.

C. INSTALLATION

- ALL ELECTRICAL SYSTEM COMPONENTS, INCLUDING CONDUIT, CONDUCTORS, BUSHINGS, FITTINGS, UNIONS, JUNCTION BOXES, SEALS AND ANY OTHER APPLICATION NOT LISTED SHALL BE INSTALLED PER THE CURRENT VERSION OF THE NATIONAL ELECTRICAL CODE AND OTHER APPLICABLE ELECTRICAL CODES.
- A SURVEY OR ONE-CALL EVALUATION FOR UNDERGROUND UTILITIES ON THE PROPERTY SHALL BE PERFORMED, AND ANY UTILITY CONFLICTS SHALL BE RESOLVED BY FOLLOWING AN ALTERNATE ROUTE APPROVED BY THE OWNER OR ROUTING THE CONDUIT BELOW THE EXISTING UTILITY BY NOT LESS THAN 6 INCHES.
- CONDUIT SHALL BE AT A MINIMUM DEPTH OF 24 INCHES, AND A RED WARNING RIBBON SHALL BE INSTALLED A MINIMUM OF 12" ABOVE THE CONDUIT.
- CONDUIT SHALL BE RATED FOR THE APPLICATION IN WHICH IT IS USED.
- CONDUIT ROUTED INSIDE A BUILDING OR STRUCTURE SHALL BE CONCEALED WITHIN THE BUILDING OR STRUCTURE AND FOLLOW THE PATH OF EXISTING CONDUITS WHEN POSSIBLE.
- CONDUCTOR CONNECTIONS SHALL BE MADE IN ACCORDANCE WITH THE CURRENT VERSION OF THE NATIONAL ELECTRICAL CODE, OTHER APPLICABLE ELECTRICAL CODES, AND DETAIL 1/4" "LIGHT POLE PIER".

D. MISCELLANEOUS

- CONDUCTORS FOR BRANCH CIRCUITS SHALL BE INCREASED FROM SIZES INDICATED IN THE PANEL SCHEDULES TO PREVENT VOLTAGE DROP EXCEEDING 3% AT THE FARTHEST DEVICE. LOADS FOR DETERMINING CONDUCTOR SIZE SHALL BE BASED ON ACTUAL CONNECTED LOAD OR 80% OF CIRCUIT BREAKER SIZE, WHICH EVER IS GREATER. CONTACT ENGINEER OF RECORD FOR ALL CIRCUIT RUNS IN EXCESS OF 100 FT. FOR CALCULATION OF WIRE SIZE. FOR BID PURPOSES, INCREASE WIRE SIZE BY ONE FOR CIRCUIT RUNS BETWEEN 100 FT. AND 200 FT. AND TWO WIRE SIZES FOR CIRCUIT RUNS GREATER THAN 200 FT.
- SHOP DRAWING AND SUBMITTAL REVIEW OF EQUIPMENT OR PRODUCTS OTHER THAN SPECIFIED MAY BE AT THE EXPENSE OF THE CONTRACTOR.

E. GROUNDING

- THE ELECTRICAL SYSTEM SHALL BE COMPLETE AND EFFECTIVELY GROUNDED AS REQUIRED PER THE LATEST EDITION OF THE NEC AND LOCAL CODES. ALL GROUNDING ELECTRODE CONDUCTORS SHALL BE COPPER.
- GROUNDING BUSHINGS SHALL BE BONDED TO THE EXISTING GROUNDING SYSTEM.
- CIRCUIT EQUIPMENT GROUNDING CONDUCTOR CONNECTIONS SHALL BE BONDED TO THE EXISTING GROUNDING SYSTEM.

F. RECORD DOCUMENTS

- THE CONTRACTOR SHALL MAINTAIN AN ACCURATE RECORD SET OF ANY DEVIATIONS BETWEEN THE WORK AS DESIGNED ON THESE DOCUMENTS AND THAT OF WHICH IS ACTUALLY INSTALLED. THIS RECORD SET OF DRAWINGS SHALL BE KEPT WITH THE GENERAL CONTRACTOR AND REQUIRE APPROVAL FROM THE ARCHITECT/ENGINEER.

MANDATORY MEASURES:

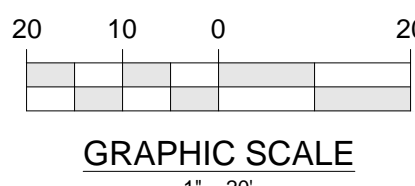
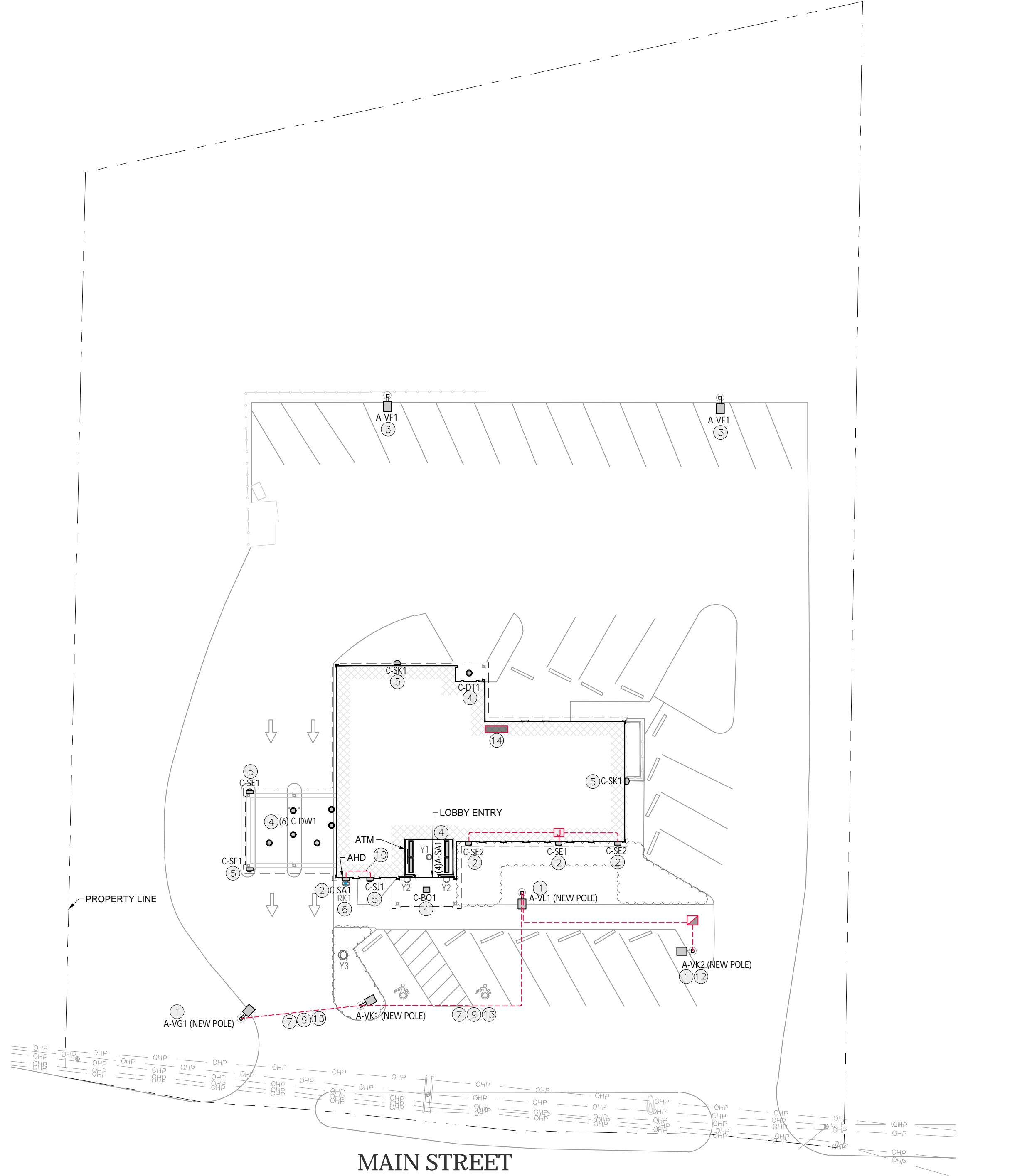
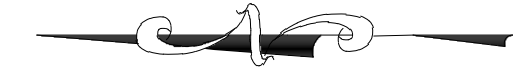
- ALL OUTDOOR LIGHTING TO BE AUTOMATICALLY CONTROLLED TO BE TURNED OFF WHEN DAYLIGHT IS AVAILABLE.
- ALL OUTDOOR LIGHTING TO BE CIRCUITED INDEPENDENTLY FROM OTHER ELECTRICAL LOADS.

KEYED NOTES:

- INSTALL NEW POLE AND LED FIXTURE AS SPECIFIED. CONTRACTOR TO FIELD VERIFY LOAD ON EXISTING BRANCH CIRCUIT, INTERCEPT BRANCH, AND CONNECT TO EXISTING WIRING WITH COPPER CONDUCTORS AND LIKE-KIND INSULATION.
- INSTALL NEW WALL-MOUNTED LED FIXTURE AS SPECIFIED. CONTRACTOR TO FIELD VERIFY LOAD ON EXISTING BRANCH CIRCUIT, INTERCEPT BRANCH, AND CONNECT TO EXISTING WIRING WITH COPPER CONDUCTORS WITH LIKE-KIND INSULATION.
- REMOVE EXISTING POLE-MOUNTED FIXTURE. POLE TO REMAIN. INSTALL NEW POLE-MOUNTED LED FIXTURE(S) AS SPECIFIED. CONNECT NEW LED FIXTURE TO EXISTING WIRING.
- REMOVE EXISTING CANOPY-MOUNTED FIXTURE. INSTALL NEW CANOPY-MOUNTED LED FIXTURE AS SPECIFIED. CONNECT NEW LED FIXTURE TO EXISTING WIRING.
- REMOVE EXISTING WALL-MOUNTED FIXTURE. INSTALL NEW WALL-MOUNTED LED FIXTURE AS SPECIFIED. CONNECT NEW LED FIXTURE TO EXISTING WIRING.
- REMOVE EXISTING LIGHT FIXTURE AND PATCH WITH LIKE-KIND MATERIALS AND FINISH.
- CONTRACTOR SHALL SAW CUT AND PATCH PAVEMENT AS REQUIRED FOR NEW WIRING.
- ROUTE (2) #12 AWG W/1/2 GND, 1 CIRCUIT FROM EXISTING CIRCUIT AT REPLACEMENT CIRCUIT C-SE1 THROUGH A 3/4" CONDUITS TO (2) NEW FIXTURE C-SE2 AS SHOWN.
- ROUTE (2) #12 AWG W/1/2 GND, 1 CIRCUIT FROM REPLACEMENT POLE THROUGH 3/4" CONDUITS TO (1) NEW POLE WITH (1) NEW FIXTURE A-VL1, (1) NEW POLE WITH (1) NEW FIXTURE A-VK1, AND (1) NEW POLE (1) NEW FIXTURE A-VG1 AS SHOWN.
- ROUTE (2) #12 AWG W/1/2 GND, 1 CIRCUIT FROM EXISTING CIRCUIT REPLACEMENT FIXTURE C-SJ1 TROUGH A 3/4" CONDUIT TO (1) NEW FIXTURE C-SA1 AS SHOWN.
- INTERCEPT EXISTING POLE LIGHT CONDUCTORS AND ROUTE TO NEW UNDERGROUND HANDHOLE AS SHOWN. SPLICE AND EXTEND EXISTING CONDUCTORS FROM NEW UNDERGROUND HANDHOLE TO (1) NEW POLE WITH (1) NEW FIXTURE A-VK2 AS SHOWN.
- REMOVE POLE, POLE BASE, AND FIXTURE(S) IN THEIR ENTIRETY. PULL BACK EXISTING CONDUCTORS TO THE NEAREST PULL POINT. TRIM BACK CONDUIT(S) BACK ONLY AS FAR AS NECESSARY TO INTERCEPT AND ROUTE TO NEW POLE BASE. REUSE EXISTING CONDUCTORS AND SPLICE TO NEW LIKE-KIND CONDUCTORS AS NECESSARY TO COMPLETE CIRCUIT.
- CONDUIT SHALL BE PVC TYPE.
- APPROXIMATE LOCATION OF EXISTING PANEL BOARD.

ELECTRICAL LEGEND

SYMBOL	DESCRIPTION
	JUNCTION BOX
	PANEL BOARD, SURFACE MOUNTED
	UNDERGROUND HANDHOLE, 12"x12"x12" GASKETED WITH SOLID BOTTOM, QUARTZITE #PC1212DG12 BOX WITH #PC1212CGB0 COVER OR APPROVED EQUAL
	BRANCH CIRCUIT CONDUIT, EXPOSED
	BRANCH CIRCUIT CONDUIT, CONCEALED



LIGHTING UPGRADES  
WELLS FARGO  
SITE ELECTRIC PLAN

PROJECT  
006-085

DATE  
02/14/20

SCALE  
1" = 20'

DESIGNED  
CPS

CHECKED  
NES



11/23/20

E 101

OF 8 REV 3

REV	DATE	DESCRIPTION
1	09/24/20	REVISED PER GMR DESIGN
2	09/24/20	SIGNATURE BLOCK ADDED
3	11/23/20	REVISED PER GMR DESIGN

Independence  
ENGINEERING LLC  
102 FARNSWORTH AVENUE, SUITE 310  
BORDENTOWN, NEW JERSEY 08505  
(609) 496-9369 INDEPENDENCE@INDEPENDENG.COM



STRUCTURAL ENGINEERING CALCULATIONS

**BRIAN J. SIELAFF, P.E.**

**STRUCTURAL ENGINEERING CALCULATIONS**

**FOR**

**INDEPENDENCE ENGINEERING**

**WELLS FARGO SITE LIGHTING**

**STORE NUMBER 141498**

**ARMONK, NEW YORK**

**TGE PROJECT NUMBER: TGE20-14046**

02/05/2020

DESIGN CRITERIA:

DESIGNED USING 2015 INTERNATIONAL BUILDING CODE (IBC)

RISK CATEGORY: I

SEISMIC PARAMETERS:

SHORT PERIOD:  $S_s = 0.259$  G

ONE SECOND PERIOD:  $S_1 = 0.071$  G

DESIGN SPECTRAL ACCELERATION:  $S_{DS} = 0.235$  G

DESIGN ONE SECOND PERIOD:  $S_{D1} = 0.113$  G

SEISMIC DESIGN CATEGORY: B

WIND PARAMETERS:

ULTIMATE WIND SPEED: 115 MPH

EXPOSURE: C

SOIL PARAMETERS:

MINIMUM ALLOWABLE SOIL BEARING (ASSUMED): 1,500 (Assumed) PSF

MINIMUM FROST DEPTH: 42 IN

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

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2 DESIGN CRITERIA INFORMATION.....4

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

**1 PROJECT INFORMATION**

Tamarack Grove Engineering Information:

- Company Address: 812 S. La Cassia Dr. Boise, ID 83705
- Date: 5 February 2020
- Firm Registration Number: 87979
- Engineer of Record: Brian J. SIELAFF, P.E.
- Project Manager: Garrett Davis, E.I.
- Direct Phone: 208.402.5375
- Office Phone: 208.345.8941
- Office Fax: 208.345.8946
- Email: Garrett.Davis@tamarackgrove.com

Project Client Information:

- Company: Independence Engineering
- Contact: Neil Sander
- Address: 102 Farnsworth Avenue, Suite 310, Bordentown, NJ 08046-9369
- Phone: 609-406-9369
- Logo: Independence ENGINEERING LLC

Project Site Information:

- Name: Wells Fargo
- Address: 490 Main St, Armonk, NY 141498
- Store Number:

Local Jurisdiction Information:

- Jurisdiction: City of Armonk
- Enforced Code Used: 2015 IBC
- Contact Info: <https://www.northeastern.com/building-engineering>

Project Scope of Work:

- Design a foundation for a light pole

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

**2 DESIGN CRITERIA INFORMATION**

Seismic Design Information:

- Importance Factor ( $I_s$ ): 1.0
- Seismic Response Coefficient(s) ( $C_s$ ):  $C_s = 0.178$
- Short Period:  $S_s = 0.259$  G (From USGS or ATC)
- One Second Period:  $S_1 = 0.071$  G (From USGS or ATC)
- Design Spectral Acceleration:  $S_{DS} = 0.235$  G (From USGS or ATC)
- Design One Second Period:  $S_{D1} = 0.113$  G (From USGS or ATC)
- Seismic Design Category: B
- Building Site Class: D
- Analysis Procedure Used: Assumed (From USGS or ATC)
- Basic Seismic-Force-Resisting-System(s): Equivalent Lateral Force Procedure
- Response Modification Coefficient ( $R_u$ ): 1.5

Wind Design Information:

- Ultimate Design Wind Speed ( $V_u$ ): 115 MPH
- Importance Factor ( $I_w$ ): 1.0
- Wind Exposure: C
- Wind Pressure Coefficient(s): 30.0
- Design Base Shear: 116.4 LBF

Soil Design Information:

- Minimum Frost Depth: 42 IN
- Minimum Allowable Soil Bearing: 1,500 (Assumed) PSF
- Geo-tech Report By: N/A

**REVIEWER NOTE:**

SHEETS 10-11 ANALYZE THE FOUNDATIONS WITH A 150 LBS. LATERAL LOAD AT THE TOP OF THE LIGHT POLE WHICH CORRELATES TO A WIND DESIGN SPEED OF 130 MPH. THEREFORE, IF THE JURISDICTIONAL DESIGN WIND SPEED IS LESS THAN 130 MPH FOR RISK CATEGORY I, THE FOUNDATIONS WILL BE ACCEPTABLE AS SHOWN BY THE APPROVED DETAIL. THE FOUNDATION EXTEND 8'-0" BELOW GRADE; BY INSPECTION, THE FOUNDATIONS WILL MEET THE MINIMUM REQUIRED FROST DEPTH.

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

**ATC Hazards by Location**

Search Information

Address: 41.038642, -73.172827/9999999

Coordinates: 41.038642, -73.172827/9999999

Elevation: 396.8

Timezone: 2020-02-05T18:29:26-05:00

Hazard Type: Seismic

Reference Document: ASCE7-10

Risk Category: I

Site Class: D

MCER Horizontal Response Spectrum

Design Horizontal Response Spectrum

Basic Parameters

Name	Value	Description
$S_s$	0.259	MCES ground motion (period=0.2s)
$S_1$	0.071	MCES ground motion (period=1.0s)
$S_{DS}$	0.413	Site-modified spectral acceleration value
$S_{D1}$	0.17	Site-modified spectral acceleration value
$R_{SD}$	0.275	Nominal seismic design value at 0.2s SA
$R_{SD1}$	0.113	Nominal seismic design value at 1.0s SA

Additional Information

Name	Value	Description
$R_{SD}$	B	Seismic design category
$F_a$	1.992	Site amplification factor at 0.2s
$F_v$	2.4	Site amplification factor at 1.0s

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

CR1 0.875 Coefficient of risk (0.2s)

CR2 0.804 Coefficient of risk (1.0s)

PGA 0.153 MCES peak ground acceleration

$F_{PGA}$  1.494 Site amplification factor at PGA

$P_{GA}$  0.228 Site modified peak ground acceleration

$T_L$  6 Long period transition period (s)

$S_{MKT}$  0.259 Probabilistic risk-targeted ground motion (0.2s)

$S_{MCH}$  0.257 Factored uniform-hazard spectral acceleration (2% probability of exceedence in 50 years)

$S_{M0}$  1.5 Factored deterministic acceleration value (0.2s)

$S_{MRT}$  0.071 Probabilistic risk-targeted ground motion (1.0s)

$S_{MST}$  0.079 Factored uniform-hazard spectral acceleration (2% probability of exceedence in 50 years)

$S_{MD}$  0.5 Factored deterministic acceleration value (1.0s)

$P_{MD}$  0.5 Factored deterministic acceleration value (PGA)

The results indicated here DO NOT reflect any state or local amendments to the values or any deviation lines made during the building code adoption process. Users should confirm any output obtained from this tool with the local Authority Having Jurisdiction before proceeding with design.

Disclaimer

Hazard data are provided by the U.S. Geological Survey [Seismic Design Value Website](https://www.data.gov).

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

**ATC Hazards by Location**

Search Information

Address: 490 Main St, Armonk, NY 10954, USA

Coordinates: 41.289042, -73.172827/9999999

Elevation: 396.8

Timezone: 2020-02-05T18:29:26-05:00

Hazard Type: Wind

ASCE 7-16:

MR 15-Year: 75 mph

MR 25-Year: 83 mph

MR 50-Year: 90 mph

MR 100-Year: 96 mph

Risk Category I: 106 mph

Risk Category II: 115 mph

Risk Category III: 125 mph

Risk Category IV: 129 mph

ASCE 7-10:

MR 15-Year: 75 mph

MR 25-Year: 83 mph

MR 50-Year: 90 mph

MR 100-Year: 96 mph

Risk Category I: 106 mph

Risk Category II: 115 mph

Risk Category III: 125 mph

Risk Category IV: 129 mph

ASCE 7-05:

MR 15-Year: 75 mph

MR 25-Year: 83 mph

MR 50-Year: 90 mph

MR 100-Year: 96 mph

Risk Category I: 106 mph

Risk Category II: 115 mph

Risk Category III: 125 mph

Risk Category IV: 129 mph

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

**3 STRUCTURAL ENGINEERING CALCULATIONS**

**SEISMIC DESIGN CRITERIA**

Site Class: D

Risk Category: I

Height of Light Pole

Light Pole Weight

Approximate fundamental period of building

Long period transition period

Spectral response acceleration parameter at short periods

Spectral response acceleration parameter at a period of 1 s

Short period site coefficient (at 0.2 s period) (ASCE 7 Table 11.4-1)

Long period site coefficient (at 1.0 s period) (ASCE 7 Table 11.4-2)

The MCES, 5% damped, spectral response acceleration parameter at short periods adjusted for site class effects (ASCE 7 Eq. 11.4-3)

The MCES, 5% damped, spectral response acceleration parameter at a period of 1 s adjusted for site class effects (ASCE 7 Eq. 11.4-3)

Design spectral response acceleration parameter at short periods adjusted for the site class (ASCE 7 Eq. 11.4-3)

Design spectral response acceleration parameter at a period of 1 s adjusted for the site class (ASCE 7 Eq. 11.4-3)

Seismic importance factor

Response modification factor (ASCE 7 Table 12.2-1)

Overstrength factor (ASCE 7 Table 12.2-1)

Deflection amplification factor (ASCE 7 Table 12.2-1)

Seismic response coefficient

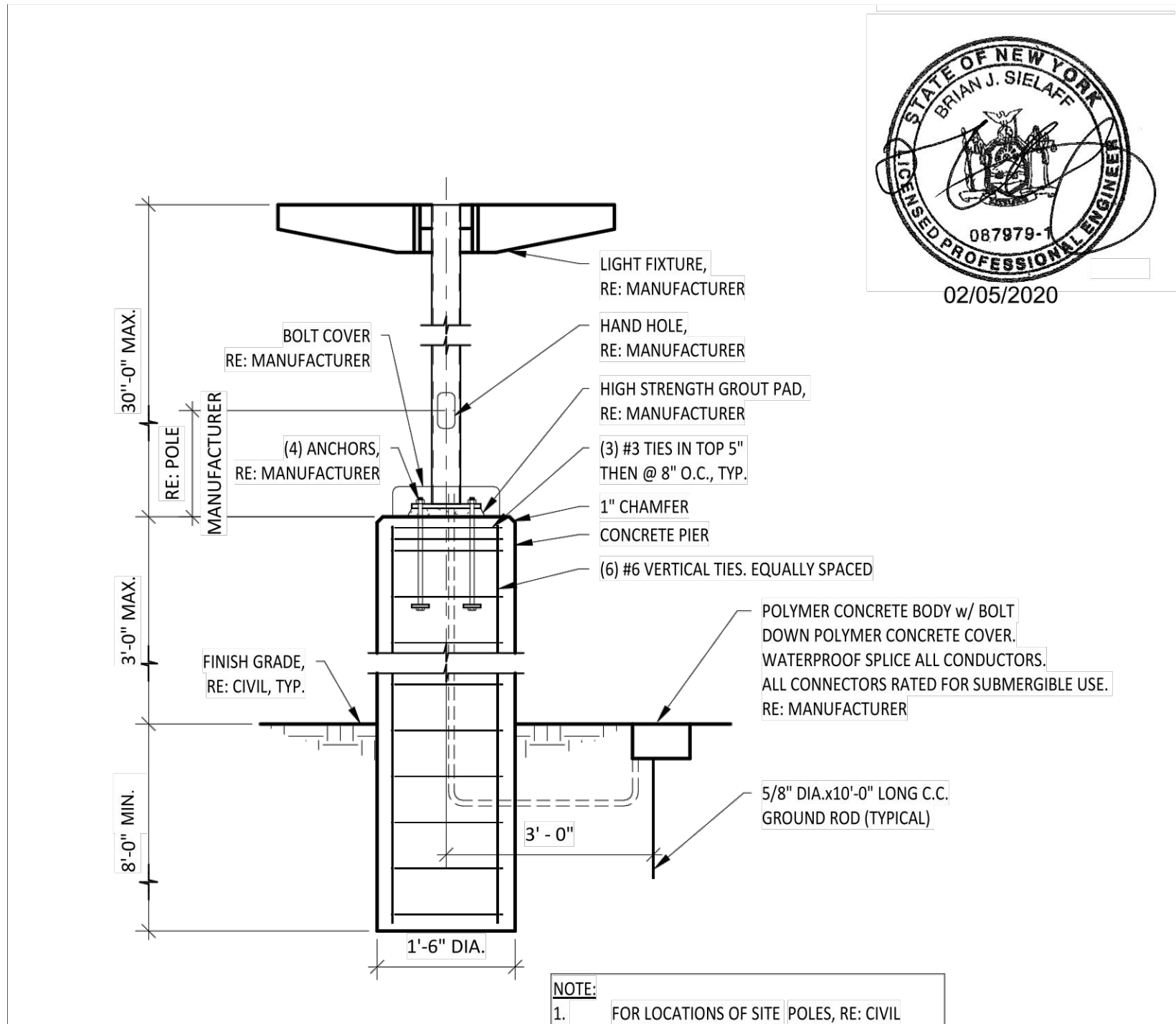
Maximum seismic response coefficient

Design seismic response coefficient

Seismic base shear

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

**WIND DESIGN CRITERIA**

Exposure Category: C

Basic wind speed:  $V = 115$  mph

3-sec gust-speed power law exponent:  $n = 5.5$

Nominal height of the atmospheric boundary layer:  $Z = \max(h_z, 35 \text{ ft})$

Height above ground level:  $K_z = 2.01 \cdot \left( \frac{z}{h_z} \right)^{0.98}$

Wind directionality factor ASCE Section 29.3-1:  $K_{zt} = 1.0$

Topographic factor ASCE Section 26.8, Figure 26.8-1:  $G = 0.85$

Velocity pressure at the building height ASCE Equation 29.3-1:  $q_s = 0.0056 \cdot \frac{\rho V^2}{144} \cdot K_z \cdot K_{zt} \cdot K_{d1} \cdot K_{d2} \cdot V^2 = 29.93 \text{ psf}$

Gust effect factor ASCE Section 26.9:  $G = 0.85$

Windward wall pressure coefficient ASCE Figure 29.4-1:  $C_{pe} = 1.85$

Length of Lights at top of pole:  $C_{pe} = 1.85$

Gross area of Lights at top of pole:  $A_{pe} = 2 \text{ ft}^2$

Wind force at top of lights:  $F_{pe} = q_s \cdot G \cdot C_{pe} \cdot A_{pe} = 94.13 \text{ lbf}$

Windward wall pressure coefficient ASCE Figure 29.4-1:  $C_{pi} = -0.8$

Average diameter of Light Pole:  $C_{pi} = -0.8$

Length of Light Pole:  $C_{pi} = -0.8$

Gross area of Light Pole:  $A_{pi} = 30 \text{ ft}^2$

Wind force center of Light Pole:  $F_{pi} = q_s \cdot G \cdot C_{pi} \cdot A_{pi} = 22.26 \text{ lbf}$

Total Wind Force on Light Pole:  $F_{total} = F_{pe} + F_{pi} = 116.39 \text{ lbf}$

Height of Light Pole where combined wind force occurs:  $H_{total} = 27.13 \text{ ft}$

Worst case base shear:  $F_{base} = 116.39 \text{ lbf}$

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

**POLE FOUNDATION ANALYSIS**

For Free-Top (Unconstrained) Rigid Round Piers Using PCA / Czerniak Method

Subjected Vertical Load, Horizontal Load, and/or Moment

Job Name: Light Pole Foundation

Job Number: 1

Originator: GCD

Checker:

Input Data:

Pier Foundation Diameter, D = 1.500 ft

Pier Height Above Soil, h1 = 3.000 ft

Concrete Strength,  $f_c = 3.000$  ksi

Soil Data:

Unit Weight of Soil,  $\gamma = 0.105$  ksf

Angle of Internal Friction,  $\phi = 30.00$  deg

Depth to Resisting Surface, h2 = 2.000 ft

Allow. Soil Bearing Pressure,  $P_a = 1.500$  ksf

Pier Loadings:

Axial Load,  $P_v = 0.500$  kips

Horizontal Load,  $P_h = 0.150$  kips

Distance from PH to Top/Pier, H = 27.130 ft

Externally Applied Moment, M = 0.000 ft-kips

Results:

Pier Embedment and Total Length:

$H_o = 0.10$  in

$H_o = P_h/D$

$E = 3.21$  in

$E = M/P_h$

$K_p = 32.13$  ksf

$K_p = \tan^2(45 + \phi/2)$  (passive soil pressure coefficient)

$R = 0.315$  ksf

$R = K_p \cdot \gamma \cdot h^2$  (passive soil resistance/cr. depth)

$L = 6.04$  ft

$L/D = 4.03$

$L/D \leq 10$  for valid short, rigid pier analysis

$L/D = 11.04$  ft

Pier Side Soil Pressures:

$a = 4.085$  ft

$P_o = 0.641$  ksf

$P_c(allow) = 0.643$  ksf

$P_t = 1.814$  ksf

$P_t(allow) = 1.804$  ksf

Pier End Bearing Pressures:

$A_f = 1.77$  ft<sup>2</sup>

$W_f = 2.93$  kips

$3P_v = 3.43$  kips

$P(bul) = 1.939$  ksf

$A_f = \pi \cdot D^2/4$  (pier base area)

$W_f = (A_f \cdot L) \cdot \gamma$  (pier weight)

$3P_v = P_v \cdot W_f$  (total vertical load)

$P(bul) = 3P_v/A_f$

$P_a < P(bul)$

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

**Pier Shear and Moment:**

Maximum Shear:  $V_{max} = 1.51$  kips

Maximum Moment:  $M_{max} = 4.48$  ft-kips

Axial Compressive Stress:

$f_a = 0.30$  ksi

Flexural Tension/Compression Stress:

$f_b = 0.08$  ksi

Combined Compression Stress:

$f_c = 0.08$  ksi

Combined Tension Stress:

$f_t = 0.08$  ksi

Shear Stress:

$f_v = 0.08$  ksi

Applied Lateral Load and Resistance of Pole/Foundation

Reference: "Resistance to Overturning of Single, Short Piers" by Eli Czerniak

ASCE Journal of the Struct. Div., Vol. 83, No. 872, Paper 11188, Mar. 1957

812 S. LA CASSIA DR. - BOISE, IDAHO 83705 - (208) 345-8941 PHONE - (208) 345-8946 FAX

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STRUCTURAL ENGINEERING CALCULATIONS

**TAMARACK GROVE ENGINEERING**

PROJECT NAME: WELLS FARGO SITE LIGHTING

LOCATION: ARMONK, NEW YORK

TGE JOB NUMBER: TGE20-14046

Job No. TGE20-14046

Dwg Date: 2/5/20

Drawn By: JMB/Designer

812 S. La Cassia Drive  
Boise, ID 83705  
(208) 345-8941  
(208) 345-8946  
www.tamarackgrove.com  
87979

490 MAIN ST.  
ARMONK, NEW YORK  
LIGHT POLE DETAIL

TGE S1.0

812 S. LA CASSIA DR. - BOISE, IDAHO 83705 - (208) 345-8941 PHONE - (208) 345-8946 FAX

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WELLS FARGO

## 2019 LIGHTING DESIGN

141498  
Armonk Office  
490 Main St  
Armonk, NY

### DRAWING INDEX:

-	COVER SHEET
LU-1	GENERAL NOTES
LU-2	LUMINAIRE SCHEDULE
LU-3	OVERALL SITE PLAN
LU-4	FULL SITE PHOTOMETRICS
LU-5	FIXTURE REMOVAL & DIMENSIONING PLAN
LU-6	ATM COMPLIANCE AREA PHOTOMETRICS PLAN - FOR BANK USE ONLY



### VICINITY MAP

**v3 201116**



1629 Smirl Drive, Suite 200, Heath, Texas 75032  
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LIGHTING CONTROL NOTES:

THE CONTRACTOR SHALL VERIFY THE CONTROLS FOR ALL EXTERIOR LIGHTING ON THE SITE (EXCLUDING SIGNAGE) AND ADJUST ACCORDING TO THE FOLLOWING:

- PHOTOCELL CONTROL:

CONTRACTOR SHALL REPLACE EXISTING PHOTOCELLS WITH NEW AND INSTALL IN A LOCATION BEST SUITED TO PROVIDE APPROPRIATE LIGHT EXPOSURE SUCH THAT EXTERIOR LIGHTS ARE ON ALL HOURS OF DARKNESS.

- TIME CLOCK CONTROL:

CONTRACTOR SHALL VERIFY TIME CLOCK IS SET PROPERLY AND LEAVE CIRCUIT ON TIME CLOCK CONTROL.

- MANUAL CONTROL:

CONTRACTOR SHALL VERIFY THAT NO EXTERIOR LIGHTING IS CONTROLLED MANUALLY. IF ANY EXTERIOR LIGHTING IS ON A MANUALLY CONTROLLED CIRCUIT, CONTRACTOR SHALL ADJUST TO BE CONTROLLED BY PHOTOCELL.

CONTRACTOR RESPONSIBILITIES:

- CONTRACTOR SHALL BE RESPONSIBLE FOR PERMITTING, INCLUDING COORDINATION WITH THE LOCAL JURISDICTION AND ANY ASSOCIATED PERMIT FEES OR PROCESSING.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL PERMITTING DOCUMENTS THAT ARE NOT INCLUDED IN THE LIGHTING DESIGN PACKAGE.
- CONTRACTOR IS REQUIRED TO RECYCLE ALL LAMPS AND BALLASTS WHEN SUCH REPLACEMENT IS REQUIRED.
- CONTRACTOR SHALL VERIFY VOLTAGE REQUIREMENTS FOR FIXTURES PRIOR TO PLACEMENT OF FIXTURE ORDERS.
- CONTRACTOR TO VERIFY LIGHTING CONTROLS PRIOR TO BEGINNING CONSTRUCTION. SEE LIGHTING CONTROL NOTES.
- CONTRACTOR SHALL RECEIVE FORMAL APPROVAL FROM GMR ON ANY FIXTURE MODIFICATIONS OR VARIATIONS FROM THE LUMINAIRE SCHEDULE.
- CONTRACTOR SHALL VERIFY EXISTING AND PROPOSED FIXTURE MOUNTING CONDITIONS IN FIELD. ANY SPECIAL MOUNTING HARDWARE NEEDED FOR PROPOSED FIXTURES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- CONTRACTOR SHALL SUPPLY ALL NEW LIGHT POLES. NEW LIGHT POLES SHALL MATCH EXISTING CONDITIONS ON SITE FOR POLE TYPE AND PAINT COLOR.
- CONTRACTOR SHALL PERFORM ALL NECESSARY PATCHING OR REPAINTING FOR ADDED, REMOVED, OR REPLACED FIXTURES.
- CONTRACTOR SHALL REPAIR ANY DISTURBED AREAS BACK TO EXISTING CONDITION INCLUDING PAVED AREAS, LANDSCAPED AREAS, ETC.
- EXPOSED CONDUIT (ONLY WHERE IT CANNOT BE CONCEALED) SHALL BE PAINTED TO MATCH THE BACKGROUND SURFACE COLOR.
- CONTRACTOR SHALL VERIFY AND DOCUMENT COMPLETED WORK DURING NIGHT HOURS. ALL FIXTURES (INCLUDING OUT OF SCOPE FIXTURES) MUST BE FUNCTIONAL DURING NIGHT HOURS PRIOR TO SCHEDULING A FINAL SURVEY WITH GMR.
- CONTRACTOR SHALL PROVIDE BEFORE AND AFTER NIGHT TIME PHOTOS OF THE SITE.
- CONTRACTOR SHALL RECEIVE A PUNCHLIST FROM GMR UPON FINAL SURVEY FOR ANY REMAINING ITEMS TO BE COMPLETED.
- NEW LIGHT FIXTURES IN NEW LOCATIONS ARE TO BE MOUNTED IN THE INSTALL RANGE SET BY GMR ON THE DESIGN DOCUMENTS.
  - ALL FIXTURES MOUNTED TO COLUMNS OR WALLS LESS THAN 5 FEET WIDE ARE TO BE CENTERED.
  - ALL FIXTURE COLORS AND STYLE AND LUMEN OUTPUT ARE TO BE AS REQUIRED BY GMR WITH NO SUBSTITUTIONS WITHOUT GMR APPROVAL.
  - CONDUIT AND BOXES ARE TO BE FULLY CONCEALED IN ALL WALLS, SOFFITS AND COLUMNS THAT ARE NOT A PART OF THE BUILDING STRUCTURE OR OF MASONRY THICKER THAN 6 INCHES.
  - ALL EXPOSED CONDUIT AND BOXES LOCATED IN AREAS WHERE VISIBLE TO THE PUBLIC SHALL BE PAINTED TO MATCH THE COLOR OF ITS SURROUNDING SURFACES.
- ALL FIXTURE REPLACEMENT FOR EXISTING FIXTURE LOCATIONS SHALL FULLY COVER ALL OF THE MOUNTING SURFACE EXPOSED BY THE REMOVAL OF THE EXISTING FIXTURE, SHOULD THE NEW FIXTURE NOT ENTIRELY COVER THE EXPOSED SURFACE THEN A BEAUTY PLATE IS TO BE INSTALLED BEHIND THE NEW FIXTURE.
  - IF A BEAUTY PLATE IS NOT AN OPTION, THEN THE FIXTURE INSTALLER WILL PAINT OR RESURFACE THE EXPOSURE TO MATCH AND TO THE SATISFACTION OF W.F. OR THE BUILDING MANAGEMENT CO.
- ALL REMOVED FIXTURES SHALL HAVE LAMPS AND BALLASTS RECYCLED AS REQUIRED BY WF.
- ALL DEBRIS CAUSED BY THE REQUIRED SCOPE OF WORK SHALL BE REMOVED FROM THE SITE DAILY AT THE END OF THE WORKDAY.
- NO MATERIALS OR EQUIPMENT ARE TO BE STORED ON SITE OVERNIGHT OR WEEKENDS.
- WORK DURING BUSINESS HOURS AND AFTER-HOURS MUST BE APPROVED BY THE PPM.
- ACCESS INTO THE BUILDING AND TO ELECTRICAL EQUIPMENT WILL BE AT THE DIRECTION OF THE STORE MANAGER OR PPM.
- THE INSTALL CONTRACTOR SHALL ABIDE BY ALL FEDERAL, STATE AND/OR LOCAL CODES. IF A DISCREPANCY BETWEEN CODES OCCURS, THE MOST STRINGENT SHALL PREVAIL.
- ALL CONDUCTORS SHALL BE SIZED ACCORDING TO 2011 NEC OR LATEST VERSION.
- ALL NEUTRALS SHALL BE CONSIDERED CURRENT-CARRYING CONDUCTORS ACCORDING TO 2011 NEC OR LATEST VERSION.

FIXTURE CLARIFICATION NOTES:

- GMR MAY COMBINE OR ADD TO NOTES AS NEEDED IN ORDER TO CLARIFY FURTHER.
- OUT OF SCOPE - EXISTING FIXTURES TO REMAIN ON SITE WITHOUT MODIFICATION. NO ACTION REQUIRED UNLESS NOTED OTHERWISE.
- REMOVE AND PATCH - EXISTING FIXTURES TO BE FULLY REMOVED AND ANY PAINTING, PATCHING OR ELECTRICAL WORK NEEDED IS TO BE ASSESSED AND PERFORMED BY GC.
- REPLACE EXISTING FIXTURE - EXISTING FIXTURE TO BE FULLY REMOVED AND REPLACED IN THE SAME LOCATION WITH A NEW FIXTURE. GC TO VERIFY IF POLE AND/OR POLE BASE IS SUFFICIENT FOR THE NEW FIXTURES. ANY PAINTING, PATCHING OR ELECTRICAL WORK NEEDED IS TO BE ASSESSED AND PERFORMED BY GC.
- ADD NEW FIXTURE - NEW FIXTURES TO BE ADDED. ANY PAINTING, PATCHING OR ELECTRICAL WORK NEEDED TO BE ASSESSED AND PERFORMED BY GC.
- ADD NEW POLE & FIXTURE - A NEW POLE AND FIXTURE TO BE ADDED. GC TO SPECIFY POLE TO MATCH EXISTING STYLE AND COLOR AND, IF NOT PROVIDED, POLE BASE DATA FOR NEW POLE LOCATIONS. GC TO VERIFY IF POLE AND POLE BASE IS SUFFICIENT FOR THE HEIGHT, LOCATION AND FIXTURE SPECIFIED.
- GMR DOES NOT SPECIFY MOUNTING HARDWARE FOR ANY SPECIFIED FIXTURES. GC IS TO WORK WITH DISTRIBUTOR AND/OR MANUFACTURER ON A CASE BY CASE BASIS TO IDENTIFY AND ORDER REQUIRED MOUNTING HARDWARE.
- GC TO VERIFY WHETHER EXISTING WIRING LOCATIONS OR THE ADDITION OF WIRING FOR NEW FIXTURE LOCATIONS IS SUFFICIENT FOR THE DESIGNATED FIXTURE LOCATION.
- GC TO SPECIFY POLE COLOR AND TYPE PRIOR TO ORDERING.
- ALL FIXTURES ARE ASSUMED BRONZE IN COLOR UNLESS NOTED OTHERWISE IN THE LUMINAIRE SCHEDULE. GC TO CONFIRM PRIOR TO ORDERING.

GENERAL NOTES:





- EXISTING CONDITIONS SHOWN ON THE DRAWINGS ARE BASED ON A LIMITED AMOUNT OF INFORMATION AVAILABLE TO THE ENGINEER. ALL SUCH CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO SUBMITTING THE BID AND ADJUSTED IF NECESSARY. NO ADDITIONAL COMPENSATION SHALL BE GRANTED AFTER AWARDING A BID FOR ANY EQUIPMENT, MATERIAL OR LABOR REQUIRED TO REWORK OR OTHERWISE MODIFY EXISTING CONDITIONS.
- THIS LIGHTING DESIGN IS BASED ON A COMBINATION OF STATE STANDARDS, THE BANK'S CURRENT SECURITY POLICY FOR EXTERIOR ATM AND AFTER-HOUR DEPOSITORIES AND BANK GUIDELINES FOR NON-SECURITY COMPLIANCE ZONES.
- TRIM ALL TREES/LANDSCAPING TO MINIMIZE IMPEDING LIGHT FROM ANY LIGHT FIXTURES THAT IMPACT THE 60' RADIUS AROUND ALL ATMS AND A RADIUS OF 50' AROUND ALL AFTER-HOUR/NIGHT DEPOSITORIES. CONSIDERATION MUST BE GIVEN TO TREES/LANDSCAPING IN A STATE OF FULL FOLIAGE/BLOOM AND FUTURE GROWTH. ALL LANDSCAPING WORK WILL BE PERFORMED BY OTHERS WITH A SEPARATE PERMIT (IF REQUIRED).
- ALL MOUNTING HEIGHTS ARE INTENDED TO THE BOTTOM OF THE FIXTURE.
- CONTRACTOR TO FIELD VERIFY FIXTURE PLACEMENT DIMENSIONS PRIOR TO CONSTRUCTION.
- DIMENSIONING PROVIDED IS FOR PROPOSED FIXTURE LOCATIONS ONLY, UNLESS OTHERWISE NOTED ON THE DRAWING.
- THE CONTRACTOR SHALL ATTEMPT TO ELIMINATE THE USE OF EXPOSED CONDUIT WHERE POSSIBLE. IF EXPOSED CONDUIT IS NECESSARY, THE CONTRACTOR SHALL VERIFY USE WITH PROJECT MANAGER.
- THE CONTRACTOR SHALL VERIFY THAT LIGHT POLES FOR PROPOSED OR MODIFIED FIXTURES ARE ADEQUATE FOR THE INTENDED MOUNTING HEIGHT. IF AN EXISTING LIGHT POLE IS BEING USED, THE CONTRACTOR SHALL VERIFY THAT IT IS IN SATISFACTORY CONDITION. A TYPICAL POLE BASE DETAIL (AS PER EACH STATE) WILL BE PROVIDED BY GMR FOR EACH SITE. IF A SITE SPECIFIC POLE BASE DETAIL IS REQUIRED, THIS WILL BE COORDINATED BY THE CONTRACTOR AND WILL FOLLOW ANY APPLICABLE STATE OR LOCAL JURISDICTION STANDARDS.

SITE ABBREVIATIONS:

- PL = PROPERTY LINE
- AFG = ABOVE FINISHED GRADE
- Fc = FOOTCANDLE
- CBO = CONTROLLED BY OTHERS
- AHD = AFTER HOUR DEPOSITORY




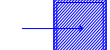














WELLS  
FARGO

v3 201116

		
		
	REVISED XX	KRM
REVISION NO.	DESCRIPTION	REVISED BY
		
Armonk Office 490 Main St Armonk, NY 141498		
GENERAL NOTES		
DESIGN BY:	JWE	DRAWN BY: CSB
REVIEWED BY:	ABH	APPROVED BY: KRM
SHEET NO. LU-1		

NOTE: THIS LIGHTING PLAN ILLUSTRATES ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) APPROVED METHODS. ACTUAL SITE ILLUMINATION LEVELS AND PERFORMANCE OF LUMINARIES MAY VARY DUE TO VARIATIONS IN WEATHER, ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER RELATED VARIABLE FIELD CONDITIONS.






LUMINAIRE SCHEDULE				**SEE FIXTURE CLARIFICATION NOTE #9		(NP) = NEW POLE    (CBO) CONTROLLED BY OTHERS		** CONTRACTOR TO VERIFY MOUNTING ACCESSORIES BEFORE ORDERING**			
SYMBOL	QTY	LABEL	FIXTURE ARRANGEMENT	TOTAL FIXTURE COUNT	NEW POLE COUNT	FIXTURE TYPE / MOUNTING / MANUFACTURER	BUG RATING	MOUNTING HEIGHT	MOUNTING ACCESSORIES	NOTES	
	4	A-SA1	SINGLE	4	-	GTL-4-20L-EZ1-LP840-ABC / CANOPY MOUNT / LITHONIA	B1-U0-G1	MATCH EXISTING	-	REPLACE EXISTING FIXTURE	
	2	A-VF1	SINGLE	2	-	RSX2 LED-P1-40K-R3-MVOLT-RPA-HS-DDBXD / POLE MOUNT / LITHONIA	B1-U0-G2	MATCH EXISTING	-	REPLACE EXISTING FIXTURE	
	1	A-VG1 (NEW POLE)	SINGLE	1	1	RSX2 LED-P2-40K-R3-MVOLT-RPA-HS-DDBXD / POLE MOUNT / LITHONIA	B1-U0-G2	18' AFG	-	ADD NEW POLE AND FIXTURE	
	1	A-VK1 (NEW POLE)	SINGLE	1	1	RSX2 LED-P1-40K-R4-MVOLT-RPA-DDBXD / POLE MOUNT / LITHONIA	B2-U0-G2	18' AFG	-	ADD NEW POLE AND FIXTURE	
	1	A-VK2 (NEW POLE)	SINGLE	1	1	RSX2 LED-P1-40K-R4-MVOLT-RPA-DDBXD / POLE MOUNT / LITHONIA	B2-U0-G2	18' AFG	-	REMOVE POLE, BASE & FIXTURE - ADD NEW POLE, BASE & FIXTURE	
	1	A-VL1 (NEW POLE)	SINGLE	1	1	RSX2 LED-P2-40K-R4-MVOLT-RPA-DDBXD / POLE MOUNT / LITHONIA	B2-U0-G3	18' AFG	-	ADD NEW POLE AND FIXTURE	
	1	C-BO1	SINGLE	1	-	CPY250-A-DM-F-20W-UL-WH-40K / CANOPY MOUNT / CREE	B1-U0-G1	MATCH EXISTING	XA-BXCC9001	REPLACE EXISTING FIXTURE	
	1	C-DT1	SINGLE	1	-	LR6X-7L-40K / CANOPY MOUNT / CREE	B1-U0-G0	MATCH EXISTING	GR8 TRIM RING	REPLACE EXISTING FIXTURE	
	6	C-DW1	SINGLE	6	-	LR6X-18L-40K / CANOPY MOUNT / CREE	B1-U0-G0	MATCH EXISTING	GR8 TRIM RING	REPLACE EXISTING FIXTURE	
	1	C-SA1	SINGLE	1	-	SEC-EDG-2S-WM-02-E-UL-BZ-350-40K / WALL MOUNT / CREE	B1-U0-G1	9' AFG	-	ADD NEW FIXTURE	
	3	C-SE1	SINGLE	3	-	SEC-EDG-3M-WM-02-E-UL-BZ-350-40K / WALL MOUNT / CREE	B1-U0-G1	MATCH EXISTING	-	REPLACE EXISTING FIXTURE	
	2	C-SE2	SINGLE	2	-	SEC-EDG-3M-WM-02-E-UL-BZ-350-40K / WALL MOUNT / CREE	B1-U0-G1	9' AFG	-	ADD NEW FIXTURE	
	1	C-SJ1	SINGLE	1	-	SEC-EDG-4M-WM-02-E-UL-BZ-700-40K / WALL MOUNT / CREE	B1-U0-G1	MATCH EXISTING	-	REPLACE EXISTING FIXTURE	
	2	C-SK1	SINGLE	2	-	SEC-EDG-4M-WM-04-E-UL-BZ-525-40K / WALL MOUNT / CREE	B2-U0-G2	MATCH EXISTING	-	REPLACE EXISTING FIXTURE	
	1	RK1	SINGLE	1	-	EXISTING DECORATIVE WALL FIXTURE	-	-	-	REMOVE AND PATCH	
	1	Y1	SINGLE	1	-	EXISTING CANOPY MOUNT FIXTURE	-	-	-	OUT OF SCOPE	
	2	Y2	SINGLE	2	-	EXISTING DECORATIVE WALL FIXTURE	-	-	-	OUT OF SCOPE	
	1	Y3	SINGLE	1	-	EXISTING DECORATIVE POLE FIXTURE	-	-	-	OUT OF SCOPE	

# WELLS FARGO

BLUE = NEW FIXTURE  
GREEN = EXISTING FIXTURE LOCATION TO BE REPLACED  
ORANGE = EXISTING FIXTURE TO REMAIN  
TURQUOISE = FIXTURE TO BE REMOVED  
PINK = REPLACE WITH NEW POLE AT NEW HEIGHT

v3 201116



REVISION NO.

REVISD XX

DESCRIPTION

REVISED BY



Armonk Office  
490 Main St  
Armonk, NY  
141498

LUMINAIRE SCHEDULE

DESIGN BY:	JWE	DRAWN BY:	CSB
REVIEWED BY:	ABH	APPROVED BY:	KRM

SHEET NO.

NOTE: THIS LIGHTING PLAN ILLUSTRATES ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) APPROVED METHODS. ACTUAL SITE ILLUMINATION LEVELS AND PERFORMANCE OF LUMINARIES MAY VARY DUE TO VARIATIONS IN WEATHER, ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER RELATED VARIABLE FIELD CONDITIONS.

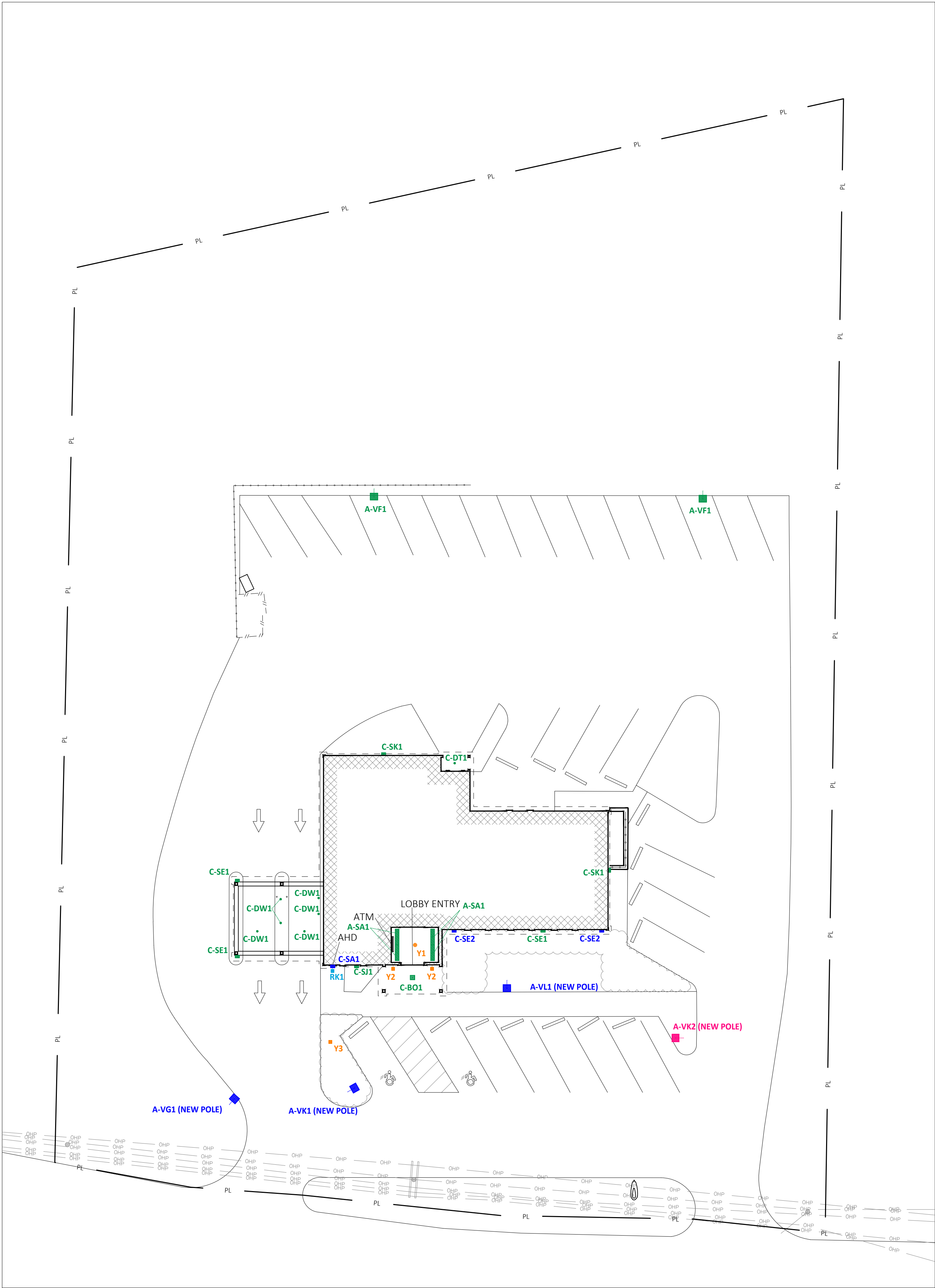
LU-2



QTY	LABEL	NOTES	MOUNTING HEIGHT
4	A-SA1	REPLACE EXISTING FIXTURE	MATCH EXISTING
2	A-VF1	REPLACE EXISTING FIXTURE	MATCH EXISTING
1	A-VG1 (NEW POLE)	ADD NEW POLE AND FIXTURE	18' AFG
1	A-VK1 (NEW POLE)	ADD NEW POLE AND FIXTURE	18' AFG
1	A-VK2 (NEW POLE)	REMOVE POLE, BASE & FIXTURE - ADD NEW POLE, BASE & FIXTURE	18' AFG
1	A-VL1 (NEW POLE)	ADD NEW POLE AND FIXTURE	18' AFG
1	C-BO1	REPLACE EXISTING FIXTURE	MATCH EXISTING
1	C-DT1	REPLACE EXISTING FIXTURE	MATCH EXISTING
6	C-DW1	REPLACE EXISTING FIXTURE	MATCH EXISTING
1	C-SA1	ADD NEW FIXTURE	9' AFG
3	C-SE1	REPLACE EXISTING FIXTURE	MATCH EXISTING
2	C-SE2	ADD NEW FIXTURE	9' AFG
1	C-SJ1	REPLACE EXISTING FIXTURE	MATCH EXISTING
2	C-SK1	REPLACE EXISTING FIXTURE	MATCH EXISTING
1	RK1	REMOVE AND PATCH	-
1	Y1	OUT OF SCOPE	-
2	Y2	OUT OF SCOPE	-
1	Y3	OUT OF SCOPE	-

SITE NOTES:
-

EXISTING CONDITIONS:
1. EXISTING POLES - DECORATIVE - SQUARE - STEEL 2. EXISTING POLE BASES - DECORATIVE - 3' 3. EXISTING DRIVE THRU CEILING - HARD



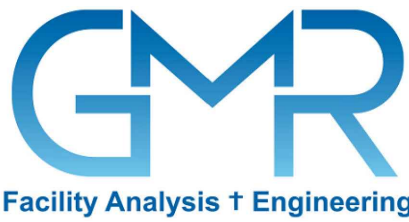
NOTE: THIS LIGHTING PLAN ILLUSTRATES ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) APPROVED METHODS. ACTUAL SITE ILLUMINATION LEVELS AND PERFORMANCE OF LUMINARIES MAY VARY DUE TO VARIATIONS IN WEATHER, ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER RELATED VARIABLE FIELD CONDITIONS.



BLUE = NEW FIXTURE  
GREEN = EXISTING FIXTURE LOCATION TO BE REPLACED  
ORANGE = EXISTING FIXTURE TO REMAIN  
TURQUOISE = FIXTURE TO BE REMOVED  
PINK = REPLACE WITH NEW POLE AT NEW HEIGHT  
- - - = INDICATES NEW SECURITY FENCE  
PL = PROPERTY LINE BASED ON COUNTY APPRAISAL INFORMATION

N.T.S.  
v3 201116

REVISION NO.	DESCRIPTION	REVISOR
1	REVISED XX	KRM



Armonk Office  
490 Main St  
Armonk, NY  
141498

DESIGN BY:	DRAWN BY:
JWE	CSB
REVIEWED BY:	APPROVED BY:
ABH	KRM

SHEET NO. LU-3







NOTES:

1.

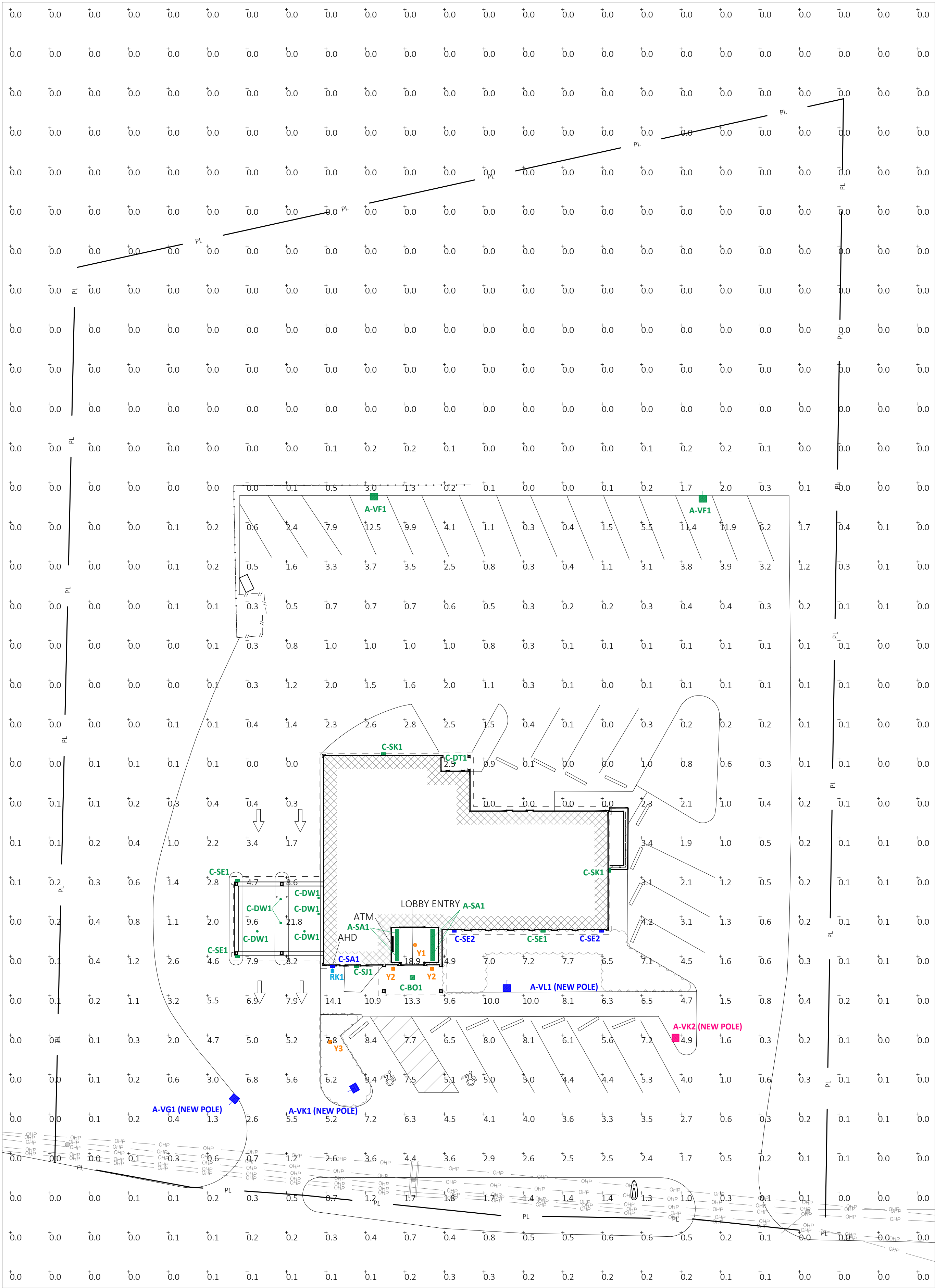
THE SCOPE OF WORK FOR THIS PROJECT IS LIMITED TO EXTERIOR LIGHTING RENOVATIONS AS SHOWN ON THE PLANS.

2.

REFERENCE THE LUMINAIRE SCHEDULE (SHEET LU-2) FOR ADDITIONAL LIGHT FIXTURE INFORMATION.

FULL SITE CALCS

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
FULL SITE @ GRADE	Illuminance	Fc	0.99	21.8	0.0	N.A.	N.A.
PROPERTY LINE @ 60" VERTICAL	Illuminance	Fc	0.10	0.5	0.0	N.A.	N.A.



MAIN ST.



NOTE: THIS LIGHTING PLAN ILLUSTRATES ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) APPROVED METHODS. ACTUAL SITE ILLUMINATION LEVELS AND PERFORMANCE OF LUMINAIRES MAY VARY DUE TO VARIATIONS IN WEATHER, ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER RELATED VARIABLE FIELD CONDITIONS.

WELLS FARGO

BLUE = NEW FIXTURE

GREEN = EXISTING FIXTURE LOCATION TO BE REPLACED

ORANGE = EXISTING FIXTURE TO REMAIN

TURQUOISE = FIXTURE TO BE REMOVED

PINK = REPLACE WITH NEW POLE AT NEW HEIGHT

INDICATES NEW SECURITY FENCE

PL = PROPERTY LINE BASED ON COUNTY APPRAISAL INFORMATION

N.T.S.

v3 201116

REVISION NO.

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REVISION NO.

REVISION NO.

REVISION NO.

GMR

Facility Analysis + Engineering

Armonk Office

490 Main St

Armonk, NY

141498

FULL SITE

PHOTOMETRICS PLAN

DESIGN BY:

JWE

APPROVED BY:

CSB

REVIEWED BY:

ABH

APPROVED BY:

KRM

SHEET NO.

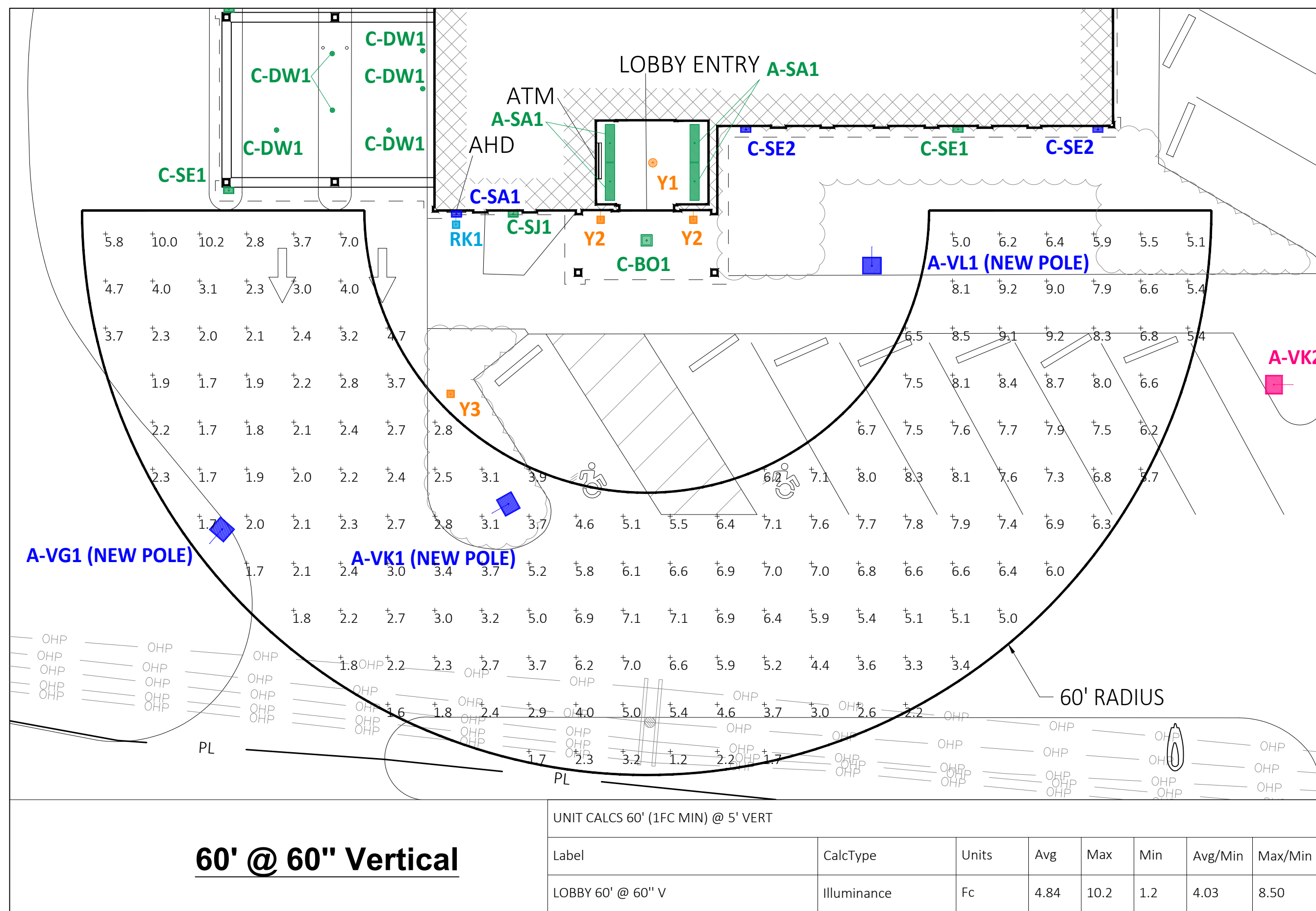
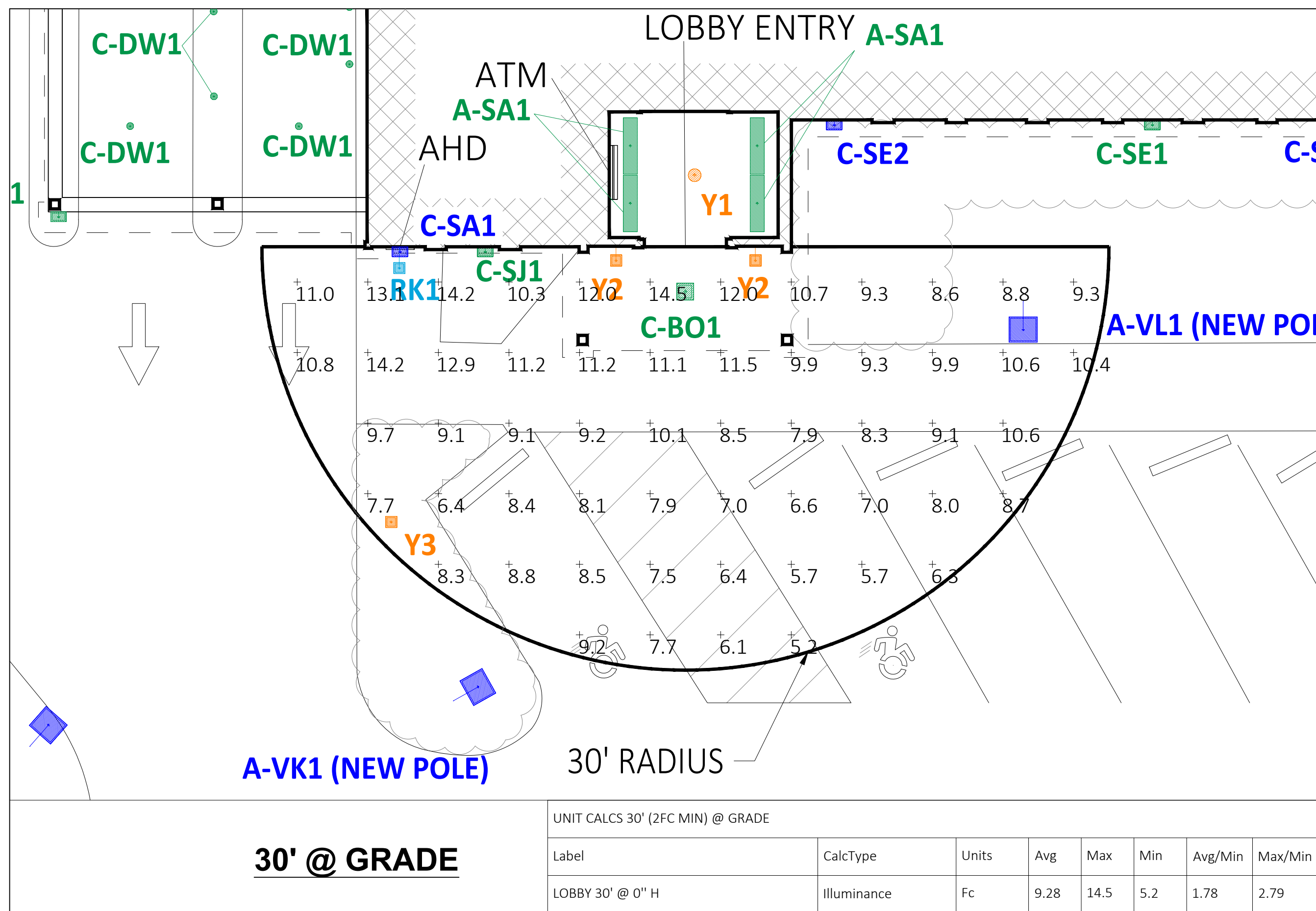
LU-4







1. READINGS ARE MEASURED AS NOTED.



**BLUE = NEW FIXTURE**  
**GREEN = EXISTING FIXTURE LOCATION TO BE REPLACED**  
**ORANGE = EXISTING FIXTURE TO REMAIN**  
**TURQUOISE = FIXTURE TO BE REMOVED**  
**PINK = REPLACE WITH NEW POLE AT NEW HEIGHT**  
 = INDICATES NEW SECURITY FENCE  
 — PL — = PROPERTY LINE BASED ON COUNTY APPRAISAL INFORMATION

**v3 201116**



## ATM COMPLIANCE AREA PHOTOMETRICS PLAN

# LU-6

NOTE: THIS LIGHTING PLAN ILLUSTRATES ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) APPROVED METHODS. ACTUAL SITE ILLUMINATION LEVELS AND PERFORMANCE OF LUMINAIRES MAY VARY DUE TO VARIATIONS IN WEATHER, ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER RELATED VARIABLE FIELD CONDITIONS.





# Exterior Lighting Compliance Certificate

## Project Information

Energy Code: 2020 New York City Energy Conservation Code, Appendix CA (modified 90.1-2016)  
Project Title: 141498 - Exterior Lighting Design  
Project Type: Alteration  
Exterior Lighting Zone: 2 (Neighborhood business district)

Construction Site:  
490 Main St  
Armonk, NY 10504

Owner/Agent:

Designer/Contractor:

## Allowed Exterior Lighting Power

A Area/Surface Category	B Quantity	C Allowed Watts / Unit	D Tradable Wattage	E Allowed Watts (B X C)
ATM/Night depository location (c)	2 machines	45	No	360
Parking area	13949 ft2	0.04	Yes	558
Driveway	5260 ft2	0.04	Yes	210
Total Tradable Watts (a) =				768
Total Allowed Watts =				1128
Total Allowed Supplemental Watts (b) =				600

(a) Wattage tradeoffs are only allowed between tradable areas/surfaces.

(b) A supplemental allowance equal to 600 watts may be applied toward compliance of both non-tradable and tradable areas/surfaces.

(c) ATM/Night depository sites have a base allowance of 180 W per site.

## Proposed Exterior Lighting Power

A Fixture ID : Description / Lamp / Wattage Per Lamp / Ballast	B Lamps/ Fixture	C # of Fixtures	D Fixture Watt.	E (C X D)
<u>ATM/Night depository location (2 machines): Non-tradable Wattage</u>				
SA1: SA1: LED CANOPY FIXTURE: LED Other Fixture Unit 25W:	1	4	25	100
BO1: BO1: LED CANOPY FIXTURE: LED Panel 33W:	1	1	20	20
DT1: DT1: LED CANOPY FIXTURE: LED Panel 19W:	1	1	19	19
DW1: DW1: LED CANOPY FIXTURE: LED Panel 33W:	1	6	20	120
Y1: Y1: LED CANOPY FIXTURE: LED Panel 33W:	1	1	20	20
Y2: Y2: LED WALL FIXTURE: LED Panel 33W:	1	2	20	40
C-SA1: C-SA1: LED WALL FIXTURE: LED Other Fixture Unit 25W:	1	1	25	25
<u>Parking area (13949 ft2): Tradable Wattage</u>				
SE1: SE1: LED WALL FIXTURE: LED Other Fixture Unit 25W:	1	3	25	75
SE2: SE2: LED WALL FIXTURE: LED Other Fixture Unit 25W:	1	2	25	50
Y3: Y3: LED POL FIXTURE: LED Roadway-Parking Unit 42W:	1	1	20	20
VK1: VK1: LED POLE FIXTURE: LED Roadway-Parking Unit 82W:	1	1	72	72
VK2: VK2: LED POLE FIXTURE: LED Roadway-Parking Unit 82W:	1	1	72	72
VL1: VL1: LED POLE FIXTURE: LED Roadway-Parking Unit 118W:	1	1	115	115
VF1: VF1: LED POLE FIXTURE: LED Roadway-Parking Unit 82W:	1	2	72	144
<u>Driveway (5260 ft2): Tradable Wattage</u>				
SK1: SK1: LED WALL FIXTURE: LED Panel 70W:	1	2	70	140
VG1: VG1: LED POLE FIXTURE: LED Roadway-Parking Unit 118W:	1	1	114	114



A Fixture ID : Description / Lamp / Wattage Per Lamp / Ballast	B Lamps/ Fixture	C # of Fixtures	D Fixture Watt.	E (C X D)
SK1: SK1: LED WALL FIXTURE: LED Other Fixture Unit 80W:	1	2	70	140
SJ1: SJ1: LED WALL FIXTURE: LED Other Fixture Unit 50W:	1	1	50	50
Total Tradable Proposed Watts =				992

## Exterior Lighting PASSES

### Exterior Lighting Compliance Statement

*Compliance Statement:* The proposed exterior lighting alteration project represented in this document is consistent with the building plans, specifications, and other calculations submitted with this permit application. The proposed exterior lighting systems have been designed to meet the 2020 New York City Energy Conservation Code, Appendix CA (modified 90.1-2016) requirements in COMcheck Version 4.1.4.2 and to comply with any applicable mandatory requirements listed in the Inspection Checklist.

*Alex Andrup*

\_\_\_\_\_  
Name - Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





# Inspection Checklist

Energy Code: 2020 New York City Energy Conservation Code, Appendix CA

Requirements: 0.0% were addressed directly in the COMcheck software

Text in the "Comments/Assumptions" column is provided by the user in the COMcheck Requirements screen. For each requirement, the user certifies that a code requirement will be met and how that is documented, or that an exception is being claimed. Where compliance is itemized in a separate table, a reference to that table is provided.

Section # & Req.ID	Plan Review	Complies?	Comments/Assumptions
4.2.2, 8.4.1.1, 8.4.1.2, 8.7 [PR6] <sup>2</sup>	Plans, specifications, and/or calculations provide all information with which compliance can be determined for the electrical systems and equipment and document where exceptions are claimed. Feeder connectors sized in accordance with approved plans and branch circuits sized for maximum drop of 3%.	<input type="checkbox"/> Complies <input type="checkbox"/> Does Not <input type="checkbox"/> Not Observable <input type="checkbox"/> Not Applicable	
9.7 [PR8] <sup>1</sup>	Plans, specifications, and/or calculations provide all information with which compliance can be determined for the exterior lighting and electrical systems and equipment and document where exceptions to the standard are claimed. Information provided should include exterior lighting power calculations, wattage of bulbs and ballasts, transformers and control devices.	<input type="checkbox"/> Complies <input type="checkbox"/> Does Not <input type="checkbox"/> Not Observable <input type="checkbox"/> Not Applicable	
8.4.5 [PR11] <sup>1</sup>	Electrical meters for tenant spaces in covered buildings. Each covered tenant space in a new building shall be equipped with a separate meter or sub-meter to measure the electrical consumption of such space when let or sublet. See section details and Section 28-311.2 of the Administrative Code. As new covered tenant spaces are created, they shall be equipped with meters or sub-meters as provided in this section	<input type="checkbox"/> Complies <input type="checkbox"/> Does Not <input type="checkbox"/> Not Observable <input type="checkbox"/> Not Applicable	

**Additional Comments/Assumptions:**

1	High Impact (Tier 1)	2	Medium Impact (Tier 2)	3	Low Impact (Tier 3)
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Section # & Req.ID	Rough-In Electrical Inspection	Complies?	Comments/Assumptions
8.4.2 [EL10] <sup>2</sup>	At least 50% of all 125 volt 15- and 20-Amp receptacles are controlled by an automatic control device.	<input type="checkbox"/> Complies <input type="checkbox"/> Does Not <input type="checkbox"/> Not Observable <input type="checkbox"/> Not Applicable	
8.4.3 [EL11] <sup>2</sup>	New buildings have electrical energy use measurement devices installed. Where tenant spaces exist, each tenant is monitored separately. In buildings with a digital control system the energy use is transmitted to to control system and displayed graphically.	<input type="checkbox"/> Complies <input type="checkbox"/> Does Not <input type="checkbox"/> Not Observable <input type="checkbox"/> Not Applicable	
9.4.1.4 [EL3] <sup>2</sup>	Automatic lighting controls for exterior lighting installed.	<input type="checkbox"/> Complies <input type="checkbox"/> Does Not <input type="checkbox"/> Not Observable <input type="checkbox"/> Not Applicable	

**Additional Comments/Assumptions:**

1	High Impact (Tier 1)	2	Medium Impact (Tier 2)	3	Low Impact (Tier 3)
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Section # & Req.ID	Final Inspection	Complies?	Comments/Assumptions
9.4.2 [FI19] <sup>1</sup>	Exterior lighting power is consistent with what is shown on the approved lighting plans, demonstrating proposed watts are less than or equal to allowed watts.	<input type="checkbox"/> Complies <input type="checkbox"/> Does Not <input type="checkbox"/> Not Observable <input type="checkbox"/> Not Applicable	See the Exterior Lighting fixture schedule for values.

**Additional Comments/Assumptions:**

1	High Impact (Tier 1)	2	Medium Impact (Tier 2)	3	Low Impact (Tier 3)
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## Excerpts from Selected State ATM/AHD Safety Laws

*This information is not, nor intended to be, legal advice, nor does it create an attorney-client relationship. Consult a licensed attorney of your choice for specific legal questions or research of particular laws in each state / jurisdiction.*



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## CALIFORNIA

### Cal. Fin. Code § 13000. Legislative intent

It is the intent of the Legislature in enacting this division to enhance the safety of consumers using automated teller machines in California without discouraging the siting of automated teller machines in locations convenient to consumers' homes and workplaces. Since decisions concerning safety at automated teller machine sites are inherently subjective and because safety is a relative matter, the Legislature intends to establish as the standard of care applicable to operators of automated teller machines, in connection with user safety, the substantial compliance with the objective standards of Chapter 4 (commencing with Section 13040), the information requirements of Chapter 5 (commencing with Section 13050), and the good faith consideration of other safety issues as prescribed in Chapter 3 (commencing with Section 13030). The Legislature further recognizes the need for uniformity as to the establishment of automated teller machine safety standards and intends with this division to supersede and preempt any rule, regulation, code, statute, or ordinance of any city, county, city and county, municipality, or local agency regarding customer safety at automated teller machines in California.

### § 13020. Definitions used in division

As used in this division:

- (a) "Access area" means any paved walkway or sidewalk which is within 50 feet of an automated teller machine. The term does not include publicly maintained sidewalks or roads, as defined in Section 555 or Section 527 of the Vehicle Code.
- (b) "Access device" shall have the same meaning as set forth in Federal Reserve Board Regulation E (12 C.F.R. Part 205), promulgated pursuant to the Electronic Fund Transfer Act (15 U.S.C. 1601 et seq.).
- (c) "Automated teller machine" means any electronic information processing device located in California which accepts or dispenses cash in connection with a credit, deposit, or convenience account. The term does not include devices used solely to facilitate check guarantees or check authorizations, or which are used in connection with the acceptance or dispensing of cash on a person-to-person basis, such as by a store cashier.
- (d) "Candlefoot power" means the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured.
- (e) "Control" of an access area or defined parking area means to have the present authority to determine how, when, and by whom it is to be used, and how it is to be maintained, lighted, and landscaped.
- (f) "Customer" means a natural person to whom an access device has been issued for personal, family, or household use.
- (g) "Defined parking area" means that portion of any parking area open for customer parking which is (1) contiguous to an access area with respect to an automated teller machine; (2) regularly, principally, and lawfully used for parking by users of the automated teller machine while conducting automated teller machine transactions during hours of darkness; and (3) owned or leased by the operator of the automated teller machine or owned or controlled by the party leasing the automated teller machine site

to the operator. The term does not include any parking area which is not open or regularly used for parking by users of the automated teller machine who are conducting automated teller machine transactions during hours of darkness. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed. If a multiple level parking area satisfies the conditions of this subdivision and would therefore otherwise be a defined parking area, only the single parking level deemed by the operator of the automated teller machine to be the most directly accessible to the users of the automated teller machine shall be a defined parking area.

(h) “Hours of darkness” means the period that commences 30 minutes after sunset and ends 30 minutes before sunrise.

(i) “Operator” means any bank, savings association, credit union, industrial loan company, savings bank, or other business entity, or any person who operates an automated teller machine.

### **§ 13030. Evaluation of automated teller machine safety; procedures**

On or before July 1, 1991, with respect to all existing installed automated teller machines in this state, and any automated teller machines installed after July 1, 1991, the operator shall adopt procedures for evaluating the safety of the automated teller machine. These procedures shall include a consideration of the following:

(a) The extent to which the lighting for the automated teller machine complies or will comply with the standards required by Chapter 4 (commencing with Section 13040).

(b) The presence of landscaping, vegetation, or other obstructions in the area of the automated teller machine, the access area, and the defined parking area.

(c) The incidence of crimes of violence in the immediate neighborhood of the automated teller machine, as reflected in the records of the local law enforcement agency and of which the operator has actual knowledge.

### **§ 13040. Compliance with lighting standards**

(a) Each operator of an automated teller machine installed on or after July 1, 1991, shall comply with Section 13041 commencing on the date the automated teller machine is installed. Compliance with Section 13041 by operators as to automated teller machines existing as of July 1, 1991, shall be optional until July 1, 1993, and mandatory thereafter. This subdivision shall apply to an operator of an automated teller machine only to the extent that the operator controls the access area or defined parking area to be lighted.

(b) If an access area or a defined parking area is not controlled by the operator of the automated teller machine, and if the person who leased the automated teller machine site to the operator controls the access area or defined parking area, the person who controls the access area or defined parking area shall comply with Section 13041 as to any automated teller machine installed on or after July 1, 1991, commencing on the date the automated teller machine is installed; and as to any automated teller machine existing as of July 1, 1991, no later than on July 1, 1993.

### **§ 13041. Lighting standards**





The operator, owner, or other person responsible therefor, shall provide lighting during hours of darkness with respect to an open and operating automated teller machine and any defined parking area, access area, and the exterior of an enclosed automated teller machine installation according to the following standards:

- (a) There shall be a minimum of 10 candlefoot power at the face of the automated teller machine and extending in an unobstructed direction outward five feet.
- (b) There shall be a minimum of two candlefoot power within 50 feet from all unobstructed directions from the face of the automated teller machine. In the event the automated teller machine is located within 10 feet of the corner of the building and the automated teller machine is generally accessible from the adjacent side, there shall be minimum of two candlefoot power along the first 40 unobstructed feet of the adjacent side of the building.
- (c) There shall be a minimum of two candlefoot power in that portion of the defined parking area within 60 feet of the automated teller machine.

#### **§ 13050. Notice of safety information**

Customers receiving access devices shall be furnished by the respective issuers thereof with notices of basic safety precautions which customers should employ while using an automated teller machine. This information shall be furnished by personally delivering or by mailing the information to each customer whose mailing address as to the account to which the access device relates is in this state. This information shall be furnished with respect to access devices issued on or after July 1, 1991, at or before the time the customer is furnished with his or her

access device. With respect to a customer to whom an "accepted access device" (as defined in Federal Reserve Board Regulation E) has been issued prior to July 1, 1991, the information shall be delivered or mailed to the customer on or before December 31, 1991. Only one notice need be furnished per household, and if access devices are furnished to more than one customer for a single account or set of accounts or on the basis of a single application or other request for the access devices, only a single notice need be furnished in satisfaction of the notification responsibilities as to all those customers. The information may be included with other disclosures related to the access device furnished to the customer, such as with any initial or periodic disclosure statement furnished pursuant to the Electronic Fund

#### **§ 13060. Exempted Machines**

The provisions of this division shall not apply with respect to any automated teller machine which is:

- (a) Located inside of a building, unless it is a freestanding installation which exists for the sole purpose of providing an enclosure for the automated teller machine.
- (b) Located inside of a building, except to the extent a transaction can be conducted from outside the building.
- (c) Located in any area, including any access area, building, enclosed space, or parking area which is not controlled by the operator.

#### **§ 13070. Preemption of local regulations**

*This information is not, nor intended to be, legal advice, nor does it create an attorney-client relationship. Consult a licensed attorney of your choice for specific legal questions or research of particular laws in each state / jurisdiction.*



This division supersedes and preempts all rules, regulations, codes, statutes, or ordinances of all cities, counties, cities and counties, municipalities, and local agencies regarding customer safety at automated teller machines located in California.

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## FLORIDA

### Fla Statutes 655.960-655.965

#### § 655.960. Definitions;

As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

**(1)**“Access area” means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(84)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003.

**(2)**“Access device” has the same meaning as set forth in Federal Reserve Board Regulation E, 12 C.F.R. part 205, promulgated pursuant to the Electronic Fund Transfer Act, 15 U.S.C. ss. 1601 et seq.

**(3)**“Automated teller machine” means any electronic information processing device located in this state which accepts or dispenses cash in connection with a credit, deposit, checking, or convenience account. The term does not include devices used solely to facilitate check guarantees or check authorizations or which are used in connection with the acceptance or dispensing of cash on a person-to-person basis, such as by a store cashier.

**(4)**“Candlefoot power” means the light intensity of candles on a horizontal plane at 36 inches above ground level and 5 feet in front of the area to be measured.

**(5)**“Control,” with respect to an access area or defined parking area, means to have the present legal authority to determine how, when, and by whom such area is to be used, and how such area is to be maintained, lighted, and landscaped. If an operator leases an access area or defined parking area as lessee, such lessee shall not be considered to have control for the purposes of ss. 655.960-655.965.

**(6)**“Customer” means a natural person to whom an access device has been issued for personal, family, or household use.

**(7)**“Defined parking area” means that portion of any parking area open for customer parking which is contiguous to an access area with respect to an automated teller machine, is regularly, principally, and lawfully used for parking by users of the automated teller machine while conducting automated teller machine transactions during the hours of darkness, and is owned or leased by the operator of the automated teller machine or owned or controlled by the party leasing the automated teller machine site to the operator. The term does not include any parking area which is not open or regularly used for parking by users of the automated teller machine who are conducting automated teller machine transactions during the hours of darkness. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed. If a multiple level parking area satisfies the conditions of this subsection and would therefore otherwise be a defined parking area, only the single parking level deemed by the operator of the automated teller machine to be the most directly accessible to the users of the automated teller machine shall be considered a parking area.

**(8)**“Financial institution office” means a main office or principal office, as defined in s. 655.005, and a branch or branch office as defined in s. 658.12(4).

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**(9)**“Hours of darkness” means the period that commences 30 minutes after sunset and ends 30 minutes before sunrise.

**(10)**“Operator” means any financial institution, as defined in s. 655.005, other business entity, or any person who controls the use or operation by a customer or other member of the general public of an automated teller machine. An operator controls the use or operation of an automated teller machine for the purposes of ss. 655.960-655.965 if such person or entity has the present legal authority to determine when and by whom the automated teller machine may be used or operated and how it is to be maintained in compliance with the provisions of ss. 655.960-655.965. An operator does not include any person or entity which is not a financial institution, if the primary function of such person or entity is to provide data processing services for automated teller machine transactions or to provide for the exchange, transfer, or dissemination of electronic funds transfer data.

**(11)**Terms which are defined in the financial institution codes, unless the context otherwise requires, have the meanings ascribed to them therein for purposes of ss. 655.960-655.965.

**§ 655.961. Violation of specified provisions not negligence per se.**

Violation of specified provisions not negligence per se.—A violation of the provisions of ss. 655.960-655.965 or any regulation made pursuant thereto does not constitute negligence per se.

**§ 655.962. Lighting; mirrors; landscaping.**

Lighting; mirrors; landscaping. —

(1) Each operator, or other person responsible for an automated teller machine pursuant to ss. 655.960-655.965, shall provide lighting during the hours of darkness with respect to an open and operating automated teller machine and any defined parking area, access area, and the exterior of an enclosed automated teller machine installation, as follows:

(a) There shall be a minimum of 10 candlefoot power at the face of the automated teller machine and extending in an unobstructed direction outward 5 feet.

(b) There shall be a minimum of 2 candlefoot power within 50 feet in all unobstructed directions from the face of the automated teller machine. If the automated teller machine is located within 10 feet of the corner of the building and the automated teller machine is generally accessible from the adjacent side, there shall be a minimum of 2 candlefoot power along the first 40 unobstructed feet of the adjacent side of the building.

(c) There shall be a minimum of 2 candlefoot power in that portion of the defined parking area within 60 feet of the automated teller machine.

(2) The operator shall provide reflective mirrors or surfaces at each automated teller machine which provide the customer with a rear view while the customer is engaged in using the automated teller machine.

(3) The operator, or other person responsible pursuant to ss. 655.960-655.965 for an automated teller machine, shall ensure that the height of any landscaping, vegetation, or other physical obstructions in



the area required to be lighted pursuant to subsection (1) for any open and operating automated teller machine shall not exceed 3 feet, except that trees trimmed to a height of 10 feet and whose diameters are less than 2 feet and manmade physical obstructions required by statute, law, code, ordinance, or other governmental regulation shall not be affected by this subsection.

**§ 655.963. Access devices.**

Customers receiving access devices shall be furnished by the respective issuers thereof with such information regarding safety precautions as the commission may require by rule. This information shall be furnished by personally delivering or mailing the information to each customer whose mailing address as to the account to which the access device relates is in this state. Such information shall be furnished with respect to access devices issued on or after October 1, 1994, at or before the time the customer is furnished with his or her access device. With respect to a customer to whom an “accepted access device,” as defined in Federal Reserve Board Regulation E, [12 C.F.R. part 205](#), has been issued prior to October 1, 1994, the information shall be delivered on or before 6 months from October 1, 1994. Only one notice need be furnished per household, and if access devices are furnished to more than one customer for a single account or set of accounts or on the basis of a single application or other request for access devices, only a single notice need be furnished in satisfaction of the notification responsibilities as to those customers. The information may be included with other disclosures related to the access device furnished to the customer, such as with any initial or periodic disclosure statement furnished pursuant to the Electronic Fund Transfer Act.

**§ 655.964. Application.**

- (1) The provisions of ss. 655.961 and 655.962 do not apply to any automated teller machine which is:
  - (a) Located inside of a building, unless it is a freestanding installation which exists for the sole purpose of providing an enclosure for the automated teller machine.
  - (b) Located inside a building, except to the extent a transaction can be conducted from outside the building.
  - (c) Located in any area, including any access area, building, enclosed space, or parking area which is not controlled by the operator.
- (2) The provisions of ss. 655.960-655.965 shall not be construed to create any duty, responsibility, or obligation for any person or entity whose primary function is to provide for the exchange, transfer, or dissemination of electronic funds transfer data and is not otherwise a financial institution, as defined in s. 655.005, or an operator.

**§ 655.965. Preemption; prohibition.**

Except as expressly provided, the provisions of this section and ss. 655.960-655.964 supersede and preempt all rules, regulations, codes, or ordinances of any city, county, municipality, or other political subdivision of this state, and of any local agency regarding customer safety at automated teller machines located in this state.

## GEORGIA

### § 7-8-1. Definitions

As used in this chapter, the term:

- (1) “Access area” means any paved walkway or sidewalk which is within 50 feet of any remote service terminal. The term does not include any street or highway open to the use of the public or any adjacent sidewalk.
- (2) “Access device” shall have the same meaning as set forth in Federal Reserve Board Regulation E, 12 C.F.R. Part 205, promulgated pursuant to the federal Electronic Fund Transfer Act, 15 U.S.C. Section 1601, et seq.
- (3) “Candlefoot power” means the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured.
- (4) “Control” of an access area or defined parking area means to have the present authority to determine how, when, and by whom such access area or defined parking area is to be used, maintained, lighted, and landscaped.
- (5) “Customer” means a natural person to whom an access device has been issued for personal, family, or household use.
- (6) “Defined parking area” means that portion of any parking area open for customer parking which is:
  - (A) Contiguous to an access area with respect to a remote service terminal;
  - (B) Regularly, principally, and lawfully used for parking by users of the remote service terminal while conducting remote service terminal transactions during the hours of darkness; and
  - (C) Owned or leased by the operator of the remote service terminal or owned or controlled by the party leasing the remote service terminal site to the operator.

The term does not include any parking area which is not open or regularly used for parking by users of the remote service terminal who are conducting remote service terminal transactions during the hours of darkness. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed. If a multiple-level parking area satisfies the conditions of this paragraph and would therefore otherwise be a defined parking area, only the single parking level deemed by the operator of the remote service terminal to be the most directly accessible to the users of the remote service terminal shall be a defined parking area.

- (7) “Financial institution” means such an institution as defined in Code Section 7-1-4.
- (8) “Hours of darkness” means the period that commences 30 minutes after sunset and ends 30 minutes before sunrise.





(9) “Operator” means any bank, savings association, credit union, savings bank, or other business entity or any person who operates a remote service terminal, but does not include any person or entity whose primary function is to provide for the exchange, transfer, or dissemination of electronic fund transfer data.

(10) “Owner of an automated teller machine” means the person having the right to determine the financial institutions which will be permitted to use, or participate in the usage of, the automated teller machine but does not include any person or entity whose primary function is to provide for the exchange, transfer, or dissemination of electronic fund transfer data.

(11) “Public road” means any public right of way, including, but not limited to, structures, sidewalks, facilities, and appurtenances incidental thereto.

(12) “Remote service terminal” means any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit, or convenience account. The term does not include devices used solely to facilitate check guarantees or check authorizations or which are used in connection with the acceptance or dispensing of cash on a person-to-person basis, such as by store cashier.

#### **§ 7-8-2. Adoption of procedures for evaluating safety of remote service terminal areas**

(a) On or before July 1, 1994, with respect to all existing installed remote service terminals in this state, and any remote service terminals installed after July 1, 1993, the operator shall adopt procedures for evaluating the safety of the remote service terminals. These procedures shall include a consideration of the following:

- (1) The extent to which the lighting for the remote service terminal complies or will comply with applicable standards;
- (2) The presence of landscaping, vegetation, or other obstructions in the area of the remote service terminal, the access area, and the defined parking area; and
- (3) The incidence of crimes of violence in the immediate neighborhood of the remote service terminal as reflected in the records of the local law enforcement agency and of which the operator has actual knowledge.

(b) It is not the intent of the General Assembly in enacting this chapter to impose a duty to relocate or modify remote service terminals upon the occurrence of any particular events or circumstances, but rather to establish a standard of good faith for the evaluation of all remote service terminals as provided in this chapter. A violation of the provisions of this chapter or any regulation made pursuant thereto will not constitute negligence per se.

#### **§ 7-8-3. Date of compliance with law; lighting requirements**

(a) Each operator of a remote service terminal installed on or after July 1, 1993, shall comply with the provisions of this chapter commencing on the date the remote service terminal is installed. Compliance with the provisions of this chapter by operators as to remote service terminals existing as of July 1,

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1993, shall be optional until July 1, 1994, and mandatory thereafter. This Code section shall apply to an operator of a remote service terminal only to the extent that the operator controls the access area or defined parking area to be lighted.

(b) If an access area or defined parking area is not controlled by the operator of the remote service terminal, and if the person who leased the remote service terminal site to the operator controls the access area or defined parking area, the person who controls the access area or defined parking area shall comply with the provisions of this chapter as to any remote service terminals installed on or after July 1, 1994, commencing on the date the remote service terminal is installed and as to any remote service terminal existing as of July 1, 1993, commencing no later than on July 1, 1994.

(c) The operator, owner, or other person responsible for the remote service terminal shall provide lighting during the hours of darkness with respect to an open and operating remote service terminal and any defined parking area, access area, and the exterior of an enclosed remote service terminal installation according to the following standards:

(1) There shall be a minimum of ten candlefoot power at the face of the remote service terminal and extending in an unobstructed direction outward five feet;

(2) There shall be a minimum of two candlefoot power within 50 feet from all unobstructed directions from the face of the remote service terminal. In the event the remote service terminal is located within ten feet of the corner of the building and the remote service terminal is generally accessible from the adjacent side, there shall be a minimum of two candlefoot power along the first 40 unobstructed feet of the adjacent side of the building; and

(3) There shall be a minimum of two candlefoot power in that portion of the defined parking area within 60 feet of the remote service terminal.

#### **§ 7-8-4. Notice to customers of basic safety precautions**

Customers receiving access devices shall be furnished by the respective issuers thereof with notices of basic safety precautions which customers should employ while using a remote service terminal. This information shall be furnished by personally delivering or mailing the information to each customer whose mailing address as to the account to which the access device relates is in this state. This information shall be furnished with respect to access devices issued on or after July 1, 1994, at or before the time the customer is furnished with his or her access device. With respect to a customer to whom an access device has been issued prior to July 1, 1993, the information shall be delivered on or before July 1, 1994. Only one notice need be furnished per household, and if access devices are furnished to more than one customer for a single account or set of accounts or on the basis of a single application or other request for access devices, only a single notice need be furnished in satisfaction of the notification responsibilities as to those customers. The information may be included with other disclosures related to the access device furnished to the customer, such as with any initial or periodic disclosure statement furnished pursuant to the federal Electronic Fund Transfer Act.<sup>1</sup>



#### **§ 7-8-5. Terminals to which chapter not applicable**

The provisions of this chapter shall not apply to any remote service terminal which is located:

- (1)** Inside a building, unless it is a freestanding installation which exists for the sole purpose of providing an enclosure for the remote service terminal;
- (2)** Inside a building, except to the extent a transaction can be conducted from outside the building; or
- (3)** In any area, including any access area, building, enclosed space, or parking area, which is not controlled by the operator.

#### **§ 7-8-6. Rules and regulations**

The commissioner of the Department of Banking and Finance is empowered to enforce the provisions of this chapter and is empowered to make all necessary rules and regulations for the purpose of carrying out the purposes of this chapter.

#### **§ 7-8-7. Inapplicability to persons or entities that are not a financial depository institution or operator**

The provisions of this chapter shall not be construed to create any duty, responsibility, or obligation for any person or entity whose primary function is to provide for the exchange, transfer, or dissemination of electronic fund transfer data and is not otherwise a financial depository institution or an operator, as defined in this chapter, and such person or entity shall have no liability of any nature to any customer or user of a remote service terminal and shall not be named in any action by a customer or user of a remote service terminal for any claim concerning any provision of this chapter or relating to the use or attempted use of a remote service terminal.

#### **§ 7-8-8. Preemption**

This chapter supersedes and preempts all rules, regulations, codes, statutes, or ordinances of all cities, counties, consolidated cities and counties, municipalities, and local agencies regarding customer safety at remote service terminals.

## ILLINOIS

### **205 ILCS 695/5 Definitions. As used in this Act, the term:**

"Access area" means any paved walkway or sidewalk that is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public or any adjacent sidewalk.

"Access device" has the same meaning as set forth in Federal Reserve Board Regulation E, 12 C.F.R. Part 205, promulgated pursuant to the federal Electronic Fund Transfer Act, 15 U.S.C. Section 1601, et seq.

"Automated teller machine" means any electronic information processing device located in this State that accepts or dispenses cash in connection with a credit, deposit or convenience account. The term does not include devices used (i) solely to facilitate check guarantees or check authorizations, (ii) in connection with the acceptance or dispensing of cash on a person-to-person basis, including by store cashier, or (iii) for payment in connection with the purchase of goods or services.

"Candlefoot power" means the light intensity of candles on a horizontal plane at 36 inches above ground level and 5 feet in front of the area to be measured.

"Control" of an access area or defined parking area means to have the present authority to determine how, when and by whom the access area is to be maintained, lighted, and landscaped.

"Customer" means a natural person to whom an access device has been issued for personal, family, or household use.

"Defined parking area" means that portion of any parking area open for customer parking that is:

- (1) Contiguous to an access area with respect to an automated teller machine;
- (2) Regularly, principally, and lawfully used for parking by users of the automated teller machine while conducting automated teller machine transactions during the hours of darkness; and
- (3) Owned or controlled by the operator of the automated teller machine or by the party leasing the automated teller machine site to the operator. The term does not include any parking area that (i) is not open or regularly used for parking by users of the automated teller machine who are conducting automated teller machine transactions during the hours of darkness or (ii) is physically closed to access or is marked by conspicuous signs indicating that it is closed. If a multiple-level parking area satisfies the conditions of this paragraph and would therefore otherwise be a defined parking area, only the single parking level deemed by the operator of the automated teller machine to be the most directly accessible to the users of the automated teller machine shall be a defined parking area.

"Financial institution" means a state or federally chartered bank, savings and loan association, savings bank, or credit union.

"Hours of darkness" means the period that begins 30 minutes after sunset and ends 30 minutes before sunrise.





"Operator" means any financial institution or other business entity or any other person who operates an automated teller machine, but does not include any person or entity whose primary function is to provide for the exchange, transfer or dissemination of electronic fund transfer data, including, without limitation, any network or switch established under the Electronic Fund Transfer Act.

"Public road" means any public right of way, including, but not limited to, structures, sidewalks, facilities, and appurtenances incidental thereto.

#### **205 ILCS 695/10 Date of compliance; provision of adequate lighting.**

(a) An operator of an automated teller machine installed on or after July 1, 1997 shall comply with the provisions of subsection (c) of this Section commencing on the date the automated teller machine is installed. Compliance with subsection (c) of this Section by operators as to automated teller machines existing as of July 1, 1997 shall be optional until July 1, 1998 and mandatory thereafter. This Act applies to an operator of an automated teller machine only to the extent that the operator controls the access area or defined parking area to be lighted.

(b) If an access area or defined parking area is not controlled by the operator of the automated teller machine, and if the person who leased the automated teller machine site to the operator controls the access area or defined parking area, the person who controls the access area or defined parking area shall comply with subsection (c) of this Section as to any automated teller machines installed on or after July 1, 1997, commencing on the date the automated teller machine is installed and as to any automated teller machine existing as of July 1, 1997, commencing no later than July 1, 1998.

(c) The operator, owner, or other person responsible for the automated teller machine shall provide lighting during the hours of darkness with respect to an open and operating automated teller machine and any defined parking area, access area, and the exterior of an enclosed automated teller machine installation according to all of the following standards:

(1) There shall be a minimum of 10 candlefoot power at the face of the automated teller machine and extending outward 5 feet.

(2) There shall be a minimum of 2 candlefoot power within 50 feet from all unobstructed directions from the face of the automated teller machine. In the event the automated teller machine is located within 10 feet of the corner of the building and the automated teller machine is generally accessible from the adjacent side, there shall be a minimum of 2 candlefoot power along the first 40 unobstructed feet of the adjacent side of the building.

(3) There shall be a minimum of 2 candlefoot power in that portion of the defined parking area within 60 feet of the automated teller machine.

#### **205 ILCS 695/15 Notices to customers of basic safety precautions.**

The issuer of an access device shall furnish a customer receiving the device with a notice of basic safety precautions that the customer should employ while using an automated teller machine. This information shall be furnished by personally delivering or by mailing the information to each customer whose mailing address for the account to which the access device relates is in the State of Illinois. This information shall be furnished with respect to access devices issued on or after July 1, 1997, at or before the time the customer is furnished with his or her access device. With respect to a customer to whom an

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access device has been issued prior to July 1, 1997, the information shall be delivered on or before July 1, 1998. Only one notice need be furnished per household, and if access devices are furnished to more than one customer for a single account or set of accounts or on the basis of a single application or other request for access devices, only a single notice need be furnished in satisfaction of the notification responsibilities as to those customers. The information may be included with other disclosures related to the access device furnished to the customer, such as with any initial or periodic disclosure statement furnished pursuant to the federal Electronic Fund Transfer Act. The issuer of an access device shall be deemed to be in compliance with the notice requirement of this Section if the issuer advises the customer:

- (1) to be aware of the customer's surroundings when using an automated teller machine, particularly during the hours of darkness;
- (2) to be accompanied by another person when using an automated teller machine during the hours of darkness;
- (3) to refrain from displaying cash, to place cash in a pocket as soon as a transaction is completed, and to count cash in the safety of a locked enclosure such as a car or home;
- (4) to use another automated teller machine or return at a later time if anything suspicious is noticed when using or considering using an automated teller machine; and
- (5) to report all crimes immediately to the operator of the automated teller machine or to local law enforcement officials.

#### **205 ILCS 695/20 Procedures for evaluating safety of automated teller machines.**

On or before July 1, 1998, with respect to all existing installed automated teller machines in the State of Illinois and any automated teller machines installed in the State of Illinois after July 1, 1997, the operator shall adopt procedures for evaluating the safety of the automated teller machines for both customers and agents of the operator. These procedures shall include a consideration of the following:

- (1) the extent to which the lighting for the automated teller machine complies or will comply with the standards required by subsection (c) of Section 10;
- (2) the presence of landscaping, vegetation, or other obstructions in the area of the automated teller machine, the access area, and the defined parking area; and
- (3) the incidence of crimes of violence in the immediate neighborhood of the automated teller machine as reflected in the records of the local law enforcement agency and of which the operator has actual knowledge.

#### **205 ILCS 695/25 Terminals to which Act not applicable**

This Act does not apply to any automated teller machine that:

- (1) is located inside a building, unless it is a freestanding installation that exists for the sole purpose of providing an enclosure for the automated teller machine;
- (2) is located inside a building, except to the extent a transaction can be conducted from outside the building; or



(3) is located in any area, including any access area, building, enclosed space, or parking area, that is not controlled by the operator.

### **205 ILCS 695/30 Inapplicability to persons or entities that are not financial institutions or operators**

The provisions of this Act shall not be construed to create any duty, responsibility, or obligation for any network or switch as defined under the Electronic Fund Transfer Act [205 ILCS 616/1 et seq.] or any other person or entity whose primary function is to provide for the exchange, transfer, or dissemination of electronic fund transfer data so long as the person or entity is not otherwise a financial institution or an operator, as defined in this Act, and the person or entity shall have no liability of any nature to any operator, customer, or user of an automated teller machine and shall not be named in any action by an operator, customer, or user of an automated teller machine for any claim concerning any provision of this Act or relating to the use or attempted use of an automated teller machine.

### **205 ILCS 695/35 Standard of care**

The intent of the General Assembly of the State of Illinois in enacting this Act is to enhance the safety of consumers using automated teller machines in the State of Illinois without discouraging the placement of automated teller machines in locations convenient to consumers' homes and work places. Because decisions concerning safety at automated teller machines are inherently subjective, the General Assembly establishes as the standard of care applicable to owners or operators of automated teller machines and persons who control access areas or defined parking areas in connection with user safety, substantial compliance with Section 10 [205 ILCS 695/10] and, if the owners or operators or persons who control access areas or defined parking areas are also issuers of access devices, substantial compliance, in addition, with Section 15 of this Act [205 ILCS 695/15]. The General Assembly establishes as the standard of care applicable to issuers of access devices substantial compliance with Section 15 of this Act. It is not the intent of the General Assembly in enacting this Act to impose a duty to relocate or modify automated teller machines upon the occurrence of a particular event or circumstance.

Substantial compliance with Section 10 of this Act shall constitute prima facie evidence that an owner or operator of an automated teller machine, and a person who controls an access area or defined parking area, has provided adequate and reasonable measures for the safety of customers. Substantial compliance with Section 15 of this Act shall constitute prima facie evidence that an issuer of an access device has provided adequate and reasonable measures for the safety of customers.

### **205 ILCS 695/40 Home rule**

The regulation of customer safety at automated teller machines located in the State of Illinois and the regulation and licensing of operators of automated teller machines, issuers of access devices, and persons who control an access area or defined parking area are exclusive powers and functions of the State. A home rule unit may not regulate or license operators of automated teller machines, issuers of access devices, or persons who control access areas or defined parking areas with respect to customer safety. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution [Ill. Const., Art. VII, § 6].

### **205 ILCS 695/99 Effective date**

This Act takes effect upon becoming law.

## LOUISIANA

### LSA-R.S. 6:1361-6:1367

#### **§1361. Short title**

This Chapter shall be known and may be cited as the "Automated Teller Machines/Night Depository Customer Safety Act".

#### **§1362. Intent; scope; effect**

A. It is the intent of the legislature in enacting this Chapter to enhance the safety of persons using automated teller machines and night depositories in Louisiana without discouraging the location of such facilities in places that are convenient to users or placing unreasonable burdens upon operators of such facilities. Since decisions concerning these facilities are inherently subjective and are necessarily influenced by many factors and conditions beyond the control of operators of these facilities, the standards provided in this Chapter are intended to be the only standards of care and duty applicable to such operators.

B. The legislature hereby recognizes the need for uniformity in the establishment of automated teller machine and night depository user safety standards. Therefore, this Chapter shall supersede and preempt any rule, regulation, code, statute, or ordinance of any political subdivision or other unit of local government or any other applicable standard with regard to these facilities.

#### **§1363. Definitions**

As used in this Chapter, the following terms shall have the meanings specified in this Section:

(1)"Access area" means an outdoor area which is in the control of an operator and which is within a fifty-foot radius of an access facility. In the event that an access facility is located within ten feet of the corner of the building and is generally accessible from the adjacent side, the access area shall include the first forty constructed feet of the adjacent side of the building in the control of the operator.

(2)"Access facility" means an automated teller machine or a night depository.

(3)"Account" means a demand, checking, savings, or other deposit account, whether commercial or consumer, held directly by an operator.

(4)"Automated teller machine" means an electronic information processing device located in this state which accepts or dispenses cash in connection with an account or credit card. This term shall not include a device used solely to facilitate check guarantees or check authorizations or a device which is used in connection with the acceptance or dispensing of cash on a person-to-person basis, such as by a store cashier.

(5)"Control" means to have actual authority to direct the circumstances of use of an access area or access facility, including its maintenance, lighting, and landscaping.

(6)"Customer" means a person or other legal entity who owns an account provided by an operator whose access facility is being used.



(7)"Footcandle" means the light incident measured on a horizontal plane thirty-six inches above ground level. One footcandle is equal to one lumen per square foot.

(8)"Hours of darkness" means the period that commences thirty minutes after sunset and ends thirty minutes before sunrise.

(9)"Night depository" means a slot or compartment located in this state and provided by an operator to facilitate the delivery of cash or other negotiable instruments into a customer's account during non-business hours of operation.

(10)"Operator" means a state or national bank, savings association, credit union, industrial loans company, mutual savings bank, or other business entity that controls an access facility or access area.

#### **§1364. Compliance required**

A. Each operator shall substantially comply with the provisions of R.S. 6:1365 through 1367 and shall also adopt procedures for the periodic evaluation of access facilities and access areas in his control. However, compliance shall create no duty to relocate or cause structural modification to existing access facilities.

B. An operator who has initially complied with the provisions of R.S. 6:1365 through 1367 and has adopted and implemented procedures to semiannually verify compliance with such provisions shall not be deemed to be in violation of this Chapter unless both of the following conditions exist:

- (1) The operator has actual or constructive knowledge of the violation. For purposes of this Paragraph, constructive knowledge shall mean the existence of facts which infer actual knowledge.
- (2) The operator has failed to remedy the violation within thirty days of such knowledge.

C. Substantial compliance with the provisions of this Chapter shall fulfill any duty of an operator to protect against the risk of harm to any user of an access facility or access area covered by this Chapter, and shall be a bar to any claim for damages arising from the use of access facilities and access areas covered by this Chapter, provided that the operator was not grossly negligent or did not act intentionally.

#### **§1365. Lighting standards**

The operator of an access facility shall provide lighting during hours of darkness in an access area in his control by meeting both of the following standards during such hours:

- (1) There shall be a minimum of ten footcandles at the face of the access facility and extending in an unobstructed direction outward five feet.
- (2) There shall be an average of two footcandles within the access area.

#### **§1366. Landscape and vegetation standards**

The operator of an access facility shall provide in an access area in his control for landscaping which promotes reasonable visibility of persons within such area by meeting each of the following standards:



- (1) No bushes or shrubbery exceeding one foot in height shall be planted within a fifteen-foot radius of the access facility.
- (2) Bushes and shrubbery outside the fifteen foot radius shall be maintained in a manner which promotes reasonable visibility of persons within the access area.
- (3) Trees within the access area shall be trimmed upward to a minimum of six feet.

**§1367. Notice of customer safety information**

An operator shall provide to its customers a notice containing information on basic safety precautions to be employed while using access facilities. Such information shall be furnished by personally delivering or by mailing such notice to each customer at the last address to which statements on his account have been sent. Only one notice need be provided for each account. No operator shall be under any duty to provide such notice to a user of an access facility who is not his customer.



**MARYLAND**

**Maryland Financial Institutions Code Ann. §1-401 - §1-406**

**§ 1-401. Definitions**

(a) In general. -- In this subtitle the following words have the meanings indicated.

(b) Access area. –

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of an automated teller machine.

(2) "Access area" does not include any publicly maintained street or highway or any adjacent sidewalk.

(c) Access device. -- "Access device" has the meaning stated in Federal Reserve Board Regulation E, 12 C.F.R., Part 205.

(d) Automated teller machine. –

(1) "Automated teller machine" means any electronic information processing device located in this State which accepts or dispenses cash in connection with a credit, deposit, or convenience account.

(2) "Automated teller machine" does not include devices used:

(i) Solely to facilitate check guarantees or check authorizations;

(ii) In connection with the acceptance or dispensing of cash on a person-to-person basis, including by a store cashier; or

(iii) For the payment of goods or services.

(e) Candlefoot power. -- "Candlefoot power" means the light intensity of candles on a horizontal plane at 36 inches above ground level and 5 feet in front of the area to be measured.

(f) Control. -- "Control" of an access area or defined parking area means to have the present authority to determine how, when, and by whom such area is to be used, maintained, lighted, and landscaped.

(g) Customer. -- "Customer" means an individual to whom an access device has been issued for personal, family, or household use.

(h) Defined parking area. --

(1) "Defined parking area" means that portion of a parking area open for customer parking which is:

(i) Contiguous to an access area with respect to an automated teller machine;



(ii) Regularly, principally, and lawfully used for parking by users of the automated teller machine while conducting automated teller machine transactions during the hours of darkness; and

(iii) Owned or controlled by the operator of the automated teller machine or by the party leasing the automated teller machine site to the operator.

(2) "Defined parking area" includes only the single parking level of a multiple level parking area deemed by the operator of the automated teller machine to be the most directly accessible to users of the automated teller machine if the parking area otherwise satisfies the conditions contained in paragraph (1) of this subsection.

(3) "Defined parking area" does not include a parking area which is:

(i) Not regularly used for parking by users of the automated teller machine who are conducting automated teller machine transactions during the hours of darkness; or

(ii) Physically closed to access or is marked by conspicuous signs indicating that it is closed.

(i) Hours of darkness. -- "Hours of darkness" means the period that begins 30 minutes after sunset and ends 30 minutes before sunrise.

(j) Operator. -- "Operator" means a financial institution or other person that operates an automated teller machine.

#### **§ 1-402. Safety of locations**

(a)(1)(i) This section does not apply to any person:

1. Whose primary function is to provide for the exchange, transfer, or dissemination of electronic fund transfer data; and

2. That is not otherwise an operator or person who controls an access area or designated parking area.

(ii) A person described in subparagraph (i) of this paragraph is not liable to a customer or user of an automated teller machine for any claim relating to:

1. Any provision of this section; or

2. The use or attempted use of an automated teller machine.

(2) This section does not apply to an automated teller machine which is located:

(i) Inside a building:





1. Unless the building is a freestanding installation which exists solely to provide an enclosure for the automated teller machine; or
  2. Except to the extent that a transaction can be conducted from outside the building; or
- (ii) In any area, including any access area, building, enclosed space, or parking area, which is not controlled by the operator.

#### **Procedures for evaluating safety of automated teller machine location**

(b)(1) An operator of an automated teller machine shall adopt procedures for evaluating the safety of the location of the automated teller machine before it is installed.

(2) The procedures shall include a consideration of:

- (i) The extent to which the lighting for the automated teller machine complies or will comply with the standards described in this section; and
- (ii) The presence of landscaping, vegetation, or other obstructions in the area of the automated teller machine, the access area, and the defined parking area.

(3)(i) The operator of an automated teller machine installed prior to January 1, 1995 shall adopt procedures for evaluating the safety of the location of the existing automated teller machine.

(ii) The procedures adopted under subparagraph (i) of this paragraph shall include a consideration of the facts identified in paragraph (2) of this subsection to the extent appropriate to existing locations.

(iii) This subsection does not impose a duty to relocate an automated teller machine or modify the landscaping, vegetation, or other obstructions in the area of an automated teller machine, access area, or defined parking area for an automated teller machine installed prior to January 1, 1995.

#### **Candlefoot power requirements**

(c)(1) An operator of an automated teller machine shall provide during the hours of darkness lighting of at least 10 candlefoot power at the face of the automated teller machine and extending in an unobstructed direction outward 5 feet.

(2) An operator or, if different, the person who controls the access area or the defined parking area shall provide during the hours of darkness lighting of:

- (i) At least 2 candlefoot power within 50 feet from all unobstructed directions from the face of the automated teller machine;
- (ii) At least 2 candlefoot power in that portion of the defined parking area within 60 feet of the automated teller machine; and



(iii) In the event the automated teller machine is located within 10 feet of a corner of the building and the automated teller machine is generally accessible from the adjacent side, at least 2 candlefoot power along the first 40 unobstructed feet of the adjacent side of the building.

(3) The requirements of this subsection apply only to automated teller machines that are open for use by customers during the hours of darkness.

**Notice concerning basic safety precautions provided to customers**

(d)(1) At or before the time a customer is furnished with an access device, the issuer of the access device shall furnish to the customer a notice concerning basic safety precautions that customers should employ while using an automated teller machine during hours of darkness.

(2) The notice shall be furnished:

(i) To each customer whose address for the account to which the access device relates is in this State; and

(ii) By personally delivering or mailing the notice to customers at their mailing addresses in this State.

(3)(i) Only one notice need be furnished for each mailing address.

(ii) If access devices are furnished to more than one customer for a single account or set of accounts or on the basis of a single application or other request for access devices, only one notice need be furnished to satisfy this subsection's notice requirement as to those customers.

(4) The notice required by this subsection may be included with other disclosures related to the access device furnished to a customer, including any initial or periodic disclosure statement furnished under the Federal Electronic Fund Transfer Act.<sup>1</sup>

(5) The issuer of an access device shall be deemed to be in compliance with the notice requirement of this subsection if the issuer advises the customer to:

(i) Be aware of the customer's surroundings when using an automated teller machine, particularly during the hours of darkness;

(ii) Be accompanied by another person when using an automated teller machine during the hours of darkness;

(iii) Refrain from displaying cash, place cash in a pocket as soon as a transaction is completed, and count cash in the safety of a locked enclosure such as a car or home;

(iv) Use another automated teller machine or return at a later time if anything suspicious is noticed;

(v) Cancel a transaction, place the access device in a pocket, and leave if anything suspicious is noticed when using an automated teller machine; and

*This information is not, nor intended to be, legal advice, nor does it create an attorney-client relationship. Consult a licensed attorney of your choice for specific legal questions or research of particular laws in each state / jurisdiction.*



(vi) Immediately report all crimes to the operator of the automated teller machine and to local law enforcement officials.

(6) For an access device issued before January 1, 1995, compliance with the provisions of this subsection shall be optional unless:

(i) A customer requests in writing that the notice required by this subsection be provided; or

(ii) The access device is reissued, renewed, or replaced on or after January 1, 1995.

#### **§ 1-402.1. Video cameras required at automated teller machines**

(a) This section does not apply to an automated teller machine that is:

(1) Located inside a building unless:

(i) The building is a freestanding installation that exists solely to provide an enclosure for the automated teller machine; or

(ii) A user of the automated teller machine is able to conduct a transaction from outside the building; or

(2) Operated by a financial institution, unless the automated teller machine is located at or within or attached to premises owned by or under the control of the financial institution.

#### **Installation and maintenance of video cameras**

(b) Each operator of an automated teller machine subject to this section shall:

(1) Install and maintain a video camera that views and records an image of a user as the user performs a transaction at the automated teller machine; and

(2) Preserve the recordings made by the video camera for at least 45 calendar days.

#### **Malfunctioning video cameras**

(c) An operator of an automated teller machine subject to this section is not in violation of this section if a video camera required under subsection (b) of this section malfunctions due to a reason not within the operator's control.

#### **§ 1-403. Authorization to operate; authorized transactions; failure to meet requirements**

(a) In general. -- Subject to this section, a banking institution or credit union may have an automated teller machine at a location other than the principal office or a branch of a banking institution or credit union.

(b) Written notice. --



(1) Except as provided in paragraph (2) of this subsection, at least 15 business days before commencing the installation of an automated teller machine, a banking institution or credit union shall submit to the Commissioner written notice of its intent to install the automated teller machine.

(2) No written notice of intent to install an automated teller machine is required if the automated teller machine is to be located at the principal office or a branch of a banking institution or credit union.

(c) Authorized transactions. --

(1) An automated teller machine may receive and dispense money as instructed by a customer.

(2) A banking institution or credit union may verify by direct wire transmission or otherwise any transaction that is made by means of an automated teller machine.

(3) The Commissioner may adopt rules and regulations that are substantially similar to those rules and regulations of the Comptroller of the Currency for the operation and shared use of automated teller machines by national banking associations.

(d) Failure to meet requirements. --

(1) If, after the Commissioner receives the notice required under subsection (b)(1) of this section or the automated teller machine is installed, any requirement of this section is not being met, or if the Commissioner determines that the operation of the automated teller machine is not consistent with safety and soundness and the security of the transactions, the Commissioner shall give the banking institution or credit union notice of the deficiency.

(2) On notice of deficiency, a banking institution or credit union shall stop using the automated teller machine.

(3) If the Commissioner determines that the deficiency has been corrected, the banking institution or credit union may resume use of the automated teller machine.

(e) Machine is not a branch. -- For purposes of this article, an automated teller machine is not a branch of a banking institution or credit union.

**§ 1-404. Notice of fees**

(a) In general. -- At or before the time a transaction is initiated, the operator of an automated teller machine shall provide the person using the automated teller machine with notice of the fee to be charged by the operator for use of the automated teller machine by persons using access devices not issued by the operator.

(b) Method; cancellation of transaction. --

(1) The operator may give the notice required under subsection (a) of this section by either:

(i) Posting in a conspicuous place on or near the automated teller machine the amount of the fee; or

(ii) Listing the amount of the fee on the screen of the automated teller machine at the time the transaction is initiated.

(2) If the operator gives the notice in the manner provided by paragraph (1)(ii) of this subsection, the person using the automated teller machine shall be provided with the opportunity to cancel the transaction without incurring any fee.

#### **§ 1-405. Foreign banking corporation**

(a) "Foreign banking corporation" defined. --"Foreign banking corporation" has the meaning stated in § 12-201(e) of this article.

(b) Permit or authorization required. --A foreign banking corporation may not have an automated teller machine in this State for any purpose unless:

(1) The foreign banking corporation obtains from the Commissioner a permit for the automated teller machine; or

(2) The automated teller machine is authorized under:

(i) The Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 or other federal law; or

(ii) Title 5, Subtitle 9 or Subtitle 10 of this article.

(c) Obtaining permits. --The process for obtaining a permit for the automated teller machine is as stated in §§ 12-208 and 12-209 of this article.

#### **§ 1-406. Authority to enact laws; preemption of local law**

(a) State government. --Only the State may enact a law regarding automated teller machines.

(b) Preemption of local law. --This subtitle shall preempt any local law governing automated teller machines.

## NEVADA

### **660.125. “Area of access” defined.**

“Area of access” means a paved walkway or sidewalk which is within 50 feet of an automated teller, except a publicly maintained road or a sidewalk as defined in NRS 484A.240.

### **660.135. “Automated teller” defined.**

“Automated teller” means any electronic device which accepts or dispenses cash in connection with an account maintained in a financial institution or with another business. The term does not include a device used solely to guarantee the payment of a check or to authorize or verify the issuance of a check, or used in connection with the acceptance or dispensing of cash by one natural person to another.

### **660.145. “Control” defined.**

A person has “control” of an area of access or a defined parking area if the person has the present authority to determine how, when and by whom it is to be used and how it is to be maintained, lit and landscaped.

### **660.155. “Customer” defined.**

“Customer” means a natural person to whom a device for access has been issued for personal, family or household use.

### **660.165. “Defined parking area” defined.**

1. “Defined parking area” means that portion of any parking area open for customer parking which is:
  - (a) Contiguous to an area of access to an automated teller;
  - (b) Regularly, principally and lawfully used for parking by users of the automated teller while using it between a half hour after sunset and a half hour before sunrise; and
  - (c) Owned or leased by the operator of the automated teller or owned or controlled by the party leasing the site of the automated teller to the operator.
2. The term does not include any parking area while it is not open or regularly used for parking by users of the automated teller who are using it between a half hour after sunset and a half hour before sunrise.
3. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed.
4. If a parking area that has more than one level would otherwise be a defined parking area, only the single level deemed by the operator of the automated teller to be the most directly accessible to the users of the automated teller is a defined parking area pursuant to the provisions of NRS 660.115 to 660.235, inclusive.

### **660.175. “Device for access” defined.**





“Device for access” means a card, code or other means of access to a customer's account, or any combination of these, which may be used to accomplish the deposit or withdrawal of cash.

**660.185. “Operator” defined.**

“Operator” means a financial institution or other person who operates an automated teller.

**660.195. Operator to adopt procedure for evaluating safety of location of automated teller before installation; exception.**

1. The operator of an automated teller shall adopt a procedure for evaluating the safety of its location before it is installed.

The procedure must include the consideration of:

- (a) The extent to which the lighting for the automated teller complies with the standards required by NRS 660.205;
- (b) The presence of landscaping, vegetation or other obstructions in the area of the automated teller, the area of access and the defined parking area; and
- (c) The incidence of crimes of violence in the immediate neighborhood of the automated teller, both those included in the records of the local law enforcement agency and any others of which the operator has knowledge.

2. NRS 660.115 to 660.235, inclusive, do not impose a duty to relocate or modify an automated teller installed before October 1, 1991.

**660.205. Requirements for illumination.**

1. The operator of an automated teller shall provide illumination from a half hour after sunset until a half hour before sunrise of at least 10 foot-candles, measured 3 feet above ground level, at the face of the automated teller and extending outward at least 5 feet in each unobstructed direction.

2. The operator of an automated teller, if the operator controls the area of access or the defined parking area, or the lessor or other person who controls each of these areas, shall provide illumination from a half hour after sunset until a half hour before sunrise of at least 2 foot-candles, measured 3 feet above ground level, within 50 feet in all unobstructed directions from the face of the automated teller and in that portion of the defined parking area which is within 60 feet from the automated teller.

3. If an automated teller is located within 10 feet of the corner of a building and the automated teller is generally accessible from the adjacent side of the building, the illumination must be at least 2 foot-candles, measured 3 feet above ground level, along the first 40 unobstructed feet of the adjacent side of the building.

**660.215. Notice of basic precautions: Requirements; issuance to customers; sufficiency.**

1. Each issuer of a device for access to an automated teller shall deliver personally or by mail to each customer, except as otherwise provided in this section, whose mailing address for the account to which the device relates is in this state, a notice of basic precautions to be taken by the customer. Only one notice need be furnished per household, and if devices for access are furnished to more than one

customer for a single account or set of accounts or on the basis of a single application or other request for the devices, a single notice may be furnished in satisfaction of the requirements of this section as to all those customers. The information may be included with other disclosures related to the device furnished to the customer, such as an initial or periodic disclosure furnished pursuant to federal law.

2. The notice required by this section is sufficient if the customer is advised to:

- (a) Be aware of his or her surroundings, particularly later than a half hour after sunset;
- (b) Consider having someone accompany him or her when the automated teller is used later than a half hour after sunset;
- (c) Refrain from displaying his or her cash, pocket the cash as soon as the transaction is completed and count the cash later in the safety of his or her car or home;
- (d) Consider using another automated teller, or coming back later, if he or she notices anything suspicious;
- (e) Consider cancelling the transaction, pocketing the device for access and leaving if he or she notices anything suspicious while transacting business at the automated teller; and
- (f) Report all crimes to the operator of the automated teller and to local law enforcement officials immediately.

#### **660.225. Applicability.**

The provisions of NRS 660.115 to 660.235, inclusive, do not apply with respect to any automated teller:

1. Located inside of a building:

- (a) Unless the building exists for the sole purpose of providing an enclosure for the automated teller; or
- (b) Except to the extent a transaction can be conducted from outside the building.

2. Located in any area, including a building, which is not controlled by the operator.

#### **660.235. Preemption of codes, ordinances and regulations of local governments relating to safety of customers at automated tellers.**

1. NRS 660.115 to 660.235, inclusive, supersede and preempt all codes, ordinances or regulations of counties, cities, towns and local agencies regarding the safety of customers at automated tellers located in this state.

2. Substantial compliance with those sections is conclusive evidence that the operator of an automated teller has provided adequate measures for the safety of his or her customers.

## NEW JERSEY

### **§ 17:16K-1. Short title**

This act shall be known and may be cited as the “Electronic Fund Transfer Privacy Act.”

### **§ 17:16K-2. Definitions**

As used in this act:

a. “Access device” means a card, code, or other means of access to a consumer’s account, or any combination thereof, that may be used by the consumer for the purpose of initiating electronic fund transfers.

b. “Account” means a demand, time, or savings deposit, or other consumer asset account, other than an occasional or incidental credit balance, held either directly or indirectly by a financial institution and established for personal, family or household purposes.

c. “Electronic fund transfer” means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes, but is not limited to point-of-sale transfers, automated teller machine transfers, direct deposits or withdrawals of funds and transfers initiated by telephone. The term does not include payments made by check, draft, or similar paper instrument at an electronic terminal or any transaction which is exempt, by statute or regulation, from the provisions of Title IX of the Federal Consumer Credit Protection Act.

d. “Financial institution” means a State or National Bank, a State or Federal Savings and Loan Association, a State or Federal Mutual Savings Bank, a State or Federal Credit Union, or any other person who, directly or indirectly, holds an account belonging to a consumer. The term also includes any person who issues an access device and agrees with a consumer to provide electronic fund transfer services.

e. “Government agency” means any federal, State, or local unit of government or any agency or instrumentality thereof.

f. “Supervisory agency” means the New Jersey Department of Banking and any other State or federal agency which has statutory authority to examine the financial condition or business operations of a particular financial institution.

### **§ 17:16K-3. Disclosure of information by financial institution to third party**

A financial institution may disclose information relative to an electronic fund transfer or account to a third party when:

a. The disclosure is necessary for the completion of an electronic fund transfer;



- b. The possessor of the account gives written permission to the financial institution to disclose the information;
- c. The disclosure is for the purpose of verifying the existence and condition of an account for a third party, including, but not limited to, a credit bureau or a merchant;
- d. The disclosure is necessary to resolve an error or an inquiry as to an alleged error;
- e. The disclosure is made to a supervisory agency in the exercise of its supervisory and regulatory examination functions with respect to a financial institution; or
- f. The disclosure is made to a government agency in the exercise of its statutory functions with respect to a person applying for or receiving public assistance.

**§ 17:16K-4. Government agencies; obtaining information; necessity of search warrant or subpoena**

No government agency, except as provided for in subsections e. and f. of section 3 of this act, may obtain information from an electronic fund transfer account without first obtaining a search warrant or subpoena.

**§ 17:16K-5. Interception by government agency; court order**

- a. No government agency shall intercept an electronic fund transfer without first obtaining a court order.
- b. The judge, upon consideration of an application, may enter an ex parte order, as requested or as modified, authorizing the interception of an electronic fund transfer, if the court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that:
  - (1) The person whose electronic fund transfer is to be intercepted is engaging or was engaged over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit an offense;
  - (2) Particular communications concerning such offense may be obtained through such interception;
  - (3) Normal investigative procedures with respect to such offense have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous to employ;
- c. To effect an order issued pursuant to this section, the governmental agency shall deliver a true copy of the order to the financial institution which shall promptly carry out the terms of the order under the direct supervision of the investigative law enforcement officers or agency authorized to intercept the electronic fund transfer.

**§ 17:16K-6. Negligent, willful or reckless violation of act by financial institution or government agency; penalties**

If a court of competent jurisdiction determines that a financial institution or a government agency acted negligently, willfully, or recklessly in violating this act, the financial institution or government agency shall be liable to the aggrieved person for actual damages sustained by him; reasonable litigation costs; reasonable attorneys' fees; and only in cases where a financial institution or government agency acted willfully or recklessly, a court of competent jurisdiction may award punitive damages where appropriate.

## **§ 17:16K-7. Definitions**

As used in this act:

“Access area” means any paved walkway or sidewalk which is within 50 feet of an automated teller machine or the entrance of an automated teller machine facility and is used by the public to access the machine or facility. The term does not include publicly maintained sidewalks or roads.

“Access device” means a card, code, or other means of access to a customer’s credit or deposit account, or any combination thereof, that may be used by the customer for the purpose of effecting a transaction at an automated teller machine.

“Automated teller machine” means any electronic information processing device located in the State of New Jersey which accepts or dispenses cash in connection with a credit or deposit account. The term does not include tellers’ stations staffed by a person or other manned facilities.

“Automated teller machine facility” means an enclosed area, the principal purpose of which is the housing of one or more operating automated teller machines to which customers have access to conduct transactions with respect to a credit or deposit account.

“Candlefoot power” means the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured.

“Control” of an access area or defined parking area means the present authority to determine how, when, and by whom any such area is to be used, and how it is to be maintained, lighted, and landscaped.

“Customer” means a natural person to whom an access device has been issued for personal, family, or household use.

“Defined parking area” means that portion of any parking area open for customer parking which is (1) contiguous to an access area; (2) regularly, principally, and lawfully used for parking by users of an automated teller machine or automated teller machine facility while conducting automated teller machine transactions during hours of darkness; and (3) owned or leased by the operator of an automated teller machine or owned or controlled by the party leasing an automated teller machine or automated teller machine facility site to the operator. The term does not include any parking area which is not open or regularly used for parking by users who are conducting automated teller machine transactions during hours of darkness. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed. If a multiple level parking area satisfies the conditions of this definition of “defined parking area” and would therefore otherwise be a defined parking area, only the single parking level deemed by the operator of an automated teller machine or automated teller machine facility to be the most directly accessible to users shall be a defined parking area.

“Hours of darkness” means the period that commences 30 minutes after sunset and ends 30 minutes before sunrise.

“Operator” means any State or federally chartered bank, savings bank, savings and loan association, credit union, or other entity, which operates an automated teller machine.

*This information is not, nor intended to be, legal advice, nor does it create an attorney-client relationship. Consult a licensed attorney of your choice for specific legal questions or research of particular laws in each state / jurisdiction.*

“User” means any person to whom an access device has been issued.

“Video camera” includes any image recording device which is capable of recording a clear image of the required areas of coverage as provided in section 3 of this act.

#### **§ 17:16K-8. Evaluation of automated teller machines for safety**

a. Operators of all automated teller machines in operation after the effective date of this act shall evaluate the safety of automated teller machines. This evaluation shall include consideration of:

- (1) The extent to which the lighting for the automated teller machine or automated teller machine facility complies with the standards required by section 4 of this act.
- (2) The presence of landscaping, vegetation, or structures in the area of an automated teller machine or automated teller machine facility, the access area, or a defined parking area which might obstruct views so as to adversely affect the safety of users.

b. It is not the intent of the Legislature in enacting this section to impose a duty to close, relocate or modify automated teller machines or automated teller machine facilities upon the occurrence of any particular events or circumstances, but rather to establish a standard of good faith for the evaluation thereof.

#### **§ 17:16K-9. Video camera required**

Every automated teller machine facility shall contain a video camera which at least shall view and record all persons entering the facility or all persons who effect a transaction.

#### **§ 17:16K-10. Minimum lighting requirements**

Each operator and any person or entity controlling an access area or defined parking area in operation after the effective date of this act shall provide:

- a. A minimum of 10 candlefoot power at the face of an unenclosed automated teller machine and extending in an unobstructed direction outward five feet.
- b. A minimum of two candlefoot power within 50 feet in all unobstructed directions from the face of the automated teller machine or the entrance of an automated teller machine facility. In the event any such automated teller machine or automated teller machine facility is located within 10 feet of the corner of the building in which it is located and the automated teller machine or automated teller machine facility is generally accessible from the adjacent side of such building, there shall be a minimum of two candlefoot power along the first 40 unobstructed feet of the adjacent side of the building, measured from the corner.
- c. A minimum of two candlefoot power in that portion of the defined parking area within 60 feet of an automated teller machine or the entrance to an automated teller machine facility.
- d. With respect to the interior of an automated teller machine facility, sufficient lighting to permit a person entering the facility to readily and easily see all persons occupying the facility, and to permit a person inside the facility to readily and easily see all persons entering the facility.

#### **§ 17:16K-11. Basic safety precaution information to customers**

*This information is not, nor intended to be, legal advice, nor does it create an attorney-client relationship. Consult a licensed attorney of your choice for specific legal questions or research of particular laws in each state / jurisdiction.*





a. Each customer receiving an access device shall be furnished by the respective issuer thereof with written notice of basic safety precautions to be employed while using an automated teller machine. This information shall be furnished by personally delivering or by mailing the information to each customer whose mailing address as to the account to which the access device relates is in the State of New Jersey. This information shall be furnished to each customer who has an access device on the day prior to the effective date of this act, within 60 days after the effective date of this act and to each customer provided with an access device on or after the effective date of this act, at the same time the customer is provided with the access device. Only one notice need be furnished per household; and if an access device is furnished to more than one customer for a single account or set of accounts or on the basis of a single application or other request for more than one access device, only a single notice need be furnished in satisfaction of the notification responsibilities as to all such customers. The information may be included with other disclosures related to the access device furnished to the customer, such as with any initial or periodic disclosure statement or notice furnished pursuant to the federal "Electronic Fund Transfer Act," 15 U.S.C. §1693 et seq., and shall be furnished annually thereafter.

b. An issuer of an access device shall be deemed to be in compliance with the requirement of subsection a. of this section to provide a customer with basic safety precaution information if the notice advises customers of the following:

- (1) To be alert to their surroundings and to defer transactions if circumstances cause them to be apprehensive for their safety;
- (2) To close the entry door of any automated teller machine facility equipped with a door;
- (3) To place withdrawn cash securely upon the person before exiting any automated teller machine facility;
- (4) To direct complaints concerning automated teller machine security to an appropriate department of the operator or to the Department of Banking; and
- (5) The telephone number of the operator and the Department of Banking.

c. Operators shall maintain, in the vicinity of an automated teller machine, and in any automated teller machine facility, a clearly visible sign, which shall be deemed to comply with the requirements of this section if it includes the information contained in paragraphs (1) through (5) of subsection b. of this section.

#### **§ 17:16K-12. Provisions; enforcement, penalty for violation**

a. The Department of Banking shall enforce the provisions of this act.

b. Any party responsible hereunder found to be in violation of any provision of this act shall correct the violation within five business days after such finding. Failure to correct the violation within five business days after such finding may subject the party to a civil penalty of not more than \$250 which may be collected by summary proceedings instituted by the Commissioner of Banking in accordance with "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.).

#### **§ 17:16K-13. Other laws applicable**

Nothing contained in this act shall be construed to exempt or relieve any operator, owner or other person responsible hereunder from complying with all relevant provisions of the State Uniform Construction Code, P.L.1975, c.217 (C.52:27D-119 et seq.), and all other applicable provisions of law.

#### **§ 17:16K-14. Nonapplicability to certain ATM's**

The provisions of this act shall not apply to any automated teller machine or automated teller machine facility located in any building, structure or space the primary purposes or function of which is: unrelated to the provision of financial services to the general public, including but not limited to office buildings, supermarkets, airports and school buildings; to provide automated teller machine services to persons employed in such building; or installed for a temporary purpose for a period of not more than thirty days.

#### **§ 17:16K-15. Supersedure, preemption of local rules, regulations, etc.**

This act supersedes and preempts all rules, regulations, codes, or ordinances of any county or municipality with regard to customer safety at automated teller machines or automated teller machine facilities.

#### **§ 17:16K-16. Definitions relative to automated teller machines**

As used in this act:

“Automated teller machine” means any electronic information processing device located in the State of New Jersey which accepts or dispenses cash in connection with a credit or deposit account.

“Operator” means any State or federally chartered bank, savings bank, savings and loan association, credit union, or other entity, which owns or operates an automated teller machine.

#### **§ 17:16K-17. Required display on automated teller machine**

Every automated teller machine located in this State shall have displayed on it, in a conspicuous place, a permanent, affixed label or notice that appears on the automated teller machine screen that clearly indicates the name and contact telephone number of the operator of the automated teller machine.

#### **§ 17:16K-18. Enforcement; violations, penalties**

a. The Department of Banking and Insurance shall enforce the provisions of this act.

b. Any party found to be in violation of this act shall be subject to a civil penalty of not more than \$1,000 per day for each day that the party is in violation of this act, which penalty may be collected by summary proceedings instituted by the Commissioner of Banking and Insurance in accordance with the “Penalty Enforcement Law of 1999,” P.L. 1999, c. 274 (C. 2A:58-10 et seq.). An operator of an automated teller machine shall not be subject to a civil penalty pursuant to this section if the label or notice has been removed or defaced without notice to the operator unless the operator knew or reasonably should have known of the removal or defacement.

c. Any provision of any agreement contrary to the provisions of this act and against public policy shall be void and unenforceable.

**3 NYCRR 301.1-301.8****Section 301.1. Explanation**

In enacting chapter 9 of the Laws of 1996, which, inter alia, added article II-AA to the Banking Law, the Legislature has found and declared that automated teller machines are greatly utilized by consumers and that the convenience and safety of such consumers must be ensured by establishing security measures for automated teller machine facilities operated by Federal and State chartered banking institutions. Article II-AA sets forth the specific security measures which must be employed at automated teller machines subject to its provisions. The provisions of this Part define and implement the provisions of article II-AA.

**Section 301.2. Qualifications of experts**

Any “expert” rendering an opinion pursuant to the provisions of section 75-c(3)(b) or 75-m(2)(c) of the Banking Law shall be licensed as a professional engineer under article 145 of the Education Law or as an architect under article 147 of the Education Law. In the superintendent's sole discretion, an “expert” may be any other person who possesses experience and/or education which the superintendent deems sufficient to give such person the competence to render an opinion under those sections of law.

**Section 301.3. Size of sign**

The sign in the automated teller machine facility which contains the information required by section 75-c(3)(d) of the Banking Law shall be of such size as to make such information clearly visible from the entryway to the facility.

**Section 301.4. Notification of additional facilities or discontinuance of facilities**

Every banking institution which is required to file information on additional automated teller facilities with the department pursuant to section 75-d of the Banking Law shall file such information within 14 business days from the date upon which the facility or facilities commences operation. Additionally, within 14 business days from the date on which it ceases to operate an automated teller machine facility which is subject to the provisions of article II-AA, every banking institution shall notify the department in writing of such fact.

**Section 301.5. Type and frequency of video tapes or digital recording media for ATM surveillance systems**

(a) Any analog surveillance system operated by a banking institution within an automated teller machine facility under its dominion and control as required by section 75-c(1) of the Banking Law must use a commercial/industrial grade video tape, or a tape of better quality. Such tape shall be used no more than one time (or cycle), from beginning to end, in any 30-day period. Such videotapes shall not be used more than 12 times in total and must be replaced not later than 365 days from the date of its first use. Once such videotape is used, it must be retained for at least a 45-day period prior to reuse.



(b) Any digital surveillance system operated by a banking institution within an automated teller machine facility under its dominion and control as required by section 75-c(1) of the Banking Law, must retain the digitally recorded images for at least 45 days.

(c) The intent of this regulation is that a banking institution's video recording method produce a clear and undistorted picture image. A banking institution may request from the superintendent approval of an alternative method of producing images which is at least as effective in meeting this objective as the measures set forth in this regulation.

#### **Section 301.6. Report of compliance**

The semi-annual report of compliance required to be filed pursuant to the provisions of section 75-g of the Banking Law shall be filed with the Department of Financial Services no later than the 15th day of January and July of each year or the following business day if that day is not a business day. This report shall be certified, under the penalties of perjury, and shall be on a form prescribed by the superintendent.

#### **Section 301.7. Variances and exemptions**

A banking institution which requests a variance or exemption from the requirements of article II-AA shall make such request in writing. All such requests will be considered on a case-by-case basis and must comply with each of the specific documentary requirements of the provisions of section 75-m of the Banking Law.

#### **Section 301.8. Documentation**

All documentation required to be sent to the department under article II-A and this Part shall be sent to the New York State Department of Financial Services, Criminal Investigations Bureau at the address set forth in section 1.1 of Supervisory Policy G 1 of this Title.

## NEW YORK

### NY CLS 75-a-75o

#### Section 75-A

The legislature hereby finds that automated teller machines are an integral part of consumers' lives and that automated teller machines are used by millions of New Yorkers, statewide, on a daily basis. It is the legislature's intent to ensure the convenience and safety of automated teller machine use by establishing security measures for automated teller machine facilities.

#### Section 75-B

For purposes of this article, the following terms shall have the following meanings:

1. "Access device" means a card, code, or other means of access to a consumer's account, or any combination thereof, that may be used by the consumer for the purpose of initiating electronic fund transfers.
2. "Automated teller machine" means a device which is linked to the accounts and records of a banking institution and which enables consumers to carry out banking transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and loan payments.
3. "Automated teller machine facility" means an area within the dominion and control of a banking institution comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours.
4. "Adequate lighting" means (a) with respect to an automated teller machine facility located within the interior of a building, lighting, on a twenty-four hour basis, which permits a person entering such facility to readily and easily see all persons occupying such facility, and which permits a person inside such facility to readily and easily see all persons at the entry door of such facility.
  - (b) with respect to an open and operating automated teller machine facility open to the outdoor air, and any defined parking area, lighting during nighttime hours according to the following standards:
    - (i) a minimum illuminance of five footcandles is maintained on a horizontal plane at a point five feet outward from and five feet above the ground surface from the automated teller machine;
    - (ii) a minimum illuminance of two footcandles is maintained on a horizontal plane at a point thirty feet in all unobstructed directions from the automated teller machine, measured at ground level; and
    - (iii) at sixty feet in all unobstructed directions from the automated teller machine, a minimum illuminance of one footcandle is maintained, measured on a vertical plane at five feet above ground level, with the normal to the plane of measurement aimed at a light source; or
    - (iv) with respect to an automated teller machine facility that is not in accordance with the standards set forth in either subparagraph (ii) or (iii) of this paragraph, or both such subparagraphs, a minimum illuminance of two footcandles is maintained, measured on a



horizontal plane at five feet above ground level, at fifty feet in all unobstructed directions from the automated teller machine.

- (c) with respect to an open and operating automated teller machine facility located within the interior of a building, which facility includes a defined parking area: (i) a minimum illuminance of two footcandles is maintained on a horizontal plane at a point thirty feet in all unobstructed directions from the entrance to the automated teller machine facility, measured at ground level; and (ii) at sixty feet in all unobstructed directions from the entrance to the automated teller machine facility, a minimum illuminance of one footcandle is maintained, measured on a vertical plane at five feet above ground level, with the normal to the plane of measurement aimed at a light source; or (iii) with respect to an automated teller machine facility that is not in accordance with the standards set forth in either subparagraph (i) or (ii) of this paragraph, or both such subparagraphs, a minimum illuminance of two footcandles is maintained, measured on a horizontal plane at five feet above ground level, at a point sixty feet in all unobstructed directions from the entrance to the automated teller machine facility.

5. "Banking institution" means any state or federally chartered bank, trust company, savings bank, savings and loan association, or credit union, whether headquartered within or outside of the state, that operates one or more automated teller machine facilities within the state.

6. "Footcandles" means the unit of illuminance equal to one lumen per square foot.

7. "Regular banking hours" means the time at which an office of a banking institution is open to the banking public for normal transaction of business.

8. "Nighttime hours" means the period of time beginning thirty minutes after sunset and ending thirty minutes before sunrise.

9. (a) "Defined parking area" means that portion of any parking area open for and accessible to customers of a banking institution which is:

- (1) contiguous to any paved walkway or sidewalk within fifty feet of an automated teller machine facility;
- (2) regularly, principally and lawfully used for parking by users of the automated teller machine facility while conducting transactions at such automated teller machine facility; and
- (3) owned or leased by the operator of the automated teller machine facility, or owned or otherwise controlled by the party leasing the automated teller machine facility site to the banking institution.

(b) The term "defined parking area" does not include any parking area which is not open or regularly used for parking by the users of the automated teller machine facility or the conduct of transactions during nighttime hours. For this purpose, the parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed.



### **§ 75-c. Security measures**

Every banking institution shall maintain the following security measures with respect to each of the automated teller machine facilities within its dominion and control:

1. A surveillance camera or cameras, which shall view and record all persons entering an automated teller machine facility located within the interior of a building, or which shall view and record all activity occurring within a minimum of three feet in front of an automated teller machine located outside a building and open to the outdoor air. Such camera or cameras need not record banking transactions made at the automated teller machines. The recordings made by such cameras shall be preserved by the banking institution for at least forty-five days.
2. Adequate lighting.
3. With respect to an indoor automated teller machine facility:
  - (a) entry doors equipped with locking devices which permit entry to such facility only to persons using a magnetic-strip plastic card or similar access device.
  - (b) To the extent practicable, as determined by an expert with competence in such matters and as permitted by local building codes, at least one exterior wall which provides an unobstructed view of the interior of the automated teller machine facility.
  - (c) A reflective mirror or mirrors, as necessary, placed in such a manner as to permit a person entering an indoor automated teller machine facility to view areas within such facility that are otherwise concealed to plain view.
  - (d) A clearly visible sign which, at a minimum, provides the following information:
    - (1) the activity of the automated teller machine facility is being recorded by a surveillance camera or cameras;
    - (2) customers should close the entry door completely upon entering and exiting;
    - (3) customers should not permit any unknown persons to enter after regular banking hours;
    - (4) customers should place withdrawn cash securely upon their person before exiting the automated teller machine facility;
    - (5) complaints concerning security in the automated teller machine facility should be directed to the banking institution's security department or the department of financial services, together with telephone numbers for such complaints, and that the nearest available public telephone should be used to call the police if emergency assistance is needed.

### **§ 75-d. List of facilities**

Any banking institution which operates an automated teller machine facility shall file a list of such facilities with the department, including the street addresses, intersecting streets, hours of operation, and the telephone number of the banking institution's security department. Such information shall also be filed with the department with respect to each additional automated teller machine facility within a reasonable time, as specified by the superintendent, from the date upon which such facility commences

operation. The department shall make such list available on request of local law enforcement agencies and other local governmental entities.

#### **§ 75-e. Consumer safety information**

Upon the original issuance or reissuance of an automated teller machine facility access device, the issuing banking institution shall provide its customers with written information concerning safety precautions to be employed while using an automated teller machine facility. Such written information shall include, at a minimum, the information described in paragraph (d) of subdivision three of section seventy-five-c of this article.

#### **§ 75-f. Enforcement and statistics**

1. The department is authorized to enforce this article.
2. Statistics of crimes associated with the use of automated teller machine facilities compiled and maintained by any law enforcement agency shall be made available upon the request of any banking institution or the department.

#### **§ 75-g. Report of compliance**

1. By the fifteenth day of January and July of each year (or the following business day if such day is not a business day), every banking institution which had an automated teller machine facility which was in operation on the fifteenth day of the preceding month shall submit a written compliance report to the department on a form prescribed by the superintendent, certifying that such automated teller machine facility is in compliance with the provisions of this article or any variance or exemption that has been granted, or if such facility is not in compliance with such provisions, stating the manner in which such facility fails to meet such requirements. Notwithstanding article three of the state technology law or any other law to the contrary, the superintendent may require that such reports and any other reports required by this section shall be made by electronic means, unless the superintendent, in his or her sole discretion, grants a waiver of such electronic filing requirements, upon good cause shown.
2. If any compliance report required by subdivision one of this section indicates any failure to meet the requirements of this article, such banking institution shall submit a written report to the department, on a form prescribed by the superintendent, no later than the eleventh business day following such compliance report, indicating whether each such failure has been corrected and, for any failure that has not been corrected, the reason for such failure and the expected correction date. If any such failure shall not have been corrected within ten business days of the filing date of the applicable compliance report, such banking institution shall, promptly after correcting such failure, submit a written report to the department with the date or dates of each such correction.

#### **§ 75-h. Compliance with local building code and all other applicable provisions of law**

Unless otherwise provided in this article, nothing contained in this article shall be construed to exempt or relieve any banking institution from complying with all relevant provisions of the local building code and all other applicable provisions of law.

#### **§ 75-i. Facilities not subject to this article**

The provisions of this article shall not apply to any unenclosed automated teller machine located in any building, structure or space whose primary purpose or function is unrelated to banking activities, including but not limited to supermarkets, airports, school buildings, and public buildings, provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure, or space in which such machine is located.

#### **§ 75-j. Civil penalties**

1. Any banking institution found to be in violation of any provision of section seventy-five-c of this article in a compliance report under section seventy-five-g of this article or otherwise found by the department to be in violation of any provision of section seventy-five-c of this article shall correct the violation within ten business days after such finding. Where a banking institution fails to correct any violation of a provision of section seventy-five-c of this article within ten business days after the filing of such report or a finding of violation by the department, the superintendent may in a proceeding after notice and a hearing, require such banking institution to pay a civil penalty in an amount as determined pursuant to section forty-four of this chapter, provided, however, that the aggregate penalty for all offenses with respect to any one automated teller machine facility in any one proceeding shall not exceed an amount as determined pursuant to section forty-four of this chapter. For the purposes of this article, each violation of section seventy-five-c of this article shall be considered a separate and distinct violation.

2. Any banking institution found to be in violation of the provisions of section seventy-five-g of this article shall be liable for a civil penalty in an amount as determined pursuant to section forty-four-a of this chapter for each automated teller machine facility for which a report has not been filed. Any banking institution which makes a material false statement or material omission in any report filed pursuant to section seventy-five-g of this article shall be liable for a civil penalty in an amount as determined pursuant to section forty-four-a of this chapter for each such report.

3. Whenever payment of a civil penalty is required under this article, the superintendent shall execute a written order to that effect. A copy of such order shall be filed in the office of the department and a second copy shall, within three days of execution, be served upon such banking institution either personally or by registered or certified mail, return receipt requested, directed to the banking institution's principal place of business. Such order may be reviewed in the manner provided by article seventy-eight of the civil practice law and rules. Such special proceedings for review as authorized by such section must be commenced within thirty days from the service of such order. Such section shall in no way limit any of the powers granted to the superintendent under any provision of this chapter.

#### **§ 75-k. Collection of penalties**

The superintendent shall have the discretion to report to the attorney general any failure, after due notice, to make payments of penalties incurred under this article. The attorney general shall, thereupon, in the name of the superintendent, or of the people of the state, institute such actions or proceedings as the facts may warrant.

#### **§ 75-l. Preemption**

1. Except as provided in subdivision two of this section, this article shall supersede and preempt all rules, regulations, codes, statutes or ordinances of all cities, counties, municipalities, and local agencies regarding customer safety at automated teller machine facilities.



2. To the extent that any security measures inconsistent with or in addition to the provisions of section seventy-five-c of this article are in effect, on the date on which this article becomes a law, in any city having a population of one million or more, pursuant to any rules, regulations, codes, statutes or ordinances regarding customer safety at automated teller machine facilities duly enacted by such city on or before the date on which this article becomes a law, such security measures shall continue to be required within such city; provided, however, that the enforcement of any such security measures shall be enforced by the superintendent.

#### **§ 75-m. Variances and exemptions from automated teller machine security measures**

1. Except in cities having a population of one million or more, and in accordance with the guidelines set forth in this article, the superintendent, pursuant to rules and regulations promulgated by the superintendent, and upon written request of a banking institution, may approve variances which provide substitute security measures that are substantially as safe as the requirements of any of the security measures contained in this article, or exemptions from such measures, with respect to an automated teller machine facility or facilities operated by such banking institution;

2. In no event, however, shall the superintendent vary or exempt any such measures unless he or she shall have received the following items, in form and substance satisfactory to him or her:

- (a) a resolution or declaration of the governing body of the city, village, or town in which such automated teller machine facility is located consenting to any such variance or exemption; and
- (b) written certification from the banking institution's security officer, appointed in accordance with federal law, that, in his or her professional judgment, either the variance will provide security measures which are substantially as safe as those which are otherwise required by this article or the exemption is warranted, as applicable; and
- (c) in the event the request for any such variance or exemption is premised upon the impracticability or burdensome expense that would result from compliance with the security provisions contained in this article, and such impracticability or expense is attributable to the manner in which the building in which such automated teller machine facility is, or is to be, located, constructed, configured or otherwise situated, written certification to such effect from an expert with competence in the areas of renovation and/or design, as may be appropriate; and
- (d) such other evidence or information as the superintendent may, in his or her sole discretion, deem appropriate or necessary.

#### **§ 75-n. Rules and regulations**

The superintendent shall promulgate such rules and regulations as necessary to define and implement the provisions of this article.

#### **§ 75-o. Severability**

If any word, phrase, clause, sentence, paragraph, section or part of this article 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 word, phrase, clause, sentence,



paragraph, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

## NEW YORK CITY

### Administrative Code of New York City §10-160

a. Definitions. For purposes of this section:

- (1) "Access code" means a series of numbers or letters, unique to each banking customer, which when entered into an automated teller machine, grant the customer entry to the customer's account records.
- (2) "Automated teller machine" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
- (3) "Automated teller machine card" means an instrument authorized by a bank which permits a customer to gain access to an automated teller machine facility.
- (4) "Automated teller machine facility" means the area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.
- (5) "Bank" means any banking corporation, as defined in section 11-640 of the code, which operates, owns, or controls an automated teller machine facility in the city of New York.
- (6) "Adequate lighting" with respect to an open and operating automated teller machine facility located on an exterior wall of a building open to the outdoor air, and any defined parking area, means lighting during nighttime hours according to the following standards:
  - (i) a minimum of ten candlefoot power at the face of the automated teller machine and extending in an unobstructed direction outward five feet;
  - (ii) a minimum of two candlefoot power within fifty feet from all unobstructed directions from the face of the automated teller machine. If such machine is located within ten feet of the corner of the building and the automated teller machine facility is generally accessible from the adjacent side, there shall be a minimum of two candlefoot power along the first forty unobstructed feet of the adjacent side of the building. With respect to defined parking areas, "adequate lighting" means a minimum of two candlefoot power in that portion of the parking area within sixty feet of the automated teller machine facility. With respect to an automated teller machine facility located within the interior of a building, "adequate lighting" means lighting, on a twenty-four hour basis, which permits a person entering the facility to readily and easily see all persons occupying such facility, and which permits a person inside the facility to readily and easily see all persons at the entry door of such facility.
- (7) "Defined parking area" means that portion of any parking area open for bank customer parking which is
  - (i) contiguous to any paved walkway or sidewalk within fifty feet of an automated teller machine facility,



(ii) regularly, principally and lawfully used for parking by users of the automated teller machine facility while conducting transactions at such automated teller machine facility during nighttime hours; and

(iii) owned or leased by the operator of the automated teller machine facility, or owned or otherwise controlled by the party leasing the automated teller machine facility site to the operator. The term does not include any parking area which is not open or regularly used for parking by the users of the automated teller machine who are conducting automated teller machine transactions during nighttime hours. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed.

(8) "Nighttime hours" means the period of time beginning at sunset and ending at sunrise.

(9) "Candlefoot power" means the light intensity of candles on a horizontal plane at thirty-six inches above ground level and five feet in front of the area to be measured.

(10) "Regular banking hours" means the period of time during each weekday, Monday through Friday, commencing at nine o'clock a.m. and ending at three o'clock p.m.

b. Security measures. A bank shall maintain the following security measures with respect to each of its automated teller machine facilities:

(1) a surveillance camera or cameras, which shall view and record all persons entering, exiting, and moving within or about an automated teller machine facility located within the interior of a building, or which shall view and record all activity occurring within a minimum of three feet in front of an automated teller machine located on an exterior wall of a building open to the outdoor air. Such camera or cameras need not view and record banking transactions made at the automated teller machine. The recordings made by such cameras shall be preserved by the bank for at least thirty days;

(2) within six months after the submission of the report of the temporary task force required by subdivision c of this section, entry doors equipped with locking devices which permit entry to such facility only to persons using an automated teller machine card or access code issued by a bank for that purpose. Provided, however, that any automated teller machine facility located within the interior of a building that is not equipped with such entry door locking devices within six months after the submission of such report shall thereafter have at least one security guard stationed therein during the period of time after regular banking hours when such automated teller machine facility is available to banking customers;

(3) entry doors equipped with fire exit bolts pursuant to paragraph two of subdivision k of section 27-371 of the code:

(4) adequate lighting;

(5) at least one exterior wall made substantially of untinted glass or other untinted, transparent material, which provides an unobstructed view of the automated teller machine or machines within the automated teller machine facility;

- (6) reflective mirrors or surfaces at each automated teller machine which provide the user a rear view;
- (7) a reflective mirror or mirrors placed in a manner which permits a person present in the automated teller machine facility to view areas within such facility which are otherwise concealed from plain view; and
- (8) a clearly visible sign, which at a minimum, states:
  - (i) the activity within the automated teller machine facility is being recorded by surveillance camera;
  - (ii) customers should close the entry door completely upon entering if the automated teller machine facility is located within the interior of a building;
  - (iii) customers should not permit entrance to any unknown person at any time after regular banking hours when an automated teller machine facility located within the interior of a building is available to banking customers;
  - (iv) customers should place withdrawn cash securely upon their person before exiting the automated teller machine facility; and
  - (v) complaints concerning security in the automated teller machine facility should be directed to the bank's security department or to the department of consumer affairs, together with telephone numbers for such complaints. Where emergency assistance is needed due to criminal activity or medical emergency, call 911 at the nearest available public telephone. Paragraphs two, three, five and seven of this subdivision shall not apply to any automated teller machine facility located on an exterior wall of a building open to the outdoor air. Paragraph five of this subdivision shall not apply to any automated teller machine facility located in (i) a landmark building or within an historic district, if compliance with paragraph five would require the approval of the landmarks preservation commission, and such approval has been sought and denied; or (ii) any building, if compliance with paragraph five would require the removal of a load-bearing wall as defined in section 27-232 of the code.

c. Temporary task force. There is hereby established a temporary task force to advise the mayor and the council as to the technological feasibility of the limited access entry door requirements of paragraph two of subdivision b of this section. Such task force shall be comprised of fifteen members, two of whom shall be representatives of federally-chartered banks, two of whom shall be representatives of state-chartered banks, and two of whom shall be representatives of savings and loan associations. The mayor and the speaker of the city council shall each appoint seven members; the chair of the temporary task force shall be jointly appointed by the mayor and the speaker. Not later than twelve months after the appointment of the last member of the temporary task force, the task force shall submit a report containing its conclusions to the mayor and the city council.

d. List of facilities. Any bank which operates an automated teller machine facility shall file a list of such facilities with the police department, the department of consumer affairs, and the department of buildings, including the street addresses, intersecting streets, hours of operation, method of security, and method of surveillance at each facility, and the telephone number of the bank's security



department. The police department shall distribute to each police precinct a list of all automated teller machine facilities in the precinct which are available to banking customers.

e. Violations and penalties.

- (1) A bank found to be in violation of any provision of subdivision b of this section shall be subject to a civil penalty of not more than two hundred fifty dollars. Each violation of any provision of subdivision b of this section with respect to a particular automated teller machine facility shall be considered a separate violation thereof.
- (2) Any bank found to be in violation of any provision of subdivision b of this section shall correct the violation within three days after such finding. Failure to correct the violation within three days after such finding shall subject the bank to a civil penalty of not less than five hundred dollars or more than one thousand dollars and an additional civil penalty of two hundred fifty dollars per day for each day such violation continues.
- (3) Any bank found to be in violation of subdivision h of this section shall be liable for a civil penalty of not more than one thousand dollars for each automated teller machine facility for which a report has not been filed. Any bank which makes a material false statement or material omission in any report filed pursuant to subdivision h of this section shall be liable for a civil penalty of not more than five thousand dollars for each report.
- (4) A proceeding to recover any civil penalty authorized to be imposed pursuant to this section shall be commenced by the service of a notice of violation which shall be returnable to the commissioner of consumer affairs. Such commissioner, after due notice and an opportunity for a hearing, shall be authorized to impose the civil penalties prescribed by this section.

f. Consumer safety information. Upon the original issuance or reissuance of an automated teller machine facility access card or code, or any other means or device permitting access to an automated teller machine facility, the issuing bank shall provide its customer with written information concerning safety precautions to be employed while using an automated teller machine facility. Such written information shall include at a minimum the information described in subparagraphs (i) through (v) of paragraph eight of subdivision b of this section. In addition, upon the effective date of the local law which added this section and for one year thereafter, such written information shall also include a statement indicating that notwithstanding efforts to restrict access to an automated teller machine facility located within the interior of a building to persons authorized to use an automated teller machine card or access code, entrance is sometimes obtained by persons who are not authorized to use the automated teller machine facility.

g. Enforcement; statistics.

- (1) The police department, the department of consumer affairs, and the department of buildings shall be authorized to enforce this section.
- (2) Statistics of crimes associated with the use of automated teller machines compiled and maintained by the police department shall be made available upon the request of any bank.



(3) Notwithstanding the provisions of section six hundred sixty-six of the charter, a notice of violation issued by the department of buildings pursuant to this section shall not be subject to review by the board of standards and appeals.

h. Certification of compliance. Within thirty days after the effective date of the local law which added this section, and each year thereafter, every bank which has an automated teller machine facility which is in operation on such date or on such date every year thereafter, shall submit a written report to the commissioner of buildings, on a form prescribed by such commissioner, certifying that such automated teller machine facility is in compliance with the provisions of this section, or if such facility is not in compliance with the provisions of this section, such report shall state the manner in which such facility fails to meet the requirements of this section and the reasons for such non-compliance. Each such report shall be accompanied by a fee of one hundred dollars for each automated teller machine facility operated by the bank.

i. Compliance with building code and all other applicable provisions of law. Nothing contained in this section shall be construed to exempt or relieve any bank from complying with all relevant provisions of the building code and all other applicable provisions of law.

j. Exemptions. The provisions of this section shall not apply to any unenclosed automated teller machine located in any building, structure or space whose primary purpose or function is unrelated to banking activities, including but not limited to supermarkets, airports and school buildings, provided that such automated teller machine shall be available for use only during the regular hours of operation of the building, structure or space in which such machine is located.

## OREGON

**714.280 Legislative intent of ATM and night deposit facility law.**

(1) It is the intent of the Legislative Assembly in enacting ORS 714.280 to 714.315 to enhance the safety of consumers using ATMs and night deposit facilities in Oregon without discouraging the siting of ATMs and night deposit facilities in locations convenient to consumers' homes and workplaces. Since decisions concerning safety at ATMs and night deposit facilities are inherently subjective, the Legislative Assembly intends to establish as the standard of care applicable to operators of ATMs and night deposit facilities in connection with user safety, the compliance with the objective standards and information requirements of ORS 714.280 to 714.315. The Legislative Assembly further recognizes the need for uniformity as to the establishment of safety standards for ATMs and night deposit facilities and intends with ORS 714.280 to 714.315 to supersede and preempt any rule, regulation, code or ordinance of any city, county, municipality or local agency regarding customer safety at ATMs and night deposit facilities in this state.

(2) It is not the intent of the Legislative Assembly in enacting ORS 714.280 to 714.315 to impose a duty to relocate or modify ATMs or night deposit facilities upon the occurrence of any particular events or circumstances, but rather to establish a means for the evaluation of all ATMs and night deposit facilities as provided in ORS 714.210 to 714.992.

**714.285 Adoption of procedures for evaluating safety of ATM or night deposit facilities.**

Before installing any ATM or night deposit facility, the operator shall adopt procedures for evaluating the safety of the ATM or night deposit facility. For ATMs and night deposit facilities installed on or before July 1, 1994, operators shall adopt procedures not later than July 1, 1994. The procedures shall include a consideration of the following:

- (1) The extent to which the lighting for the ATM or night deposit facility complies or will comply with the standards required by ORS 714.290 and 714.295.
- (2) The presence of landscaping, vegetation or other obstructions in the area of the ATM or night deposit facility, the access area and the defined parking area.
- (3) The incidence of crimes of violence in the immediate neighborhood of the ATM or night deposit facility, as reflected in the records of the local law enforcement agency and of which the operator has actual knowledge.

**714.290 Deadlines for compliance with ORS 714.295.**

(1) Each operator of an ATM or night deposit facility installed after July 1, 1994, shall comply with ORS 714.295. Compliance with ORS 714.295 by operators of ATMs and night deposit facilities existing on or before July 1, 1994, shall be optional until July 1, 1996, and mandatory thereafter. This section shall apply to an operator of an ATM or night deposit facility only to the extent that the operator controls the access area or defined parking area to be lighted.

(2) If an access area or a defined parking area is not controlled by the operator of an ATM or night deposit facility, and if the person who leased the ATM or night deposit facility site to the operator controls the access area or defined parking area, the person who controls the access area or defined parking area shall comply with ORS 714.295 regarding any ATM or night deposit facility installed after

July 1, 1994. Regarding any ATM or night deposit facility installed on or before July 1, 1994, the person shall comply with ORS 714.295 no later than July 1, 1996.

**714.295 Lighting requirements for ATMs and night deposit facilities.**

The operator, owner or other person responsible for the ATM or night deposit facility shall provide lighting during hours of darkness for an open and operating ATM or night deposit facility and any defined parking area, access area and the exterior of an enclosed ATM or night deposit facility installation according to the following standards:

- (1) There shall be a minimum of 10 candlefoot power at the face of the ATM or night deposit facility and extending in an unobstructed direction outward five feet.
- (2) There shall be a minimum of two candlefoot power within 50 feet in all unobstructed directions from the face of the ATM or night deposit facility. In the event the ATM or night deposit facility is located within 10 feet of the corner of the building and the ATM or night deposit facility is generally accessible from the adjacent side, there shall be minimum of two candlefoot power along the first 40 unobstructed feet of the adjacent side of the building.
- (3) There shall be a minimum of two candlefoot power in that portion of the defined parking area within 60 feet of the ATM or night deposit facility.

**714.300 Issuance of safety information to customers of ATMs and night deposit facilities.**

The issuers of access devices shall furnish customers receiving the devices with notices of basic safety precautions which customers should employ while using an ATM or night deposit facility. This information shall be furnished by personally delivering or by mailing the information to each customer whose mailing address as to the account to which the access device relates is in this state. This information shall be furnished with respect to access devices issued after July 1, 1994, at or before the time the customer is furnished with his or her access device. With respect to a customer to whom an access device has been issued on or before July 1, 1994, the information shall be delivered or mailed to the customer on or before December 31, 1994. Only one notice need be furnished per household, and if access devices are furnished to more than one customer for a single account or set of accounts or on the basis of a single application or other request for the access devices, only a single notice need be furnished in satisfaction of the notification responsibilities as to all those customers. The information may be included with other disclosures related to the access device furnished to the customer, such as with any initial or periodic disclosure statement furnished pursuant to the Electronic Fund Transfer Act (15 U.S.C. 1501 et seq.).

**714.305 Exempted ATMs and night deposit facilities.**

The requirements of ORS 714.280 (2) and 714.285 to 714.295 shall not apply to any ATM or night deposit facility that is:

- (1) Located inside of a building, unless it is a freestanding installation that exists for the sole purpose of providing an enclosure for the ATM or night deposit facility.
- (2) Located inside of a building, except to the extent that a transaction can be conducted from outside the building.
- (3) Located in any area, including any access area, building, enclosed space or parking area that is not controlled by the operator.



**714.310 Preemption of local regulation.**

ORS 714.210 to 714.315 supersede and preempt all rules, regulations, codes, statutes or ordinances of all cities, counties, municipalities and local agencies regarding customer safety at ATMs or night deposit facilities located in Oregon.

**714.315 Creation of rebuttable presumption.**

Compliance with ORS 714.280 to 714.300 shall create a rebuttable presumption that the operator of the ATM or night deposit facility in question has provided adequate measures for the safety of users of the ATM or night deposit facility.

## TEXAS

### Texas Finance Code §59.301-59.310

#### Definitions

In this subchapter:

- (1) “Access area” means a paved walkway or sidewalk that is within 50 feet of an unmanned teller machine. The term does not include a public right-of-way or any structure, sidewalk, facility, or appurtenance incidental to the right-of-way.
- (2) “Access device” has the meaning assigned by Regulation E (12 C.F.R. Section 205.2), as amended, adopted under the Electronic Fund Transfer Act (15 U.S.C. Section 1693 et seq.), as amended.
- (3) “Candlefoot power” means the light intensity of candles on a horizontal plane at 36 inches above ground level and five feet in front of the area to be measured.
- (4) “Control” means the authority to determine how, when, and by whom an access area or defined parking area may be used, maintained, lighted, and landscaped.
- (5) “Customer” means an individual to whom an access device is issued for personal, family, or household use.
- (6) “Defined parking area” means the portion of a parking area open for unmanned teller machine customer parking that is contiguous to an access area, is regularly, principally, and lawfully used during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise for parking by customers using the machine, and is owned or leased by the owner or operator of the machine or owned or controlled by a person leasing the machine site to the owner or operator of the machine. The term does not include:
  - (A) a parking area that is physically closed or on which one or more conspicuous signs indicate that the area is closed; or
  - (B) a level of a multiple-level parking area other than the level considered by the operator of the unmanned teller machine to be the most directly accessible to a customer.
- (7) “Financial institution” has the meaning assigned by Section 201.101 (Definitions).
- (8) “Operator” means the person primarily responsible for the operation of an unmanned teller machine.
- (9) “Owner” means a person having the right to determine which financial institutions are permitted to use or participate in the use of an unmanned teller machine.
- (10) “Unmanned teller machine” means a machine, other than a telephone, capable of being operated solely by a customer to communicate to a financial institution:
  - (A) a request to withdraw money from the customers account directly or under a line of credit previously authorized by the financial institution for the customer;



- (B) an instruction to deposit money in the customers account with the financial institution;
- (C) an instruction to transfer money between one or more accounts maintained by the customer with the financial institution;
- (D) an instruction to apply money against an indebtedness of the customer to the financial institution; or
- (E) a request for information concerning the balance of the account of the customer with the financial institution.

#### **§ 59.302 Exception for Certain Unmanned Teller Machines**

This subchapter does not apply to an unmanned teller machine:

(1) by which:

- (A) a customer of a financial institution can authorize and effect the electronic transfer of money from the customers account at the financial institution to a merchants account at a financial institution in the county or municipality in which the terminal is located to obtain cash or to purchase, rent, or pay for goods or services; and
- (B) the merchant can ascertain that the transaction has been completed and the money has been or will be transferred to the merchants account at the merchants financial institution in the county or municipality in which the terminal is located; or

(2) located:

- (A) inside a building:
  - (i) unless the building is a freestanding installation existing solely to provide an enclosure for the machine; or
  - (ii) except to the extent a transaction can be conducted from outside the building; or
- (B) in an area not controlled by the owner or operator of the machine.

#### **§ 59.303. Applicability to Certain Persons Who Are Not Owners or Operators**

- (a) A person is not an owner or operator solely because the person's primary function is to provide for the exchange, transfer, or dissemination of electronic fund transfer data.
- (b) A person whose primary function is to provide for the exchange, transfer, or dissemination of electronic fund transfer data and who is not an owner or operator is not liable to a customer or user of an unmanned teller machine for a claim arising out of or in connection with a use or attempted use of the machine.

#### **§ 59.304. Construction of Subchapter**

- (a) This subchapter does not require the relocation or modification of an unmanned teller machine on the occurrence of a particular event or circumstance.

*This information is not, nor intended to be, legal advice, nor does it create an attorney-client relationship. Consult a licensed attorney of your choice for specific legal questions or research of particular laws in each state / jurisdiction.*

(b) A violation of this subchapter or a rule adopted under this subchapter is not negligence per se. Substantial compliance with this subchapter and each rule adopted under this subchapter is prima facie evidence that a person has provided adequate safety protection measures relating to an unmanned teller machine under this subchapter.

#### **§ 59.305 Lighting Required**

During the period beginning 30 minutes after sunset and ending 30 minutes before sunrise, lighting shall be provided for:

- (1) an unmanned teller machine;
- (2) the machines access area and defined parking area; and
- (3) the exterior of the machines enclosure, if the machine is located in an enclosure.

#### **§ 59.306. Persons Required to Provide Lighting**

(a) Except as provided by Subsection (b), the owner or operator shall provide the lighting required by this subchapter.

(b) A person who leases the site where an unmanned teller machine is located shall provide the lighting required by this subchapter if the person controls the access area or defined parking area for the machine and the owner or operator does not control the access area or defined parking area.

#### **§ 59.307 Standards for Lighting**

The lighting must be at least:

- (1) 10 candlefoot power at the face of the unmanned teller machine and extending in an unobstructed direction outward five feet;
- (2) two candlefoot power within 50 feet from any unobstructed direction from the face of the machine, except as provided by Subdivision (3);
- (3) if the machine is located within 10 feet of the corner of a building and is generally accessible from the adjacent side, two candlefoot power along the first 40 unobstructed feet of the adjacent side of the building; and
- (4) two candlefoot power in the part of the defined parking area within 60 feet of the unmanned teller machine.

#### **§ 59.308 Safety Evaluation**

(a) An owner or operator shall in good faith evaluate the safety of each unmanned teller machine that the person owns or operates.

(b) In making the evaluation, the owner or operator shall consider:

- (1) the extent to which the lighting for the machine complies with Section 59.307 (Standards for Lighting);





(2) the presence of obstructions, including landscaping and vegetation, in the area of the machine and the access area and defined parking area for the machine; and

(3) the incidence of violent crimes in the immediate neighborhood of the machine as shown by local law enforcement records and of which the owner or operator has actual knowledge.

#### **§ 59.309 Notice of Safety Precautions**

(a) An issuer of an access device shall give the customer a notice of basic safety precautions that the customer should follow while using an unmanned teller machine.

(b) The issuer shall personally deliver or mail the notice to each customer whose mailing address is in this state according to records for the account to which the access device relates. If the issuer furnishes an access device to more than one customer on the same account, the issuer is required to furnish a notice to only one of the customers.

(c) The issuer may furnish information under this section with other disclosures related to the access device, including an initial or periodic disclosure statement furnished under the Electronic Fund Transfer Act (15 U.S.C. Section 1693 et seq.).

#### **§ 59.310. Enforcement and Rules**

(a) The finance commission and the Credit Union Commission shall enforce this subchapter and adopt rules to implement this subchapter.

(b) The rules must establish security requirements to be implemented by a financial institution for the operation of an unmanned teller machine. The rules may require the financial institution to install and maintain security devices in addition to those required by this subchapter to be operated in conjunction with the machine for the protection of customers using the machine, including:

(1) video surveillance equipment that is maintained in working order and operated continuously during the hours of operation of the machine; and

(2) adequate lighting around the premises that contain the machine.

(b-1) The rules may provide for a system that enhances customer security, taking into account emerging technologies, the availability of networks to exchange information, and the potential compliance costs for financial institutions and other unmanned teller machine service providers.

(c) A financial institution that violates a rule adopted under this section is subject to a civil penalty of not less than \$50 or more than \$1,000 for each day of violation and each act of violation.

## WASHINGTON

**Revised Code of Washington Chapter 19.174****RCW 19.174.010 Intent.**

The intent of the legislature in enacting this chapter is to enhance the safety of consumers using automated teller machines and night deposit facilities in Washington without discouraging the siting of automated teller machines and night deposit facilities in locations convenient to consumers' homes and workplaces. Because decisions concerning safety at automated teller machines and night deposit facilities are inherently subjective, the legislature establishes as the standard of care applicable to operators of automated teller machines and night deposit facilities, in connection with user safety, compliance with the objective standards and information requirements of this chapter. It is not the intent of the legislature in enacting this chapter to impose a duty to relocate or modify automated teller machines or night deposit facilities upon the occurrence of a particular event or circumstance, but rather to establish a means for the evaluation of all automated teller machines and night deposit facilities as provided in this chapter. The legislature further recognizes the need for uniformity as to the establishment of safety standards for automated teller machines and night deposit facilities and intends with this chapter to supersede and preempt a rule, regulation, code, or ordinance of a city, county, municipality, or local agency regarding customer safety at automated teller machines and night deposit facilities in Washington.

**RCW 19.174.020 Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Access area" means a paved walkway or sidewalk that is within fifty feet of an automated teller machine or night deposit facility. "Access area" does not include publicly maintained sidewalks or roads.
- (2) "Access device" means:
  - (a) "Access device" as defined in federal reserve board Regulation E, 12 C.F.R. Part 205, promulgated under the Electronic Fund Transfer Act, 15 U.S.C. Sec. 1601, et seq.; or
  - (b) A key or other mechanism issued by a banking institution to its customer to give the customer access to the banking institution's night deposit facility.
- (3) "Automated teller machine" means an electronic information processing device located in this state that accepts or dispenses cash in connection with a credit, deposit, or convenience account. "Automated teller machine" does not include a device used primarily to facilitate check guarantees or check authorizations, used in connection with the acceptance or dispensing of cash on a person-to-person basis such as by a store cashier, or used for payment of goods and services.

- (4) "Banking institution" means a state or federally chartered bank, trust company, savings bank, savings and loan association, and credit union.
- (5) "Candle-foot power" means a light intensity of candles on a horizontal plane at thirty-six inches above ground level and five feet in front of the area to be measured.
- (6) "Control of an access area or defined parking area" means to have the present authority to determine how, when, and by whom it is to be used, and how it is to be maintained, lighted, and landscaped.
- (7) "Defined parking area" means that portion of a parking area open for customer parking that is:
  - (a) Contiguous to an access area with respect to an automated teller machine or night deposit facility;
  - (b) Regularly, principally, and lawfully used for parking by users of the automated teller machine or night deposit facility while conducting transactions during hours of darkness; and
  - (c) Owned or leased by the operator of the automated teller machine or night deposit facility or owned or controlled by the party leasing the automated teller machine or night deposit facility site to the operator. "Defined parking area" does not include a parking area that is not open or regularly used for parking by users of the automated teller machine or night deposit facility who are conducting transactions during hours of darkness. A parking area is not open if it is physically closed to access or if conspicuous signs indicate that it is closed. If a multiple level parking area satisfies the conditions of this subsection (7)(c) and would therefore otherwise be a defined parking area, only the single parking level deemed by the operator of the automated teller machine and night deposit facility to be the most directly accessible to the users of the automated teller machine and night deposit facility is a defined parking area.
- (8) "Hours of darkness" means the period that commences thirty minutes after sunset and ends thirty minutes before sunrise.
- (9) "Night deposit facility" means a receptacle that is provided by a banking institution for the use of its customers in delivering cash, checks, and other items to the banking institution.
- (10) "Operator" means a banking institution or other business entity or a person who operates an automated teller machine or night deposit facility.

#### **RCW 19.174.030 Safety procedures—Requirements.**

On or before July 1, 1994, with respect to an existing installed automated teller machine and night deposit facility in this state, and an automated teller machine or night deposit facility installed after July 1, 1994, the operator shall adopt procedures for evaluating the safety of the automated teller machine or night deposit facility. These procedures must pertain to the following:

- (1) The extent to which the lighting for the automated teller machine or night deposit facility complies or will comply with the standards required by RCW 19.174.050;
- (2) The presence of landscaping, vegetation, or other obstructions in the area of the automated teller machine or night deposit facility, the access area, and the defined parking area; and
- (3) The incidence of crimes of violence in the immediate neighborhood of the automated teller machine or night deposit facility, as reflected in the records of the local law enforcement agency and of which the operator has actual knowledge.

#### **RCW 19.174.040 Lighting requirements—Compliance.**

- (1) An operator of an automated teller machine or night deposit facility installed on or after July 1, 1994, shall comply with RCW 19.174.050 beginning on the date the automated teller machine or night deposit facility is installed. Compliance with RCW 19.174.050 by an operator as to an automated teller machine and night deposit facility existing as of July 1, 1994, is optional until July 1, 1996, and mandatory thereafter. This section applies to an operator of an automated teller machine or night deposit facility only to the extent that the operator controls the access area or defined parking area to be lighted.
- (2) If an access area or a defined parking area is not controlled by the operator of an automated teller machine or night deposit facility, and if the person who leased the automated teller machine or night deposit facility site to the operator controls the access area or defined parking area, the person who controls the access area or defined parking area shall comply with RCW 19.174.050 for an automated teller machine or night deposit facility installed on or after July 1, 1994, beginning on the date the automated teller machine or night deposit facility is installed and for an automated teller machine or night deposit facility existing as of July 1, 1994, by or on July 1, 1996.

#### **RCW 19.174.050 Lighting requirements.**

The operator, owner, or other person responsible for an automated teller machine or night deposit facility shall provide lighting during hours of darkness with respect to an open and operating automated teller machine or night deposit facility and a defined parking area, access area, and the exterior of an enclosed automated teller machine or night deposit facility installation according to the following standards:

- (1) There must be a minimum of ten candle-foot power at the face of the automated teller machine or night deposit facility and extending in an unobstructed direction outward five feet;
- (2) There must be a minimum of two candle-foot power within fifty feet from all unobstructed directions from the face of the automated teller machine or night deposit facility. In the event the automated teller machine or night deposit facility is located within ten feet of the corner of the building and the automated teller machine or night deposit facility is generally accessible from the adjacent side, there must be a minimum of two candle-foot power along the first forty unobstructed feet of the adjacent side of the building; and



- (3) There must be a minimum of two candle-foot power in that portion of the defined parking area within fifty feet of the automated teller machine or night deposit facility.

#### **RCW 19.174.060 Notice to customer.**

The issuer of an access device shall furnish a customer receiving the device with a notice of basic safety precautions that the customer should employ while using an automated teller machine or night deposit facility. This information must be furnished by personally delivering or by mailing the information to each customer whose mailing address is in this state for the account to which the access device relates. This information must be furnished for an access device issued on or after July 1, 1994, at or before the time the customer is furnished with his or her access device. For a customer to whom an access device was issued before July 1, 1994, the information must be delivered or mailed to the customer on or before December 31, 1994. Only one notice must be furnished per household, and if an access device is furnished to more than one customer for a single account or set of accounts or on the basis of a single application or other request for the access devices, only a single notice must be furnished in satisfaction of the notification responsibilities as to all those customers. The information may be included with other disclosures related to the access device furnished to the customer, such as with an initial or periodic disclosure statement furnished under the Electronic Fund Transfer Act, 15 U.S.C. Sec. 1601, et seq.

#### **RCW 19.174.070 Exceptions.**

This chapter does not apply to an automated teller machine or night deposit facility that is:

- (1) Located inside of a building, unless it is a freestanding installation that exists for the sole purpose of providing an enclosure for the automated teller machine or night deposit facility;
- (2) Located inside a building, except to the extent a transaction can be conducted from outside the building; or
- (3) Located in an area, including an access area, building, enclosed space, or parking area that is not controlled by the operator.

#### **RCW 19.174.080 Chapter supersedes local government actions.**

This chapter supersedes and preempts all rules, regulations, codes, statutes, or ordinances of all cities, counties, municipalities, and local agencies regarding customer safety at automated teller machines or night deposit facilities located in this state.

#### **RCW 19.174.090 Compliance evidence of adequate safety measures.**

Compliance with the objective standards and information requirements of this chapter is prima facie evidence that the operator of the automated teller machine or night deposit facility in question has provided adequate measures for the safety of users of the automated teller machine or night depository.

#### **RCW 19.174.900. Effective date — 1993 c 324.**



This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 12, 1993].



## DISTRICT OF COLUMBIA

### DC Code §§ 26-131.01 to 26-131.13

#### §26-131.02 Definitions

For the purposes of this chapter, the term:

- (1) "Access area" means a paved walkway or sidewalk which is within 50 feet of an automated teller machine. The term "access area" shall not include publicly maintained walkways, sidewalks, or roads.
- (2) "Access device" shall have the same meaning as set forth in Federal Reserve System Regulation E, 12 C.F.R. Part 205.
- (3) "Automated teller machine" means a stationary or mobile unattended device at which banking transactions, including deposits, withdrawals, or transfers, may be conducted. The term shall include satellite devices and any electronic information-processing device located in the District which accepts or dispenses cash in connection with a credit, deposit, or convenience account. The term shall not include a device which is used solely to facilitate a check guarantee or check authorization or which is used in connection with the acceptance or dispensing of cash on a person-to-person basis, such as by a store cashier.
- (4) "Bank" shall have the same meaning as set forth in § 26-551.02(3).
- (5) "Candlefoot power" means the light intensity of candles on a horizontal plane at 36 inches above ground level and 5 feet in front of the area to be measured.
- (6) "Commissioner" shall have the same meaning as set forth in § 26-551.02(7).
- (7) "Control" means the authority to determine how, when, and by whom an access area, defined parking area, or automated teller machine is to be used and how the access area, defined parking area, or automated teller machine is to be maintained, lighted, and landscaped.
- (8) "Customer" means a natural person to whom an access device has been issued for personal, family, or household use.
- (9) "Defined parking area" means the portion of a parking area open for customer parking which is:  
(A) contiguous to an access area; and (B) regularly, principally, and lawfully used for parking, standing, or stopping by persons conducting automated teller machine transactions during hours of darkness. The term "defined parking area" shall not include a parking area which is not open or regularly used for parking by persons conducting automated teller machine transactions during hours of darkness. A parking area shall not be considered open if it is physically closed to access or if conspicuous signs indicate that it is closed. If a multiple level parking area would otherwise be considered a defined parking area under the definition above, only the single parking level deemed by the operator of the automated teller machine to be the most directly accessible to the users of the automated teller machine shall be considered a defined parking area.

- (10) “District” means the District of Columbia.
- (11) “District bank” shall have the same meaning as set forth in § 26-551.02(12).
- (12) “District credit union” shall have the same meaning as set forth in § 26-551.02(13).
- (13) “District of Columbia Banking Code” shall have the same meaning as set forth in § 26-551.02(14).
- (14) “Federal credit union” means a credit union which has its principal office in the District and is chartered or organized as a federal credit union under the laws of the United States.
- (15) “Financial institution” shall have the same meaning as set forth in § 26-551.02(18).
- (16) “Hours of darkness” means the period that commences 30 minutes after sunset and ends 30 minutes before sunrise.
- (17) “Network” means one or more financial institutions or other persons that:
- (A) Own and operate one or more network of satellite devices or point-of-sale terminals; or
  - (B) Provide communications or processing services to one or more automated teller machines, point-of-sale terminals, or similar retail electronic banking facilities located in the District.
- (18) “Operator” means, with respect to an automated teller machine or a point-of-sale terminal, the person who imposes the fee on, or receives the fee from, a customer using the automated teller machine or point-of-sale terminal.
- (19) “Out-of-state” means a state other than the District or any foreign country.
- (20) “Out-of-state bank” means a bank that is chartered out-of-state and that is not chartered by the District.
- (21) “Out-of-state credit union” means a credit union that is chartered out-of-state and that is not chartered by the District.
- (22) “Person” shall have the same meaning as set forth in § 26-551.02(21).
- (23) “Point-of-sale terminal” means a device located in a business establishment that is used for the purchase of a good or service where a personal identification number is required and where sales transactions can be charged directly to the buyer’s deposit, loan, or credit account, but at which deposit transactions cannot be conducted. The term “point-of-sale terminal” shall not include an access device.
- (24) “Satellite device” means an automated teller machine of a bank or credit union which is not located at a physical office of the bank or credit union.



- (25) “Surcharge” means a charge, or portion of a charge, imposed by the operator of an automated teller machine or point-of-sale terminal for use of the automated teller machine or point-of-sale terminal.

**§ 26-131.03. Establishment of an automated teller machine or point-of-sale terminal.**

- (a) A District bank, federal bank, District credit union, or federal credit union may establish in the District, and operate on a transaction fee basis, an automated teller machine. A District bank or a District credit union may establish and operate outside of the District an automated teller machine.
- (b) An out-of-state bank that maintains a branch in the District or an out-of-state credit union that maintains a subsidiary office in the District may establish and operate on a transaction fee basis an automated teller machine in the District.
- (c) A District bank, federal bank, out-of-state bank, District credit union, federal credit union, out-of-state credit union, or other person may establish and operate a point-of-sale terminal in the District.

**§ 26-131.04. Satellite device or point-of-sale terminal.**

- (a) A District bank, federal bank, out-of-state bank, District credit union, federal credit union, or out-of-state credit union which has established a satellite device or point-of-sale terminal in the District shall make the satellite device or point-of-sale terminal available on a nondiscriminatory basis for use by any other bank or credit union; provided, the establishing bank or credit union may require the other bank or credit union to pay a non-discriminatory and reasonably proportionate share of all acquisition, installation, and operating costs for the satellite device or point-of-sale terminal. The satellite device or point-of-sale terminal shall identify with equal prominence all of the banks, credit unions, or networks which use the satellite device or point-of-sale terminal.
- (b) A District bank, federal bank, out-of-state bank, District credit union, federal credit union, or out-of-state credit union which has established in the District an automated teller machine which is not a satellite device may permit any other bank or credit union to use the automated teller machine; provided, that if such permission is granted:
  - (1)(A) The automated teller machine which is not a satellite device shall be made available on a nondiscriminatory basis for use by any other bank or credit union; and
  - (B) The establishing bank or credit union may require a payment by the other bank or credit union of a nondiscriminatory and reasonably proportionate share of all acquisition, installation, and operating costs; and
- (2) The automated teller machine shall identify with equal prominence all of the banks, credit unions, and networks which use the automated teller machine.

- (c) For the purposes of subsections (a) and (b) of this subsection, the proportionality of the charge shall be based on the number of transactions processed at the satellite device or point-of-sale terminal.

**§ 26–131.05. Evaluation of automated teller machine safety.**

- (a) An operator of, or person controlling, an automated teller machine shall adopt procedures for evaluating the safety of an automated teller machine. The procedures shall include a consideration of the following:
  - (1) The extent to which the lighting for the automated teller machine complies, or will comply, with the standards required by this chapter;
  - (2) The presence of obstructions, including landscaping and vegetation, in the area of the automated teller machine, the access area, and the defined parking area; and
  - (3) The incidence of crimes of violence in the immediate neighborhood of the automated teller machine, as reflected in the records of the local law enforcement agency.
- (b) This chapter shall not impose a duty to relocate or modify an automated teller machine upon the occurrence of a particular event or circumstance.

**§ 26–131.06. Lighting of automated teller machine area.**

- (a) A person who controls an access area or a defined parking area shall provide lighting for the access area or defined parking area, and the operator or person controlling an automated teller machine shall provide lighting for the automated teller machine and the exterior of an enclosed automated teller machine installation, during hours of darkness if the automated teller machine is open and operating, according to the following standards:
  - (1) There shall be a minimum of 10 candlefoot power at the face of the automated teller machine extending unobstructed outward 5 feet.
  - (2) There shall be a minimum of 2 candlefoot power within 50 feet in all unobstructed directions from the face of the automated teller machine.
  - (3) If the automated teller machine is located within 10 feet of the corner of a building and the automated teller machine is generally accessible from the adjacent side of the building, there shall be a minimum of 2 candlefoot power along the first 40 unobstructed feet of the adjacent side of the building.
  - (4) There shall be a minimum of 2 candlefoot power in the portion of the defined parking area within 60 feet of the automated teller machine.
- (b) This section shall not apply to an automated teller machine which is located inside a building:



(1) Unless the building is a freestanding installation that exists for the sole purpose of providing an enclosure for the automated teller machine; or

(2) If an automated teller machine transaction can be conducted from outside the building.

**§ 26-131.07 Automated teller machine surcharge disclosure.**

- (a) An operator of an automated teller machine in the District shall not impose a surcharge upon a customer for the use of an automated teller machine, including a use where there is a sale of a good or service, unless the surcharge is clearly disclosed to the customer electronically on the automated teller machine. After the disclosure is made, the person using the automated teller machine shall be provided an opportunity to cancel the use of the automated teller machine without incurring a surcharge.
- (b) If person using an automated teller machine uses an access device issued by a person other than the operator of the automated teller machine, the operator of the automated teller machine shall disclose to the person using the automated teller machine that, in addition to any surcharge charged by the operator, a fee may be charged by the person's financial institution for the use of the automated teller machine.

**§ 26-131.08. Point-of-sale terminal surcharge disclosure.**

- (a) An operator of a point-of-sale terminal in the District shall not impose a surcharge upon a person for the use of the point-of-sale terminal unless the surcharge is clearly disclosed to the person before the surcharge is incurred and before the customer is obligated to pay for a good or service.
- (b) A disclosure under subsection (a) of this section shall be made as follows:
  - (1) If the point-of-sale device is purchased before June 9, 2001, or does not have an electronic display, the fee disclosure shall be on a label meeting federal standards or such other standards as may be promulgated by the Commissioner consistent with the purposes of this chapter.
  - (2) If the point-of-sale device is purchased on or after June 9, 2001, and has an electronic display, the fee disclosure shall be on a label meeting federal standards or such other standards as may be promulgated by the Commissioner consistent with the purposes of this chapter and shall be displayed on the electronic display before the surcharge is incurred and before the person using the point-of-sale terminal is obligated to pay for the good or service being purchased.

**§ 26–131.09. Complaints against an operator of an automated teller machine.**

- (a) An operator of an automated teller machine shall clearly and conspicuously disclose on a label or sign posted on the automated teller machine, or in clear view of a person viewing the automated teller machine, the name, address, and telephone number of the Department and the operator. The label or sign shall also state that a person may send comments or complaints regarding the

automated teller machine to the Department and shall state that the Department is an agency of the District.

- (b) The Commissioner may investigate a complaint, in whatever form received, regarding an automated teller machine. The investigation of the Commissioner under this subsection may include an examination of the automated teller machine. The operator of the automated teller machine shall pay to the Commissioner the reasonable costs and expenses incurred by the Commissioner for the examination or investigation.

#### **§ 26-131.10. Registration of automated teller machines.**

(a) Except as provided in subsections (d) and (e) of this section, an automated teller machine operated in the District shall be registered with the Commissioner by the operator of the automated teller machine. The operator shall pay annually to the Commissioner a nonrefundable registration fee of \$500 for the first automated teller machine operated by the operator in the District and \$50 for each additional automated teller machine operated by the operator in the District. If the operator does not pay the total annual fee imposed under this subsection, each automated teller machine of the operator in the District shall be considered not to be registered under this subsection.

(b) No refund or abatement of a registration fee paid under this section shall be made if the registration is surrendered, cancelled, revoked, or suspended before the expiration of the period for which the fee was paid.

(c) The Commissioner may suspend, revoke, or refuse to renew the registration of an operator under this section if the Commissioner finds that the operator or an owner, director, officer, member, partner, trustee, employee, or agent of the operator has:

- (1) Made a material misstatement in the application for registration;
- (2) Committed a fraud, engaged in dishonest activity, or made a misrepresentation in connection with the operation of the automated teller machine;
- (3) Demonstrated a lack of competence in connection with the operation of the automated teller machine; or
- (4) Violated any provision of this chapter or any regulation promulgated under this chapter.

(d) The registration requirement in subsection (a) of this section shall not apply to automated teller machines owned or operated by a depository institution insured by the Federal Deposit Insurance Corporation.

(e) The Electronic Fund Transfer Act, approved November 10, 1978 (92 Stat. 3728; 15 U.S.C. § 1693 et seq.), and any regulations issued, or that may be issued, under the Electronic Fund Transfer Act, except for those provisions, amendments, or regulations that establish crimes or provide for nonfinancial penalties, are hereby adopted as part of this chapter. Compliance with the Electronic Fund Transfer Act shall be considered to be compliance with this section.

#### **§ 26-131.11. Record Keeping requirements.**

An operator of an automated teller machine in the District shall maintain and, upon request, make available to the Commissioner, in a form satisfactory to the Commissioner, such books, records, and accounts as will enable the Commissioner to verify the daily activity at each of the operator's automated





teller machines. An operator shall retain the books, records, and accounts referred to in the previous sentence for at least 90 days from the date of the daily activity.

**§ 26-131.12. Penalties.**

If the Commissioner finds, after notice and a hearing, that a person has violated this chapter or a rule or regulation promulgated, or order issued, under this chapter, the Commissioner may order the person to pay to the Department a civil penalty in such amount as the Commissioner determines is appropriate; provided, that the amount of the penalty shall not exceed \$1,000 for a violation; provided further, that if there is a continuing violation, the penalty may be no more than the greater of \$1,000 or \$100 multiplied by the number of days that the violation has continued.

**§ 26-131.13. Authority of commissioner to issue rules and regulations.**

The Commissioner may promulgate rules and regulations to implement the provisions of this chapter in accordance with subchapter I of Chapter 5 of Title 2