

TOWN OF NORTH CASTLE

Local Law No. 9 of the year 2015

A local law to provide for the codification of the local laws, ordinances and certain resolutions of the Town of North Castle into a Municipal Code to be designated the “Code of the Town of North Castle.”

ARTICLE I Adoption of Code

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of North Castle, as codified by General Code, and consisting of Chapters 1 through 355, together with an Appendix, shall be known collectively as the “Code of the Town of North Castle,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Town of North Castle” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of North Castle, and it is the intention of said Town Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repealer.

- A. Repeal of inconsistent enactments. Except as provided in § 1-4, Enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of North Castle which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

- B. Repeal of specific enactments. The Town Board of the Town of North Castle has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:

Chapter in 1987 Code	Subject Matter	Enactment
10	Building Department	9-23-1982
32	Summary publication of ordinances	2-11-1971 by L.L. No. 1-1971
58	Airports	6-13-1940
63, Art. I	Coin-operated amusement devices	7-29-1982 by L.L. No. 2-1982
69	Bingo	6-12-1958
102, Art. IV	Nonconforming excavation uses	10-10-1956
108	Fireworks	7-11-2007 by L.L. No. 12-2007
151	Plumbing	1-4-1979 by L.L. No. 1-1979
158	Recycling	8-9-1990 by L.L. No. 7-1990
160	Refuse, recyclables and trash	3-9-2005 by L.L. No. 3-2005
180	Swimming pools	8-3-1961
186	Theaters	12-15-1949
259	Solid waste disposal	10-23-1975

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

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

issuance and delivery of any bond of the Town of North Castle or other instruments or evidence of the Town's indebtedness.

- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to October 30, 2015.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of North Castle and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of North Castle by impressing thereon the Seal of the Town of North Castle, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of North Castle" or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town to be a part thereof, shall be deemed to be incorporated into such Code so that

reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of North Castle required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Town Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

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

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of North Castle, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of North Castle, such local law to be entitled “General Provisions, Article I, Adoption of Code,” and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

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

**Town of North Castle
Code Adoption Local Law**

**Schedule A
Specific Revisions at Time of Adoption of Code
(see § 1-11B)**

Chapter 5, Appearance Tickets.

This chapter is amended in its entirety to read:

§ 5-1. Purpose.

The purpose of this chapter is to authorize public servants of the Town of North Castle to issue and serve appearance tickets in connection with violations of state statutes, local laws, ordinances or rules and regulations of the Town which the public servants are authorized or required to enforce and to specify preliminary proceedings regarding appearance tickets.

§ 5-2. Persons authorized to issue.

The following public servants of the Town of North Castle are hereby authorized to issue and serve an appearance ticket with respect to violation of a state statute, a local law, ordinance, rule or regulation of the Town of North Castle that such public servants are, respectively, required or authorized to enforce:

- A. Building Inspector, Assistant Building Inspector, Code Enforcement Officer, Town Engineer and police officers.*
- B. Fire Inspector: fire prevention and safety.*
- C. Animal Control Officer: animal control and licensing.*

§ 5-3. Definition, form and content.

- A. An appearance ticket is a written notice issued and signed by a North Castle Town official specified in § 5-2 above, which directs a person to appear in the North Castle **Town** Court at a designated future time in connection with the alleged commission of a designated offense.*
- B. All offenses charged in the Court must be properly specified in documents conforming to the requirements for local criminal court accusatory instruments set forth in the New York State Criminal Procedure Law.*

§ 5-4. Method of service.

An appearance ticket other than for a parking violation shall be served personally, except that an appearance ticket issued for the violation of a local zoning ordinance or local zoning law or of a building or sanitation code may be served in any manner authorized for service under § 308 of the Civil Practice Law and Rules. In addition to personal service, CPLR § 308 authorizes service by: delivery to a person of suitable age and discretion and by mailing; delivery to an authorized agent; and "nail and mail" service.

§ 5-5. Defendant's failure to appear.

- A. If, after an appearance ticket has been served and a facially sufficient accusatory instrument has been filed with the Court, an individual defendant does not appear at the time such appearance ticket is returnable, the Court may issue a warrant of arrest, with bail set, based*

upon the local criminal court accusatory instrument filed.

*B. At all stages of a court action, from the commencement thereof through sentence, a corporate defendant must appear by counsel. As **provided** by CPLR § 600.20, upon failure of appearance at the time such defendant is required to enter a plea to the accusatory instrument, the court may enter a plea of guilty and impose sentence.*

Chapter 12, Boards, Bureaus and Committees.

Article I, Traffic Violations Bureau.

Section 12-1 is amended to change “Justice of the Peace” to “Town Justice.”

Article III, Architectural Review Board.

A. Section 12-17A is amended as follows: *The ARB shall be appointed by the Town Board of the Town of North Castle and shall consist of five members, all of whom shall be residents of the Town of North Castle. No member of the ARB shall be an officer or employee of the Town of North Castle. ~~The term of office shall be three years, with expirations of terms to occur according to the rotation established by former Chapter 7~~ Upon the expiration of the term of each current member of the Town’s existing five-member ARB in office, his or her successor shall be appointed or re-appointed to a term of five years. Members shall serve without compensation. Vacancies shall be filled by the Town Board for unexpired terms of any members whose positions on the ARB shall become vacant.*

B. Section 12-17E is amended to delete the following from the end: ~~“Please also note that meeting agendas often fill up quickly. If a regularly scheduled meeting agenda is full, subsequent applicants will be accepted for appearance at the next scheduled ARB meeting. Any questions concerning matters involving the ARB should be directed to the Board Secretary.”~~

C. Section 12-17H is amended to delete “and the Engineer of the Town of North Castle” after “Building Inspector.”

D. Section 12-18A(1) is amended to read: *The following projects shall require ARB approval prior to the issuance of a building permit:*

E. Section 12-18B(2) is amended to change four attending members to three attending members in the first sentence and four attending members to three members in the second to the last sentence.

F. Section 12-18D(8) is amended to delete the fee amount and reference the Master Fee Schedule.

Chapter 77, Records.

Article I, Public Access to Records.

This article is amended in its entirety to read:

§ 77-1. Purpose and scope.

A. *The people's right to know the process of government decisionmaking and the documents and statistics leading to determinations is basic to our society. Access to such information should not*

be thwarted by shrouding it with the cloak of secrecy of confidentiality.

B. These regulations provide information concerning the procedures by which records may be obtained, as defined by New York State Public Officers Law Article 6, known as the "Freedom of Information Law."

C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 77-2. Designation of Records Access Officer.

A. The Town Board of the Town of North Castle is responsible for ensuring compliance with the regulations herein and designates the following person as Records Access Officer (RAO): Town Clerk, 15 Bedford Road, Armonk, New York 10504.

B. The Records Access Officer (Town Clerk) is responsible for ensuring appropriate Town response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

C. The Records Access Officer shall ensure that Town personnel:

(1) Have available an up-to-date subject matter list, which is defined by New York State Records Retention and Disposition Schedule MU-1.

(2) Assist persons seeking records to identify the records sought, if necessary.

(3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.

(4) Upon locating the records, take one of the following actions:

(a) Make records available for inspection; or

(b) Deny access to the records in whole or in part and explain in writing the reasons therefor.

(5) Upon request for copies of records: make a copy available upon payment or offer to pay established fees, if any, in accordance with § 77-8; or

(6) Upon request, certify that a record is a true copy; and

(7) Upon failure to locate records, certify that:

(a) The Town is not the custodian for such records; or

(b) The records of which the Town is a custodian cannot be found after diligent search.

§ 77-3. Location.

Records shall be available for public inspection at Town offices located at 15 Bedford Road and 17 Bedford Road, Armonk, New York 10504.

§ 77-4. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during regular

business hours.

§ 77-5. Requests for public access to records.

A. A written request is required. The request should be submitted via the Town's website (FOIL Request Form).

B. If records are maintained on the Town website, the requester shall be informed that the records are accessible via northcastleny.com and provided with the location of the records requested.

C. A response shall be given within five business days of receipt of a request by:

(1) Informing a person requesting records that the request or a portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

(2) Granting or denying access to records in whole or in part;

(3) Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgment, providing a statement in writing indicating the reason for the inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

(4) If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within 20 business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

D. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the Town, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

E. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which the Records Access Officer:

(1) Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;

(2) Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;

(3) Furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;

(4) Fails to respond to a request within a reasonable time after the approximate date given or

within 20 business days after the date of the acknowledgment of the receipt of a request;

(5) Determines to grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;

(6) Does not grant a request in whole or in part within 20 business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or

(7) Responds to a request, stating that more than 20 business days is needed to grant or deny the request in whole or in part, and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

§ 77-6. Subject matter list.

Is defined by New York State Records Retention and Disposition Schedule MU-1.

§ 77-7. Denial of access to records.

A. Denial of access to records shall be in writing, stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, (who or which) shall be identified by name, title, business address and business phone number.

B. If requested records are not provided promptly, as required in § 77-5 of this article, such failure shall also be deemed a denial of access.

C. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law: Town Board, Town Hall, 15 Bedford Road, Armonk, New York 10504, (914) 273-3321.

D. Any person denied access to records may appeal within 30 days of a denial.

E. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal, identifying:

(1) The date and location of requests for records;

(2) A description, to the extent possible, of the records that were denied; and

(3) The name and return address of the person denied access.

F. A failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

G. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of the appeals. Such copies shall be addressed to:

*Committee on Open Government Department of State One Commerce Plaza 99
Washington Avenue, Suite 650 Albany, New York 12231*

H. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within 10 business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in Subsection G of this section.

§ 77-8. Fees.

A. *There shall be no fee charged for:*

- (1) Inspection of records;*
- (2) Search for records; or*
- (3) Any certification pursuant to this article.*

B. *Copies may be provided without charging a fee.*

C. *Fees for copies may be charged, provided that:*

(1) The fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;

(2) The fee for photocopies of records in excess of 9 by 14 inches shall not exceed the actual cost of reproduction; or

(3) The Town has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

D. *The fee the Town may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:*

(1) An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and

(2) The actual cost of the storage devices or media provided to the person making the request in complying with such request; or

(3) The actual cost to the Town of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy and if such service is used to prepare the copy.

E. *When the Town has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from nonelectronic records, the Town shall be required to retrieve or extract such record or data electronically. In such case, the Town may charge a fee in accordance with Subsection D(1) and (2) above.*

F. *The Town shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of the Town employee's time is needed or if it is necessary to retain an outside professional service to prepare a copy of the record.*

G. *The Town may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.*

H. *An agency may waive a fee in whole or in part when making copies of records available.*

§ 77-9. Public notice.

A notice containing the title and business address of the Records Access Officer (Town Clerk) and appeals body (Town Board) and the location where records can be seen or copies made shall be posted on the Town website.

Article II, Records Management.

This article is amended in its entirety to read:

§ 77-10. Intent.

Records are essential to the administration of local government. They contain the information that keeps government programs functioning. It is the intent of the Town of North Castle that a records management program be established which will assist officials in making decisions, administering programs and providing administrative continuity with past operations. The program would be intended to document delivery of services, show the legal responsibilities of government and protect the legal rights of citizens. It will contain information on taxation and on the management and expenditure of funds. These records will also document the historical documents of government itself, the community and the people of the Town of North Castle.

§ 77-11. Program established; Records Management Officer.

There shall be a records management program established under the aegis of the Town Supervisor and headed by a Records Management Officer (RMO). In addition to designation as Records Access Officer, the Town Clerk is designated as the Records Management Officer and will be responsible for administering the current and archived public records in storage areas for the Town of North Castle in accordance with local, state and federal laws and guidelines.

§ 77-12. Definitions.

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

ARCHIVES — Those official records which have been determined by the Records Management Officer and the Records Advisory Committee to have sufficient historical or other value to warrant continued preservation by the Town.

RECORDS — Official files, minutes and documents, books, papers, photographs, sound recordings, microforms or any other materials, whether in print, electronic or digital forms, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in conjunction with the transaction of official Town business.

RECORDS CENTER — An establishment maintained by the departments or the Records Management Officer for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space.

RECORDS DISPOSITION — The removal by the Town in accordance with approved records control schedules of records no longer necessary for the conduct of business by such agency through removal methods which may include the disposition of temporary records by destruction or donation or the transfer of records to a central storage facility for temporary or permanent storage of records determined to have historical or other sufficient value warranting continued preservation, and the transfer of records from one Town agency to another Town agency.

RECORDS MANAGEMENT — The planning, controlling, directing, organizing, training, promotion and other managerial activities involved in records creation, records maintenance and use, and records disposition, including records preservation, records disposal and the records center or other storage facilities.

SERVICING — Making information in records available to any agency for official use or to the public.

§ 77-13. Powers and duties of Officer.

A. The Records Management Officer shall have all the necessary powers deemed appropriate by the Town Supervisor to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the public records kept, filed or received by the officers and departments of the Town of North Castle.

B. The Records Management Officer shall continually survey and examine public records to recommend their classification so as to determine the most suitable method to be used for the maintaining, storing and servicing of the following:

(1) Obsolete and unnecessary records, according to the New York State retention and disposition schedules, thereby subject to disposition;

(2) Information containing administrative, legal, fiscal, research, historical or educational value which warrants their permanent retention; or

(3) Records not subject to disposition according to state law.

C. The Records Management Officer shall establish guidelines for proper records management in any department of the Town government in accordance with local, state and federal laws and guidelines.

D. The Records Management Officer shall report as needed to the Town Supervisor and the Town Board on the powers and duties herein mentioned, including but not limited to the development and progress of programs to date and planned activities for subsequent years.

E. The Records Management Officer shall operate a central records management storage facility for storage, processing and servicing of all Town records for all Town departments and agencies.

F. Additional responsibilities of the Records Management Officer include, but are not limited to:

(1) The development of a comprehensive records management program.

(2) The encouragement and coordination of the continuous legal destruction of obsolete records through the adoption and use of the State Archive record retention and distribution schedules.

(3) The development and a suitable retention period for records not covered by the State Archive records retention and disposition schedules.

(4) The assistance to each department for the establishment of a records management system to support the overall Town records management program.

(5) The setting up and overseeing of a center for the storage of inactive records.

(6) The coordinating and carrying out or participating in the planning for development of advanced records management systems and equipment.

(7) The preparation of special and annual reports for the Town Supervisor and the Town Board on records management program progress, cost savings and cost avoidance problems and additional issues.

§ 77-14. Records Advisory Committee.

There shall be a Records Advisory Committee designated to work closely with the Records Management Officer. The Committee shall consist of the Records Management Officer and/or

designee, the Town Supervisor, the Town Attorney and the Town Administrator and/or designee. The Committee shall meet periodically and have the following duties:

- A. To review the development of the records management program.*
- B. To review the performance of the program on an ongoing basis and propose changes and improvements.*
- C. To review retention periods proposed by the Records Management Officer for records not covered by the State Archive schedules.*
- D. To provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.*
- E. To determine if a grant application should be submitted to New York State and determine project scope and application process.*

§ 77-15. Custody, control and disposition of records.

*The Records Management Officer (RMO) shall be responsible for archiving and destruction of all Town-related records with the exception of **Police and** court-related records. The records management staff works with all departments with respect to maintenance of Town records. The Town of North Castle Records Management Policy and Procedures Manual describes department operations with respect to managing, scanning, archiving and destruction procedures.*

A. Active records. The originating department has full custody (legal and physical) over paper records stored in each department.

B. Inactive records. The originating department is the legal custodian of its inactive paper records until a records transfer or records destruction form is submitted to the RMO for transfer to archives and disposition as per the New York State MU-1 or applicable state or federal retention schedule. Once moved from the originating department, the RMO will have physical custody of records and will determine the method and storage within the archives and the eventual destruction therein.

C. Digital records stored in electronic content management system (ECMS). Active and inactive records stored in the Town's ECMS are the responsibility of the RMO. The Records Management Officer is responsible for the custody and maintenance, including monitoring the successful completion of database backups of the Town's ECMS, and acts as the ECMS Administrator. Department scanning projects and business processes are developed collaboratively between records management staff and individual departmental personnel.

D. Archival records. Records transferred to or acquired by the archives shall be under the full custody (legal or physical) of the archives, as directed by the RMO, rather than the department which created or held them immediately prior to being transferred to the archives.

(1) Paper records shall be transferred to the archives upon the recommendation of the RMO, with the approval of the department head having custody of the records.

(2) Paper records may be removed temporarily from the archives at the request of the RMO or department head originally having custody of the records.

E. Disposition of records. No records shall be destroyed or otherwise disposed by any employee or Town official until it has met the time limit of the applicable retention schedule. No records shall be destroyed or otherwise disposed by the Records Management Officer without the express written consent of the authorized department head. No records shall be destroyed that are part of

a pending audit, litigation or e-discovery.

Chapter 122, Blasting and Explosives.

A. Section 122-6A(5) is amended to read: *Insurance. A certificate of insurance shall be submitted which is issued by an insurance company authorized to do business in the State of New York, providing that, prior to commencement of any work and until completion and/or final acceptance of the work, the blaster shall, at his sole expense, maintain insurance on his own behalf and furnish to the Town of North Castle certificates of insurance in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operation in any particular case requires insurance coverage in greater amounts than the Town's minimum insurance requirements, the blaster shall provide certificates of insurance in the requested amounts.*

B. Sections 122-6A(2) and 122-16 are amended to delete specific fee amount and provide that fee shall be as set forth in the Master Fee Schedule.

C. Section 122-9B, the last sentence is amended as follows: *Notice of any ~~such~~ transfer of permit must be filed with the Building Inspector within 30 days of the transfer.*

Chapter 127, Building Code Administration and Enforcement.

A. Section 127-4B(4) is amended to read: *Construction of garden/landscape walls under four feet in height not acting as a fence;*

B. Former Section 17, Intermunicipal agreements, is renumbered as § 127-19, and §§ 127-17 and 127-18 are added to read:

§ 127-17. Inspections.

The Building Department, in the review of any construction activity, shall refer any active construction site to such engineering consultant, or professional(s) employed by the Town, as the Building Department shall deem reasonably necessary to enable it to inspect such building permit activity as required by law. The fee for multi-family and non-residential inspections shall be 3% of site construction cost and 20% of the building permit fee for one and two family residential projects.

~~*The Building Department, in the review of any construction activity, shall refer any active construction site to such engineering consultant or professional(s) employed by the Town as the Building Department shall deem reasonably necessary to enable it to inspect such building permit activity as required by law. Charges made by such consultants shall be in accord with charges usually made for such services in the metropolitan New York region or pursuant to an existing contractual agreement between the Town and such consultant. Charges made by the Town shall be in accord with the hourly rates upon which the employee's actual salary is based and fringe benefits and reasonable overhead for nonresidential and multifamily projects or a percentage of the building permit fee for single-family residential projects. All hourly charges shall be paid on submission of a Town voucher. The applicant shall reimburse the Town for the cost of such consultant services upon submission of a copy of the voucher, in accordance with the escrow account procedure set forth below.*~~

§ 127-18. Escrow accounts. Reserved

~~At the time of application for a nonresidential or multifamily residential building permit, the Building Department shall require the establishment of an escrow account from which withdrawals shall be made to reimburse the Town for the cost of inspection, consultant fees and professional staff services. The applicant shall then provide funds to the Town for deposit into such account in the amount to be determined by the Building Department based upon its evaluation of the nature and complexity of the inspections required. The applicant shall be provided, by electronic notification, with copies of any Town voucher for consultant fees as they are submitted to the Town for services for which reimbursement is sought. When the balance in such escrow account is reduced to 1/3 of its initial amount, the applicant shall deposit additional funds into such account to restore the balance in such account to the amount of the initial deposit or to a lesser amount if deemed appropriate by the Building Department. If such account is not replenished in 30 days after the applicant is notified, by electronic notification, of the requirement for such additional deposit, the Building Department may suspend its inspection of the site. A building permit or certificate of occupancy or use shall not be issued unless all such applicant's costs have been reimbursed to the Town. After all pertinent costs have been paid, the Town shall refund to the applicant any funds remaining on deposit.~~

Chapter 131, Buildings, Numbering of.

In § 131-4A, the first sentence is amended as follows: *The figure or figures comprising the number to be displayed on a building or on a mailbox, lamppost, sign or pole hereunder shall be in compliance with New York State Uniform Fire Prevention and Building Code at least three inches in height and shall be placed on the front of said building or on a mailbox, lamppost, sign or pole hereunder in a prominent and conspicuous place and in such manner as to be plainly legible from the center of the street at all times between sunrise and sunset.*

Chapter 140, Cabarets and Adult Entertainment.

Section 140-5D is amended to add to the public hearing mailing requirements “at least 10 days before the scheduled hearing.”

Chapter 146, Dogs.

This chapter is amended in its entirety to read as follows:

§ 146-1. Title.

This chapter shall be known and may be cited as the "Dog Control Law of the Town of North Castle."

§ 146-2. Scope; purpose.

A. *In addition to other provisions of the laws of the State of New York, in accordance with provisions of § 124 of the Agriculture and Markets Law and § 130 of the Town Law of the State*

of New York, this chapter shall be effective within the limits of the Town of North Castle. This chapter shall not apply to dogs exempt from the provisions of Article 7 of the Agriculture and Markets Law or to dogs exempted by provisions of Article 4 of the Conservation Law, where applicable.

B. The purpose of this chapter to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property and domestic animals from dog attack and damage.

§ 146-3. Definitions.

As used in this chapter, the following words shall have the following respective meanings:

ANIMAL CONTROL AUTHORITY — *The person or persons designated by the Town of North Castle to enforce this chapter.*

AT LARGE — *A dog is at large when off the property of its harborer, owner or owner of record, and not under restraint.*

DOMESTIC ANIMAL — *Any of the following animals: rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.*

HARBOR — *To provide food or shelter to any dog.*

HARBORER — *A person who, for the owner or owner of record, walks or provides food or shelter to any dog.*

NUISANCE — *A dog that:*

A. Damages, soils, defiles or defecates on (unless such waste is immediately removed and properly disposed of by the dog's harborer, owner or owner of record) any property other than that of its walker, owner, owner of record or person harboring the dog; or

B. Causes unsanitary, dangerous or offensive conditions; or

C. Causes a disturbance by excessive barking or other noise making; or

D. Chases, molests, attacks or interferes with vehicles, persons or other domestic animals on any property other than that of its walker, harborer, owner or owner of record.

OWNER — *A person having the right of property or custody of a dog, or who keeps or harbors a dog, or who knowingly permits a dog to remain on or about any premises occupied by that person. The owner need not be a resident of the Town of North Castle, but for a violation to occur the dog must be within the Town limits of the Town of North Castle.*

OWNER OF RECORD — *A person in whose name a dog was last licensed, except that, if any license is issued on application of a person under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name a dog was last licensed, the owner shall be deemed the owner of record of such dog, except that, if the owner is under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.*

PERSON — *Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.*

UNDER RESTRAINT — *A dog which is:*

- A. *Within the real property limits of its harborer, owner or owner of record; or*
- B. *Secured by a leash or lead or well-controlled by a responsible person.*

§ 146-4. License required.

A. *All dogs in the Town of North Castle must be licensed with the Town Clerk by the age of four months and required to present a current certificate of rabies at the time of licensing or the renewal of an existing license. Applications shall be on forms prescribed by the Town Clerk.*

B. *All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue.*

C. *Fees for licensing of dogs; impoundment fee.*

(1) *The fee for a spayed or neutered dog shall be as set forth in the Master Fee Schedule. It shall include a state assessment pursuant to § 110, Subdivision 3 of the New York State Agriculture and Markets Law and additional funds for enumeration as provided for by § 110, Subdivision 4(a), of the Agriculture and Markets Law.*

(2) *The fee for an unsplayed or unneutered dog shall be as set forth in the Master Fee Schedule. It shall include a state assessment pursuant to § 110, Subdivision 3, of the New York State Agriculture and Markets Law and additional funds for enumeration as provided for by § 110, Subdivision 4(a), of the Agriculture and Markets Law.*

(3) *Enumeration fee. When the Town Board determines the need for a dog enumeration, a fee set by the Town Board by resolution shall be assessed to all dogs found unlicensed or renewed at the time enumeration is conducted.*

(4) *Purebred licenses. The Town of North Castle will not be issuing purebred or kennel licenses. All dogs will be licensed individually as per the fee system stated above.*

(5) *Service dogs. The Town of North Castle requires licenses for all dogs living or harbored within the Town; however, the Town fee for licensure of all types of service dogs listed in § 110, Subdivision 2, of the Agriculture and Markets Law, including, but not limited to, guide dogs, service dogs, hearing dogs and detection dogs, is waived.*

(6) *Shelters. The Town of North Castle does not allow the licensing of dogs by a shelter. The shelter must notify the adoptive owners of their responsibility to license any dog which will be living within North Castle with the North Castle Town Clerk within 30 days of adoption. The shelter shall provide the Town Clerk with a list of adoptive owners monthly.*

(7) *Seniors. Dogs owned by one or more senior residents, 65 years or older, are exempted from Town licensing fees.*

(8) *Impoundment fees. Impoundment fees should be as set forth in the Master Fee Schedule.*

D. *Penalties for no license. An offense against this section shall be deemed a violation, and a person convicted of such an offense shall be liable to a fine of \$50 for a first violation within a twelve-month period; to a fine of \$100 for a second violation within a twelve-month period; and to a fine of \$150 for a third or subsequent violation within a twelve-month period.*

§ 146-5. Responsibilities of harborer, owner and owner of record.

A. *Strict observance of this chapter. At all times when any dog is within the Town of North Castle, its harborer, owner or owner of record will be held responsible for the strict observance of the provisions of this chapter.*

B. Female dogs in heat. The harborer, owner or owner of record of every female dog shall effectively confine such dog in or on its premises during every period in which said female dog is in heat.

C. Dogs in parks. Dogs properly licensed and restrained by a leash may be brought into a municipal park.

D. Disposal of dog waste. At all times while on all municipal property, parks and recreational facilities, the harborer, owner or owner of record of any dog is responsible to pick up and properly dispose of any waste of said dog.

§ 146-6. Dogs at large.

A. No harborer, owner or owner of record of a dog shall at any time permit, suffer or allow such dog to be off its respective premises and at large within the limits of the Town of North Castle. Any dog off its premises must at all times be under restraint.

*B. Any dog found to be at large shall be turned over to the Animal Control Authority, and the owner or owner of record thereafter, in order to obtain possession of the dog, must have a valid license and must pay the impoundment fee **as set forth in the Master Fee Schedule**. Upon failure of the owner or owner of record to redeem the dog within five days from the date of seizure, title to the dog may be forfeited, and the dog may then be transferred to the current contracted shelter, where the dog shall either be made available for adoption or euthanized.*

§ 146-7. Other prohibited acts.

It shall be unlawful for any owner or owner of record to permit or allow a dog within the Town of North Castle to be a nuisance, to wit:

*A. Engage in habitual loud howling or barking so as to annoy any person other than the owner. **Habitual is defined as** howling or barking continually for 20 minutes or intermittently for 45 minutes shall constitute a violation of this section.*

B. Cause damage or destruction to property or otherwise commit a nuisance upon the premises of a person other than its harborer, owner or owner of record.

C. Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.

D. Chase or attack motor vehicles, bicycles or domestic animals.

§ 146-8. Penalties for prohibited acts.

A. Any person committing a violation of any provision of this chapter other than a violation of § 146-4 shall be deemed guilty of an offense, punishable by a fine for conviction of a first offense not to exceed \$350 or by imprisonment for a period not to exceed 15 days, or both; for conviction of a second offense, both of which offenses were committed within a period of one year, punishable by a fine not less than \$350 nor more than \$700 or by imprisonment for a period not to exceed 15 days, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of one year, punishable by a fine not less than \$700 nor more than \$1,000 or by imprisonment for a period not to exceed 15 days, or both.

B. Each occurrence during which any violation of any of the provisions of this chapter is committed, continued or permitted shall constitute a separate offense.

Chapter 157, Excavations.

Article I, Street and Highway Excavations.

In § 157-2 the definition of “Superintendent of Highways” is revised to define “Highway General Foreman.”

Article II, General Regulations.

Section 157-16B is amended to delete “as defined by this article” after “before any tree.”

Chapter 161, Filling and Grading.

Section 161-1B(5) is amended to read: *Proof of liability insurance on its own behalf, and furnish the Town of North Castle certificates of insurance, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the applicant shall provide certificates of insurance in the requested amounts.*

Chapter 165, Filming.

This chapter is amended in its entirety to read:

§ 165-1. Findings; purpose.

A. The Town Board finds that filming and photography in the Town of North Castle is a practice that may encourage artistic development, local economy and tourism. Nevertheless, the Town Board finds that significant filming, photography, videotaping and recording on private and public property has been occurring in the Town of North Castle and may create hardship, inconvenience, danger and discomfort to the citizens and residents of the Town of North Castle because of the inconvenience and disruption of traffic on the public streets and in private neighborhoods.

B. By reason of the foregoing, the Town Board finds that the health, welfare and safety of the public will be served by adoption of a local law providing a means of regulating, by permit, the undertaking of any filming, photography, videotaping or recording on private or public property within the Town of North Castle.

C. The Town Board does hereby ordain and enact this chapter to accomplish the aforesaid purposes. For the purposes of this chapter, the term "filming and photography" is contemplated to include filming, photography, videotaping and recording.

§ 165-2. Permit required.

Unless subject to § 165-3C(1), no filming or photography, i.e., commercial: promotional, branded content, entertainment; public service; student, or similar presentation or any portion thereof shall be filmed, videotaped, photographed, recorded or otherwise made on any private or public property within the Town of North Castle, whether or not a fee is to be paid or anything of value changes hands for such use of the property, unless the owner or tenant in control of the property, or an agent of the group or company doing the filming, videotaping, photography or

recording, or the individual doing the filming, photography, videotaping or recording, referred to herein as the "applicant(s)," first makes an application and obtains a permit for filming or photography.

§ 165-3. Types of permits.

A. Town Clerk permit.

(1) Permits for filming or photography may be issued by the Town Clerk if the proposed filming or photography meets all of the following conditions:

(a) Filming or photography is limited to indoor locations and the size of the entire cast and crew is limited to 20 individual members, or filming or photography involves outdoor location and the size of the entire cast and crew is limited to 10 individual members;

(b) Filming or photography is limited to between the hours of 8:00 a.m. and 7:00 p.m.;

(c) Filming or photography is limited to five or fewer continuous business days at the location, not including Saturdays, Sundays and federal holidays during which time filming and photography are prohibited; and

(d) Filming or photography involves no potential noise, traffic or light impacts, including but not limited to the use of any pyrotechnic device or artificial lighting, other than camera and mounted or handheld equipment.

(2) The Town Clerk shall consult with the Chief of Police in reviewing the application for a filming and photography permit. Upon the advice of the Chief of Police, the Town Clerk shall consult with officials such as the Building Inspector, the transportation supervisor for the applicable school district, and the Highway General Foreman, and may refer the permit application to the Town Board for action.

(3) The Town Clerk shall require an applicant to furnish the Town with a hold-harmless and indemnification agreement, together with a certificate of insurance meeting the Town's minimum insurance requirements and naming the Town of North Castle as an additional insured, relieving the Town from any potential liability by virtue of the applicant's activities. Should it be determined that the extent of the activities in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the applicant shall provide certificates of insurance in the requested amounts. A condition of approval of any permit may require the applicant at its expense to utilize the services of the North Castle Police at the customary rate set by the Police Department for such services.

(4) In the event the Town Clerk denies the application for a Town Clerk permit, the applicant may request that the Town Board hear the application, and the Town Board, in its discretion, may grant the permit.

(5) The Town Clerk shall require the applicant to notify contiguous or adjacent property owners to the property being utilized for filming and photography activities.

(6) The Town Board shall be notified upon the issuance of any filming and photography permit.

B. Town Board permit.

(1) Applications shall be referred to the Town Board if filming or photography meets any of the following conditions:

(a) Filming or photography is limited to indoor locations and the size of the entire cast and crew

exceeds 20 individual members, or filming or photography involves outdoor locations and the size of the entire cast and crew exceeds 10 individual members;

(b) Filming or photography is to be conducted prior to 8:00 a.m. or after 7:00 p.m.;

(c) Filming or photography exceeds five continuous business days at the location; or

(d) Filming or photography is proposed to include Saturdays, Sundays or federal holidays.

(2) All applications shall be reviewed by the Chief of Police. The Town Board in its sole discretion may consult with officials such as the Building Inspector, the transportation supervisor for the applicable school district, and the Highway General Foreman.

(3) The Town Board shall attach conditions and safeguards ensuring the orderly conduct of the activity and the minimization of impact of such use and shall specify the duration and hours of operation of such activity.

(4) The Town Board may require the applicant to post reasonable bond to assure adherence to the permit conditions set forth. The Town Board shall require an applicant to furnish the Town with a hold harmless and indemnification agreement, together with a certificate of insurance meeting the Town's minimum insurance requirements and naming the Town of North Castle as an additional insured, relieving the Town from any potential liability by virtue of the applicant's activities. Should it be determined that the extent of the activities in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the applicant shall provide certificates of insurance in the requested amounts. The Town Board may further require as a condition of approval of any permit that the applicant at its expense utilize the services of North Castle Police at the customary rate set by the Police Department for such services.

C. No permit required. The permit requirements in this chapter shall not apply to:

(1) Filming or photography by casual photographers, tourists or residents for personal use, or by credentialed members of the news media; or

(2) Filming or photography which meets all of the following conditions:

(a) Filming or photography is limited to indoor locations;

(b) The size of the entire cast and crew is limited to fewer than five individual members;

(c) Filming or photography is limited to between the hours of 8:00 a.m. and 7:00 p.m.; and

(d) Filming or photography involves no potential noise, traffic or light impacts, including, but not limited to, the use of any pyrotechnic devices or artificial lighting, other than camera-mounted or handheld equipment.

§ 165-4. Permit applications.

A. Application requirements. Applications must be submitted to the Town Clerk in writing on the application form available on the Town's website and must contain at least the following information:

(1) Application fee, as described below in § 165-4B.

(2) Use plan, as described below in § 165-4C.

(3) The name, address and contact information of the applicant.

- (4) The location of the property where filming or photography is to take place.*
- (5) The dates and times when said filming or photography is to take place.*
- (6) Name and written authorization of the owner of the property.*
- (7) Description of type of filming or photography, i.e., commercial: promotional, branded content, entertainment; public service; student, etc.*
- (8) Film budget.*
- (9) Number of people on site.*
- (10) Equipment and vehicles to be brought to the site.*
- (11) Parking plan.*
- (12) Special effects to be used.*
- (13) Name, address and policy number of insurance company.*

B. Application fee. Applicants for a filming and photography permit shall pay fees to the Town as set forth in the Master Fee Schedule.

(1) Applications for filming and photography will not be considered unless accompanied by a nonrefundable application fee. The application fee shall be payable by check or money order in the amount as set forth in the Master Fee Schedule.

(2) If approved, the application fee will be applied toward the daily permit fee in the amount as set forth in the Master Fee Schedule.

C. Use plan. The use plan shall show:

- (1) The streets or sidewalks that will need to be closed, if any.*
- (2) The location of any vehicles or equipment that will be stored on location during the course of filming or photography.*
- (3) The location and construction of any temporary structures to be placed or constructed in connection with the filming or photography.*
- (4) Parking plans.*
- (5) Measures proposed intended to mitigate potential temporary adverse impacts.*

(6) The name, local address and local telephone number of a person who will be available 24 hours a day during the activity and who shall have control of and responsibility for the direction of all participants in the permitted activity and for the property for which the activity is permitted.

D. Notification to adjacent property owners. The applicant shall be required to notify contiguous or adjacent property owners to the property being utilized of filming and photography activities.

E. The Chief of Police shall have the power to cause the conditions set by any permit granted under this section to be enforced.

§ 165-5. Daily permit fee.

Applicants shall pay a fee to the Town prior to the issuance of the permit. The daily permit fee shall be payable by check or money order in the amount as set forth in the Master Fee Schedule.

§ 165-6. Limitations of activities.

A. Unless the Town Board provides otherwise by resolution, filming and photography and similar activities for which a permit is required pursuant to § 165-2 above shall in no event be conducted at the same location (i.e., in the same building or at the same street address) more than any portion of 12 calendar days within any twelve-month period.

B. Unless the Town Board provides otherwise by resolution, no applicant shall allow any filming or photography and similar activities for which a permit has been issued to be conducted prior to 8:00 a.m. or after 7:00 p.m., Monday through Friday only.

C. Unless the Town Board provides otherwise by resolution, no applicant shall allow equipment used in connection with such filming or photography, including but not limited to lights and generators, etc., to be operated at the location described in § 165-3B prior to 8:00 a.m. or after 7:00 p.m., Monday through Friday only. No applicant shall permit equipment to be used in connection with the filming or photography and similar activities, nor accessory trailers, kitchens and facilities, to be set up outdoors at the location prior to 8:00 a.m., and all such equipment shall be removed from outdoors by 7:00 p.m. that evening.

D. Permit holders shall take reasonable steps to minimize the creation and spread of debris and garbage from the filming location and shall be responsible for the removal of all equipment, debris and garbage upon completion of filming or photography or expiration of the permit, whichever comes first. Permit holders shall clean and restore all public property utilized during filming or photography to the same condition as existed prior thereto.

§ 165-7. Penalties for offenses.

A. Any person, persons, corporation, company, group or other entity who or which fails to obtain the permit required herein or otherwise violates any provision of this chapter shall be guilty of an offense, which shall be punishable by a fine of not more than \$1,000 per day per offense or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.

B. The imposition of such fine shall not be the Town's exclusive remedy in the event of a violation of this chapter. The Town may pursue any and all other legal remedies available to it in connection with any violation of this chapter, including recovery of costs and reasonable attorneys' fees incurred.

C. Violation of the terms and conditions of any permit issued pursuant to this chapter, without prior written modification by the Town Clerk or the Town Board, shall constitute a forfeiture of the privileges conveyed under the permit, requiring that all filming activities cease immediately. Any fees paid pursuant to this chapter are forfeited by the applicant.

D. The Chief of Police or his designee may suspend or revoke a permit issued pursuant to this chapter when filming or photography activities pose a hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by an officer of the Town of North Castle Police Department.

§ 165-8. Previous violations.

Notwithstanding any of the foregoing, no applicant who has been previously convicted of a violation of this chapter shall be granted a permit hereunder for a period of 18 months from the date of such conviction.

§ 165-9. Waiver.

The Town Board may authorize a waiver of any of the requirements and/or limitations of this

chapter whenever it determines that strict compliance with such limitations or requirements will pose an unreasonable burden upon the applicant and that such permit may be issued without endangering the public's health, safety or welfare.

Chapter 173, Fireworks.

A new chapter is adopted to read as follows:

§ 173-1. Findings and purpose.

A. Pursuant to recent revisions to the New York State Penal Law, § 405.00, it is now legal for private individuals, as well as organizations and municipalities, to employ the services of professional pyrotechnics for fireworks displays. The Town Board of the Town of North Castle hereby finds that such activities are extremely dangerous, as they incorporate the use of highly explosive materials and other devices which pose a threat to the health and safety of the Town of North Castle and its residents. The Board therefore finds it necessary to enact a chapter benefitting the health, safety and general welfare of the Town of North Castle and its residents with respect to the storage and use of fireworks within the Town's jurisdiction.

B. This chapter shall augment and in no way conflict with or supersede §§ 405.00 and 270.00 of the New York State Penal Law and, where applicable, shall regulate those areas specifically prescribed to the authority of the Town.

§ 173-2. Definitions.

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

ASSISTANT — For purposes of this chapter, the individual(s) employed by a state-certified pyrotechnic operator (as defined below) who is at least 18 years of age and trained in the proper handling and discharge of fireworks.

FIREWORKS — Defined herein in accordance with § 270 of the New York State Penal Law as any blank cartridge, blank cartridge pistol or toy cannon in which explosives are used, firecrackers, sparklers or other combustible or explosive of like construction, or any preparation containing any explosive or inflammable compound, or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, or other device containing any explosive substance.

OPERATOR — A pyrotechnic or pyrotechnic company certified by the State of New York, pursuant to Article 28-D of the New York State General Business Law and Article 16 of the New York State Labor Law, in the handling, storage and discharge of fireworks.

PERMIT — For purposes of this chapter, a permit issued by the permitting authority for the public display and discharge of fireworks in accordance with the requirements set forth by this chapter and as provided for in the application materials provided by the Town of North Castle.

PERMITTING AUTHORITY — For purposes of this chapter, the Town of North Castle Fire Prevention Officer, who shall review applications for fireworks displays and, in consultation with the Town of North Castle Police Department and the appropriate district fire department, issue or deny permits in connection therewith.

SPONSOR — For purposes of this chapter, any person, company, municipality, fair association or other legal entity applying for a permit for the discharge and display of fireworks.

§ 173-3. General restrictions; permit required.

A. No person or other legal entity shall conduct an indoor fireworks display in the Town of North Castle.

B. No public fireworks display shall be conducted in the Town of North Castle on a lot containing a two-family or multiunit dwelling as its principal use.

C. No storage of fireworks or public or private fireworks display shall be conducted in the Town of North Castle unless a valid permit for such storage and/or display is first issued by the permitting authority.

D. A permit issued pursuant to this chapter shall not be transferable to any other party. Attempt to transfer such permit shall result in revocation of the permit.

§ 173-4. Application procedures.

A. Information required; filing deadline; fee.

(1) The application for a permit pursuant to this chapter shall contain at least the following information, and supporting documents, on a form provided by the Town:

(a) The name of the sponsor;

(b) The name of the state-certified operator hired to conduct the display;

(c) All assistants who will work with/for the operator in executing the fireworks display for which the permit is sought;

(d) A verified statement from the sponsor identifying the operator, accompanied by copies of all certificates demonstrating competence as a state-certified operator; such certificates shall include:

[1] A copy of the operator's United States Department of Transportation hazardous material certificate of registration;

[2] A copy of the operator's United States Treasury Department, Bureau of Alcohol, Tobacco and Firearms explosives permit;

[3] A copy of the operator's New York State Department of Labor, Division of Safety and Health license to deal in or manufacture explosives; and

[4] Copies of the licenses of the individual assistants who will assist the operator in execution of the fireworks display.

(e) The date and time on which the display is to be made;

(f) The number and kind of fireworks;

(g) The manner and place of storage of the fireworks under the display date.

(h) A diagram of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions;

(i) Such other information as the permitting authority or Town of North Castle Police Department prescribes as necessary for the evaluation and determination of a fireworks permit application.

(2) Such application shall be filed with the permitting authority no less than 30 calendar days before the date on which the proposed fireworks display is to take place. Such application shall be accompanied by a nonrefundable fee as set forth in the Town of North Castle Master Fee Schedule on file in the Town Clerk's office.

B. Bond or insurance.

(1) Before granting and issuing a permit for the display of fireworks as herein provided, the permitting authority shall require an adequate bond from the sponsor, unless it is a state park, or a city, town or village, which shall not be less than \$1,000,000, conditioned for the payment of all damages which may be caused to a person or to the property of a person or legal entity by reason of the display permitted and arising from any acts or omissions of the sponsor, operator or any agent, employee, contractor or subcontractor thereof. A certificate evidencing the purchase of the bond shall be provided to the Town prior to the date of any proposed fireworks display.

(2) The Town may accept, in lieu of such bond, an indemnity insurance policy with liability coverage and indemnity protection equivalent to the terms and conditions upon which such bond would be predicated and for the purposes provided in this section. Such indemnity insurance policy shall name the Town of North Castle, and its agents, officers, directors and employees, as an additional insured. A certificate evidencing the purchase of the policy shall be submitted to the Town prior to the date of any proposed fireworks display.

C. *Upon receipt of an application for a fireworks permit, the permitting authority shall review the application contents, consult with the Town of North Castle Police Department and determine whether such application is in conformity with the requirements of this chapter.*

D. *Denial of an application for a permit shall be in writing, addressed to the sponsor of the permit, setting forth the reasons for such denial.*

E. *The nonrefundable fee for submission of a fireworks display permit application shall be as set forth in the Town Master Fee Schedule.*

§ 173-5. Viewing distance.

The sponsor and operator shall establish the minimum safe viewing distance from which viewers of the fireworks display can observe the proposed display without risk of harm or injury, which minimum distance shall be approved by the permitting authority in consultation with the Town of North Castle Police Department. A perimeter shall be established for this purpose, which only authorized members of the permitting authority and operator may cross before and during execution of the fireworks display.

§ 173-6. Revocation of permit.

If the permitting authority discovers that the sponsor has provided intentionally misleading or false information in the application materials or that the sponsor or operator has otherwise violated any provision of this chapter, he/she may deny or revoke the permit prior to the date of the proposed fireworks display.

§ 173-7. Additional requirements.

A. *All fireworks that fire as a projectile shall be set up such that they fire in as vertical a direction as possible in order to avoid the possibility that debris will travel outside the perimeter*

established pursuant to § 173-5 above.

B. All debris resulting from the fireworks display shall be promptly collected and properly disposed of by the operator in the manner prescribed by state law.

C. There shall be at least two individuals constantly on duty during the discharge of the fireworks display, at least one of whom shall be a state-certified operator. Furthermore, there shall be two approved-type fire extinguishers kept within the actual display area, which must be as widely separated as possible.

D. The Town reserves the right to have a representative of the permitting authority, the Town of North Castle Police Department or another appropriate representative attend any fireworks display for which a permit is issued.

E. The sponsor and operator shall have all permits available and ready for inspection on site before and during the execution of the fireworks display.

F. No smoking shall be permitted within 200 feet of any area where fireworks or other related materials are being temporarily stored.

§ 173-8. Penalties for offenses.

A. Any person, legal entity, sponsor or operator committing an offense against this chapter shall be subject to the penalties of Article 270 of the New York State Penal Law and § 405.05 of the New York State Penal Law concerning seizure of fireworks.

B. Notwithstanding any conviction(s) for violation of state law, violation of this chapter shall constitute a violation of the Code of the Town of North Castle, subject to a civil penalty of \$250 and revocation of any and all permits issued pursuant to this chapter. Any such conviction will also be considered in determining whether future permits under this chapter should be issued to the same sponsor and/or operator.

C. The Building Inspector, in addition to any other person or agency authorized under state or local law, shall have the authority to enforce the provisions of this chapter and issue citations for civil penalties for failure to comply with the provisions of this chapter.

§ 173-9. Conflict with state law.

In the event any section, subsection, paragraph or clause of this chapter is in conflict with Article 270 or 405 of the State Penal Law, the provisions of the Penal Law are deemed to be incorporated herein and will control.

Chapter 177, Flood Damage Prevention.

Section 177-11B is amended to delete the application fee amount and add a reference to the Master Fee Schedule.

Chapter 195, Landmarks Preservation.

A. Section 195-13 is amended to add “at least 10 days before such hearing,” to the requirements for notice before a public hearing.

B. Section 195-16 is amended to add to the second sentence: “, including the adjacent areas necessary for the proper appreciation of the landmark.”

C. Section 195-18C(3) is amended to change 45 days to 60 days.

D. Section 195-18C(4) is amended to change “registered mail” to “certified mail.”

E. Section 195-22 is amended as indicated:

A. An applicant whose certificate of appropriateness for a proposed demolition or alteration has been denied may apply for relief on the grounds of hardship.

B. In order to prove the existence of hardship, an applicant seeking demolition shall establish that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

(2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

C. ~~Hardship criteria for alteration. An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship.~~ In order to prove the existence of hardship, an applicant seeking a certificate of appropriateness for an alteration shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

D. Hardship application procedure.

(1) After receiving written notification from the Committee of the denial of a certificate of appropriateness, an applicant may commence the hardship process. Such application shall be filed within 45 days after denial of a certificate of appropriateness.

(2) No building permit or demolition permit shall be issued unless the Committee makes a finding that a hardship exists.

(3) The Committee may hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.

(4) The applicant shall consult in good faith with the Committee, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

(5) All decisions of the Committee shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Town Clerk's office for public inspection. The Committee's decision shall state the reasons for granting or denying the hardship application. If the application is granted, the Committee shall approve only such work as is necessary to alleviate the hardship.

(6) The Committee shall approve or deny the application for a hardship exception within 60 days from receipt of the completed application.

F. Section 195-23 is amended to change “10 days” to “20 days.”

Chapter 202, Markets.

A. Section 202-6 is amended to add the following sentence: *Markets shall only be permitted on property that contains a nonresidential use or is located in a nonresidential zoning district.*

B. Section 202-7E is added to read: *Name and mobile telephone number of the Market Manager.*

C. Section 202-8 is amended to read: *Prior to commencement of any business and until completion, the applicant shall, at its sole expense, maintain insurance on its own behalf, and furnish to the Town of North Castle certificates of insurance, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the applicant shall provide certificates of insurance in the requested amounts. Before any license shall be issued, the applicant shall furnish a surety bond in the amount of \$10,000, conditioned upon saving harmless the Town of North Castle from any and all liability or causes of action which might arise out of or by virtue of the granting of said license to the applicant and conditioned further that no damage will be done to the streets, trees or adjoining property and that no rubbish will be permitted to remain upon any private property or in the streets or roads used as approaches to the place of business.*

D. Section 202-9, Conditions of license:

(1) Subsections A, B, C and F are amended to read as follows:

A. *No sales shall be conducted after 5:00 p.m. on any day and all work stopped by 9:30 p.m. The Town Board shall determine the appropriate days of the week to conduct the market as well as the number of days the market is permitted to be in operation.*

B. *No lighting of the sales area shall be permitted. However, proper illumination of parking areas and/or driveways used in the conduct of said business may be authorized by the Town Board.*

C. *Parking of motor vehicles for patrons attending the said business shall be maintained off street only and only in accordance with § 355-53 of the Town Code. Traffic shall be regulated in the area immediately adjacent to the premises, and parking must be maintained in good order with adequate supervision thereof at the expense of the licensee as prescribed by the Chief of Police.*

* * * * *

F. *All rubbish from the premises where business is conducted, and from any parking area used by said licensee in connection therewith, must be gathered and deposited in closed containers by no later than 6:00 p.m. each market day and removed from the premises by 6:00 p.m. of the next day following.*

(2) Subsections J, K, L, M and N are added to read:

J. *The market shall be under the supervision of a market manager. The Market Manager shall be present on site whenever said market is in operation. The Market Manager is responsible for supervising market operations and ensuring compliance with orders of the Chief of Police, Building Department and the Westchester County Department of Health.*

K. *No hawking, outcries or other methods of attracting attention of customers are permitted.*

L. *All vendors must clean the areas they occupy. Vendors must remove all waste, rubbish or trash that they generate during the course of selling at the market.*

M. Vendors' vehicles must be removed from the selling area before the market opens. Vendors must park personal vehicles in the customer parking areas unless they are selling out of the vehicle. All vendors' vehicles driven on the market must be operated in a safe and prudent manner. Selling may take place from a vehicle.

N. Obstructing market driveways, traffic lanes or stalls is prohibited.

E. Section 202-11 is amended to read: The Town Board may modify or waive any of the provisions within this chapter that is in the best interest of the Town of North Castle.

F. Section 202-13 is added to read:

§ 202-13. Revocation of license.

The Town Board reserves the right to revoke a market license if, after a public hearing, the Town Board determines that the market is a public nuisance or fails to obey the requirements of this chapter.

Chapter 210, Noise.

Chapter 210 is amended in its entirety to read as follows:

§ 210-1. Short title.

This chapter shall be known as the "Town of North Castle Noise Control Law."

§ 210-2. Purpose.

This chapter shall be deemed an exercise of the police power of the State of New York and of the Town of North Castle for the protection of the economic and social welfare, health and peace of the people of the Town of North Castle, and all its provisions shall be construed for the accomplishment of that purpose.

§ 210-3. Statement of policy.

It is hereby declared to be the policy of the Town of North Castle to prevent excessive, unnecessary or unusually loud noise which may jeopardize the well-being, public health, comfort, convenience, safety and welfare of its citizens and the peace and quiet of its inhabitants. The provisions and prohibitions hereinafter contained and the enforcement provisions hereinafter contained shall not be utilized or construed in any manner so as to deny or limit any right or privilege granted and recognized by the First Amendment of the Constitution of the United States.

§ 210-4. Restrictions on certain noises.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Town of North Castle, New York.

§ 210-5. Enumeration of violations.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

A. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.

B. The using, playing or operating of, or the permitting to be played, used or operated of, any receiving or playing radio, television, tape player, compact disc player, musical instrument, or other machine or device for the producing or reproducing of sound in such manner or volume as to disturb the peace, quiet and comfort of the neighboring inhabitants or occupants, or at any time with louder volume than is necessary for convenient, normal hearing by the person or persons who are in the room or enclosure or place in which such equipment or device is operated, and who are involuntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be distinctly audible to persons with normal hearing at a distance of 50 feet from the room or building or structure in which it is located shall be prima facie evidence of a violation of this section.

C. The playing, using or operating of, or the permitting to be played, used or operated of, any radio, television, tape player, compact disc player, musical instrument, phonograph, loud speaker, sound amplifier or any other machine or device or equipment for the producing or reproducing of voices or sound which is directed to or cast or audible upon the public streets for the purpose of commercial or business advertising or attracting the attention of the public or persons passing by to any abutting or nearby building or structure or place of any commercial or public operation conducted therein or thereon.

D. Yelling, shouting, hooting, whistling or singing on the public streets, parks or places, or a place of business or other establishment open to the public, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort, repose, health or peace of persons in any place of work or in any dwelling, hotel or other residence, or of any person in the vicinity of such acts.

E. Excessive animal noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons within reasonable proximity to the property where the animal(s) is kept. The noise shall be continuously audible for ~~10~~ 20 minutes or intermittently audible for ~~30~~ 45 minutes ~~within a three-hour period~~ to be deemed excessive animal noise.

F. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, air compressor or motor vehicle engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

G. The operation of power lawn mowers, rakes or leaf blowers, or other motor-driven lawn or garden equipment, not including snow removal equipment, between the hours of ~~7:00~~ 8:00 p.m. and 7:30 a.m., Monday through Friday, and ~~5:00~~ 7:00 p.m. and 9:00 a.m., prevailing time, on Saturdays, Sundays and any federal holidays.

H. Construction work, including but not limited to building, repairing, grading, leveling and excavating, between the hours of 7:00 p.m. and 7:30 a.m., Monday through Friday, and 5:00 p.m. and 9:00 a.m. on Saturdays, Sundays and federal holidays, which by causing frequent or long-continued noise shall disturb the comfort or repose of any person residing in the vicinity.

I. Permitting the sounding of any vehicle, home or business alarm device to continue unabated after response from the appropriate security/municipal authority.

J. Containers and construction materials. No person shall load, unload, handle, transport, open, close or destroy any containers or construction material or other materials in such a manner as to create unnecessary noise between the hours of 7:00 p.m. and 7:30 a.m., Monday through Friday, and 5:00 p.m. and 9:00 a.m. on Saturdays, Sundays and federal holidays, which by causing frequent or long-continued noise shall disturb the comfort or repose of any person

residing in the vicinity.

K. Squealing tires. No person shall operate a vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires of such vehicle.

§ 210-6. Enforcement official.

The provisions of this chapter shall be enforced by the Police Department of the Town of North Castle or any agent thereof appointed by the Town Board.

§ 210-7. Penalties for offenses; juvenile violators.

Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be fined in an amount not exceeding \$250 or be imprisoned for a period not exceeding six months, or by both such fine and imprisonment. In addition, any person violating any of the provisions of this chapter may be subject to judicial prohibition of the use of the specific noise-producing compressor, recreational vehicle, motor vehicle, paving breaker, sound-reproduction instrument or other device complained of for a period not to exceed 60 days. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person under the age of 16 years who shall violate any of the provisions of this chapter shall be deemed to be a juvenile violator.

§ 210-8. Exemptions.

The operation of vehicles and equipment used by the Town of North Castle Highway Department in the performance of official duties shall be exempt from the requirements of this chapter. ~~Refuse collecting equipment duly licensed by the Town of North Castle shall also be exempt from the requirements of this chapter.~~ Gasoline and fuel delivery trucks are also exempt from the requirements of this chapter.

Chapter 218, Outdoor Dining.

Section 218-8, Insurance, is amended to read: The applicant shall obtain, and maintain in full force and effect throughout the term of the license, at its sole expense and on its own behalf, a policy of general liability insurance, and furnish to the Town of North Castle certificates of insurance in accordance with the Town's minimum insurance requirements, together with an indemnification and hold-harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the applicant shall provide certificates of insurance in the requested amounts. Said insurance policy shall contain a provision prohibiting its cancellation except upon a minimum of 10 days' notice to the Town of North Castle. The applicant shall file with the Town Board, prior to the issuance of the license, a certificate evidencing the requisite insurance and setting forth the actual cancellation notice provision contained in the policy.

Chapter 229, Parks and Public Lands.

Section 229-2K is amended as follows: No alcoholic consumption shall be permitted unless by ~~special~~ permit. The alcohol permit application must be submitted to the Superintendent of Recreation and Parks and is subject to Town Board approval and applicable fees as set forth in the Master Fee Schedule.

Chapter 233, Peddling and Soliciting.

A. Section 233-1B is added to read:

This chapter is designed to afford a just protection to residents by regulating door-to-door solicitation by peddlers, solicitors and canvassers; and promulgating reasonable time and manner restrictions on door-to-door solicitation, and to protect the residents of the Town against crime, and by preserving the private property, peace and comfort of the occupants of private residences in the Town.

B. Section 233-2, the definitions of “canvasser,” “peddler” and “solicitor” are repealed. The definitions of “canvass,” “peddle” and “person” are added or amended to read as follows:

CANVASS — To go from house to house or from business to business, or any combination thereof, to seek contributions, fund-raise, petition, seek membership or disseminate information.

PEDDLE — To go from house to house, from store to store, from place to place or from street to street, or to deal out, distribute or dispense, to sell and make immediate delivery or to offer for sale and delivery any goods, wares, merchandise or provisions, including books or periodicals, in possession of the seller, or any combination thereof, at any place within the Town of North Castle other than from a fixed place of business. The words "peddler," "hawker" and "huckster" are considered synonymous terms.

PERSON — Includes any individual, firm, partnership, corporation, organization, unincorporated association and any principal or agent or employee thereof.

C. References to “license” throughout the chapter have been revised to “permit.”

D. Section 233-3 is amended to read:

A. No person shall peddle or solicit within the Town of North Castle without first obtaining a valid permit as herein provided.

B. No person shall make, place or erect in any highway any stand, wagon, cart or other vehicle or any structure for the sale or offering for sale of any goods, wares or merchandise unless such person shall have obtained a valid permit as herein provided.

E. Section 233-4 is amended to read:

A. Any person desiring a permit shall file with the Town Clerk a written application prescribed by the Town Clerk. Such application shall include but not be limited to the following information:

(1) The full name of the applicant organization, as well as the full names of all those who will engage in peddling and soliciting in the Town for the applicant, including any nicknames commonly used, home address, telephone number, mobile telephone number used on a regular basis, date of birth and social security number.

(2) A description of the type of goods, wares or merchandise which the applicant wishes to sell or solicit orders for or the type of service for which the applicant wishes to sell or solicit orders.

(3) The number and description of vehicles to be driven by the applicant or in which the applicant will be transported in the solicitation, peddling or canvassing, the registration data for each such vehicle, and the license data as to all operators of such vehicles.

(4) The County Health Department permit number, if a food vendor.

(5) Current tax status (i.e., whether tax-exempt, not-for-profit, etc.).

(6) Proof of registration with the Department of State Office of Charities Registration and/or the Attorney General Charities Bureau, if applicable.

(7) If peddling or soliciting for a corporation, the date and state in which it is incorporated, a copy of the certificate of incorporation, and the name, address, date of birth and social security number of all officers.

(8) Whether or not the person applying for the permit and each assistant and employee who shall engage in peddling within the Town has ever been convicted of any crime and, if so, under what name, with a listing of such convictions or other disposition thereof, including the crime, jurisdiction, date and sentence imposed and the name and location of the court where such record is on file and may be verified.

(9) A statement whether any permit similar to or like that provided for in this chapter was issued or denied to the applicant within the current or prior calendar year, whether in the Town of North Castle or elsewhere, and, if issued, whether such permit had been suspended or revoked, and setting forth the reasons for such suspension or revocation.

(10) A list of streets, including address numbers, where the permittee shall conduct business, and the dates and times any soliciting or peddling is to take place.

B. Each applicant must produce a photocopy of a government-issued photo ID for each person who will engage in peddling and soliciting for the applicant. A photocopy will be made of the government-issued photographic identification and maintained with the application. The applicant must furnish conclusive proof of possession of a State of New York sales and use tax permit if applicable.

C. Each applicant applying for the permit and each person who shall engage in peddling and soliciting within the Town shall submit fingerprints to any nationally recognized fingerprinting service.

D. Said application shall not be further entertained by the Town Clerk until the North Castle Police Department shall have had sufficient time to receive results from the fingerprinting service and until said written report of the Police Department has been received by the Town Clerk.

F. Section 233-5B, E, F, G(3) and I are amended to read:

B. No permit shall be granted to any applicant if any person named in the application who is to engage in peddling or solicitation in the Town has a criminal history revealing a conviction for any criminal offense, including but not limited to violent crimes, sexual assault, possession of a controlled substance, theft, fraud or burglary.

** * * * **

E. If, as a result of such investigation of each applicant and any person who is to engage in peddling and soliciting in the Town, no such convictions referred to in Subsection B are found to exist, the Police Department shall attach a statement to the application that it has no record of the applicant and shall return said application to the Town Clerk. No permit shall be issued under the provisions of this chapter until the Police Department has submitted the written report referenced in this section.

*F. The Town Clerk shall deny an application and refuse a permit in the event of an unsatisfactory police report or if the applicant refuses to complete the application in all respects or if there have been two or more **verified** complaints filed against a previously licensed permittee within the prior year. A false statement contained in any application shall be*

mandatory grounds for the rejection of such application by the Town Clerk and may lead to criminal sanctions against the applicant where applicable.

* * * * *

G.

(3) If, within the preceding 12 months, there have been two or more complaints against the applicant and any person engaged in peddling and soliciting for the applicant in the Town.

* * * * *

I. Upon approval of the application by the Town Clerk and the payment of the prescribed permit fee as set forth in the Master Fee Schedule by the applicant, the Town Clerk shall prepare and deliver to the applicant his permit. Such permit shall bear the words "peddler or solicitor," contain the Seal of the Town of North Castle and the signature of the issuing officer, and shall show the name, address and photograph of the permittee, the kind of goods to be peddled or solicited thereunder, the amount of fee paid, the permit number, the date of issuance and the date of expiration of such permit, as well as the state license number or other identifying description of vehicles, if for a vehicular license. Such permit shall be kept on the person of the permittee, assistant and/or employee during such time as said permittee is plying his trade.

G. Section 233-6 is amended to read:

A. A permit fee as provided for in the Master Fee Schedule shall be paid upon approval of the permit application.

B. No permit shall issue and none shall be valid for a period longer than one year from the date of issuance, but in no event longer than until the 31st day of December of the year issued.

H. Section 233-7 is amended to read: *Any permittee under this chapter who loses his permit must submit an affidavit setting forth the facts surrounding the loss of said permit. The Town Clerk shall issue a replacement, upon payment by the applicant of a replacement permit fee as set forth in the Master Fee Schedule.*

I. Section 233-12A(3) and (7)/(8) are amended to read:

(3) A photocopy of each registrant's government-issued photo ID and a photocopy of each canvasser's government-issued photo ID;

* * * * *

(7) A list of streets, including house address numbers, where the canvassing shall take place, and the dates and times any canvassing is to take place. [Combines former Subsection A(7) and (8).]

J. Section 233-12D is amended to read: Upon receipt of a completed application, favorable report of the Police Department's investigation, and upon compliance with all the requirements of this chapter, the Town Clerk shall officially recognize the registration of the subject canvasser, specifying the particular canvassing authorized. The date of the recognition and expiration of the registration, the name and specific nature of the canvassing organization, as well as the canvasser's name and photograph, and a list of those persons engaging in canvassing in the Town shall be provided for each canvasser by its canvassing organization.

K. Section 233-13A, C, D are amended to read:

A. *Peddling, soliciting or canvassing (with a permit or without, in the case of canvassing) shall be undertaken only between the hours of 10:00 a.m. and 7:30 p.m. or sunset, whichever occurs first, and such permit shall not be valid for use by the holder on Sundays or federal holidays.*

* * * * *

C. *No peddler, solicitor or canvasser shall frequent any particular residence, street, sidewalk or public place so as to cause a private or public nuisance. If any permittee has been refused or denied access to a private residence, it shall be unlawful for him, or any assistant or employee, to reenter the property.*

D. *It shall be unlawful for any peddler, solicitor or canvasser in plying his trade to enter upon any premises or property or to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No peddlers, no solicitors, no agents," or words of like intent, or remain on the premises after the owner or occupant requests their departure from the property.*

L. *Section 233-15 is amended to read: Any honorably discharged veteran of the armed services of the United States who has obtained a veteran's permit from the Westchester County Clerk to hawk, peddle, vend or solicit trade, in pursuance of law, on the streets and highways of the Town of North Castle must file a further application with the Town Clerk for the issuance of a local permit under the same conditions as any other peddler or solicitor. No fee shall be required of any such veteran of the armed forces of the United States.*

M. *Section 233-18 is amended to read: It shall be the duty of any police officer of the Town of North Castle to require any person seen peddling or soliciting to produce his peddler's and solicitor's license or canvasser's registration and to enforce the provisions of this chapter against any person found violating the same. The North Castle Police Department shall be the enforcement agency of this chapter.*

N. *Section 233-19, pertaining to insurance, is amended to read: Before any permit, as provided by this chapter, shall be issued, the applicant shall file with the Town Clerk a certificate of insurance naming the Town of North Castle, its officers, employees, agents and assigns as the additional named insured, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the permittee shall provide certificates of insurance in the requested amounts.*

O. *Section 233-22A(5) and D is amended to read:*

A. . . .

(5) The accumulation of two or more verified complaints made to the Police Department and/or the Town Clerk's office.

* * * * *

D. *If the Clerk revokes a permit, the fee already paid for the permit shall be forfeited. A person whose permit has been revoked under this section may not apply for a new permit for a period of one year from the effective date of revocation.*

Chapter 241, Property Maintenance.

Article I, Landfills; Littering and Dumping.

Section 241-4P(2) is amended to read: *Application shall be made to the Town Engineer upon application forms to be supplied by the Town Clerk. Fees as set forth in the Master Fee Schedule shall be paid to the Town Clerk upon application for filling operations.*

Chapter 241, 250 Sewers.

Part 1, Sewer District No. 1.

A. Section 250-10, the last sentence is amended to read: *A permit therefore shall be obtained from the ~~Superintendent~~ **Director of Water and Sewer Operations of the Town or his authorized deputy, agent or representative**, before the installation thereof and payment of an inspection fee as set forth in the Master Fee Schedule paid to the ~~Superintendent~~ **Director of Water and Sewer Operations before such permit is issued.***

B. Section 250-11, the last sentence is amended to read: *A permit for such installation shall be obtained from the Superintendent before the installation thereof and an inspection fee as set forth in the Master Fee Schedule paid to the ~~Superintendent~~ **Director of Water and Sewer Operations of the Town or his authorized deputy, agent or representative**, before such permit is issued.*

C. Section 250-24, the last sentence is amended to read: *The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the ~~Superintendent~~ **Director of Water and Sewer Operations of the Town**. A permit and inspection fee as set forth in the Master Fee Schedule for a residential or commercial building sewer permit or as set forth for an industrial building sewer permit shall be paid to the Town at the time the application is filed.*

D. Section 250-27, Scavengers

~~– DELETE this section. – the first sentence is amended to read: *Scavengers must obtain a permit, revocable on five days' notice, from the Superintendent, at an annual fee as set forth in the Master Fee Schedule for the use of sewer mains for the disposal of cesspool wastes.*~~

Part 3, Sewer District No. 2.

In § 250-52A, the definition of “Superintendent” is revised to read: *The Director of Water and Sewer Operations of the Town or his authorized deputy, agent or representative.*

Part 4, Sewer District No. 3.

In § 250-102A, the definition of “Superintendent” is revised to read: *The Director of Water and Sewer Operations of the Town or his authorized deputy, agent or representative.*

Chapter 259, Solid Waste and Recycling.

This chapter is adopted to read as follows:

§ 259-1. Title.

This chapter shall be known as the "Solid Waste and Recycling Ordinance."

§ 259-2. Purpose.

A. The purpose of this chapter is to provide for the disposal of all solid waste and recyclables generated in this municipality, in compliance with federal and state standards for the control of air, water and ground pollution, through participation in the Plan for Solid Waste Management in Westchester County, New York, dated May 7, 1974, adopted by the Westchester County Board of Legislators by Resolution No. 162-1974, and to be consistent with the quantitative goals set forth in the December 2010 report published by the New York State Department of Environmental Conservation, "Beyond Waste: A Sustainable Materials Management Strategy for New York State."

B. The Town of North Castle seeks to maintain and promote the orderly collection of solid waste and recyclables from residential and commercial entities in the most efficient and economical manner possible, while at the same time serving the public convenience and promoting the recycling of glass, metal, plastics, newspapers, cardboard and other designated materials. This chapter, therefore, embodies the Town's standards, requirements and procedures for the regulation of solid waste collection and recycling within the Town.

C. Incremental steps are envisioned that will allow the Town to make progress toward the above goals, which include the following elements that may be implemented from time to time by the Town Board:

(1) Data collection. The collection and analysis of information in hauler monthly reports, which will enable the Town to develop baseline tonnage information, to track progress toward waste reduction goals and for comparison with data from other municipal, county, state and national sources.

(2) Waste reduction initiatives. The Town Board will encourage residents and businesses to reduce generation of wastes by waste reduction initiatives such as e-waste and scrap metal collection, Zero Waste Day, electronic filings, backyard composting, recycling of textiles, etc.

§ 259-3. Definitions.

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

BULK CONTAINER — A receptacle commonly used for storage of bulk and/or construction and demolition waste, as defined herein, and otherwise referred to as "dumpster."

BULK WASTE — Household solid waste that exceeds the capacity of thirty-two-gallon containers.

CARDBOARD/PAPER RECYCLABLES — Newspapers, magazines, phone books, catalogs, ledger/office paper, writing paper, junk mail, cardboard, food boxes, gift and shoe boxes, unsoiled pizza and bakery boxes, all of which must be clean, dry and free of any liquid or other contamination, and deemed to have recycling value.

CONSTRUCTION AND DEMOLITION WASTES — Lumber, concrete, pipe, brick, masonry, fencing, windows, stone and other waste materials generated during construction, remodeling, renovation or demolition projects.

HAULER — A person, partnership, company or corporation licensed by Westchester County to provide either residential and/or commercial solid waste and recyclables collection services, including the collecting, storing, transporting and disposal of solid waste and recyclables. The terms "collector" or "carter" shall be interchangeable with "hauler."

HAZARDOUS WASTE — Waste meeting the New York State definition of household hazardous

wastes (HHW): pesticides, corrosives, pool chemicals, driveway sealers, hazardous paints and stains, compact fluorescent lamps (CFLs) and ballasts, photography chemicals, nonrechargeable hazardous batteries (both household and automotive), products containing mercury, and propane gas cylinders (that still contain propane).

NON-YARD ORGANIC WASTES — Food waste organics, soiled or food-contaminated paper materials and compostable paper products. These materials are considered to be solid waste until such time as outlets for composting or otherwise processing or recycling them become available.

PERSON — Any resident, property owner, tenant or occupant, commercial business owner, operator, employee or agent acting on its behalf, or any hauler.

RECYCLABLES/MIXED RECYCLABLES

A. The following materials may be mixed together in one container for pickup:

(1) Glass bottles and jars, clean and free of food particles and other residues, uncontaminated and deemed to have recycling value. This shall include but not be limited to: glass food bottles and jars, juice bottles, liquor bottles, baby food jars, soda bottles and wine bottles, but shall not include ceramics, crystal, glass doors, light bulbs, mirrors, Pyrex, window panes or windshields.

(2) Metal cans and foil, free of food particles and other residue, uncontaminated and deemed to have recycling value. This shall include but not be limited to: metal food cans, soda cans, pet food cans, metal juice containers, aluminum foil and trays, aluminum cans and empty aerosol cans, but shall not include batteries, oil, paint cans or hazardous chemical containers.

(3) Plastic containers, numbers 1 through 7, clean and free of any food particles or residue, uncontaminated and deemed to have recycling value. This shall include but not be limited to: plastic soda bottles, liquor bottles, juice bottles, detergent bottles, wax-coated containers used for milk, juice, ice cream, frozen foods and butter, aseptic box containers used for juice, soup and broth, all plastic bags numbered 1 through 7, but shall not include Styrofoam or packing peanuts.

B. For purposes of residential pickup only, all recyclable materials identified in Subsection A(1) to (3) of this definition and all paper recyclables, as defined below, may be placed in the same container or receptacle for pickup. Nothing in this section shall preclude the Town of North Castle from requiring residents to resume dual-stream recycling.

SINGLE-STREAM RECYCLABLES — A combination of cardboard/paper recyclables with mixed recyclables.

SOLID WASTE — Includes all manner of useless or unwanted or discarded solid or semisolid nontoxic, domestic, commercial, industrial, institutional, construction and demolition waste materials commonly referred to as garbage or trash, but does not include: recyclables, yard waste, hazardous, toxic, chemical, explosives, ammunition, asbestos, bulk metal, construction and demolition waste, electronic waste, empty propane tanks, household medical waste, radioactive material, tires, used oil, white goods, human or rendering wastes.

SOLID WASTE FACILITY — Includes any fixed facility that is established, maintained and operated, either as its primary function or in support of some other facility or operation, for the transfer, treatment, disposal or salvage of solid waste. It includes, but is not limited to, any facility that is established for the purpose of transferring, bailing, composting, incinerating, recycling, separating, salvaging, shredding or landfilling any solid waste or any combination of functions thereof, including stationary compactors located at points of collection.

YARD WASTE — Brush, leaves, grass trimmings and tree trimmings.

§ 259-4. Curbside collection.

A. The commingling of mixed recyclables with solid waste left for collection by the hauler is prohibited.

B. All residents of the Town shall place items for collection at the side of the road fronting their residences or at such other location at or near the residence agreeable to the hauler who is collecting the material.

C. The Town has a service agreement for the collection and transfer of solid waste and mixed recyclables with a hauler. The hauler will provide collection service for all residential and those commercial parcels within the Town of North Castle requesting service.

D. Collection of solid waste and mixed recyclables shall occur in accordance with a schedule advertised by the Town.

E. Ownership of recyclables set out for collection shall thereupon vest in the Town. It shall be unlawful for a person to collect, remove or dispose of recyclables which are the property of the Town without first having obtained the required license or permit. A hauler who collects or removes recyclables belonging to the Town shall deliver and dispose of the same at such locations and in such manner as the Town shall designate.

§ 259-5. Preparation of solid waste and recyclables for collection.

A. The commingling of recyclables with solid waste is prohibited. The owners, lessees or occupants of all residences and any commercial entities within the Town who receive collection services shall participate in the Town's recycling program. All solid waste and mixed recyclables shall be properly separated and placed curbside, or at such other accessible location specifically agreed to by the hauler, for collection. However, nothing in this chapter shall prohibit the return of bottles or cans for payment of deposit paid.

B. Solid waste and recyclables will be collected once per week per an established schedule or as otherwise agreed to between the hauler and the resident.

C. Residents shall use approved containers for storage of household solid waste, except as hereinafter provided. Mixed recyclables must be placed in containers labeled as recyclables or recycling. No other material of any kind shall be intermingled with the mixed recyclables. Containers shall be practical, suitable and of sufficient strength for the purpose of holding the material intended to be disposed of, shall have a maximum capacity of 32 gallons and a maximum gross weight, when filled, of 60 pounds, and shall be equipped with suitable handles and a tight-fitting cover adequately secured to prevent spillage by dogs, raccoons or other animals. Containers for the storage of solid waste and mixed recyclables shall be kept or placed in a single location readily accessible to the hauler. For curbside collection, containers for each service unit shall be placed at a single collection point within four feet of the curb not later than 7:00 a.m. on scheduled collection days. Containers shall only be permitted at curbside from 4:00 p.m. of the night before a scheduled pickup and must be removed from curbside no later than 12 hours after pickup. For driveway, rear-yard or in-garage pickup, containers shall be placed at the appropriate pickup location no later than 7:00 a.m. on scheduled household solid waste and recycling pickup days. Containers shall be maintained in a sound and sanitary condition by the resident. The Town Board reserves the right to adopt additional rules and regulations to further the purposes and implementation of this chapter.

D. Yard waste and mixed recyclables shall not be intermingled with or placed together for

collection with household solid waste.

E. Bulk household trash is household solid waste that exceeds the capacity of standard thirty-two-gallon containers. Bulk household trash shall be put into other containers, bundled or otherwise secured. Such bundles or containers shall not exceed 60 pounds in weight and shall be limited to three feet in length and three feet in height, width or diameter. Bulk household trash shall be picked up only with prior notice to the hauler. Bulk household trash shall be permitted at curbside no earlier than three days prior to the scheduled collection day and must be at curbside no later than 7:00 a.m. on the scheduled pickup day.

F. For apartments, condominiums and commercial entities with containerized service for household solid waste and recyclables collection by the hauler, containers shall be kept and maintained in a clean and sanitary condition and shall be completely closed at all times, except when actually being used for deposit of solid waste and recyclables, and shall be adequately secured to prevent spillage by dogs, raccoons or other animals.

*G. No **container**, bunker, or any type of enclosure to store containers, shall be permitted at the curb or at any location within the front-yard setback area for the zoning district in which the residence is located, and said location shall not be visible from the road to the maximum extent practicable.*

§ 259-6. Preparation of brush and yard waste.

A. Brush shall be placed at the curb for scheduled collection by the Highway Department with the cut ends facing the road. Branches shall not be longer than four feet in length nor four inches in diameter. Brush piles (one per lot) shall not be larger than four feet tall and 30 feet long. Whole trees, logs and stumps will not be collected. Small branches and vines shall be bundled and tied or put in biodegradable bags.

B. Other vegetative yard waste, including leaves and grass clippings, shall be bagged using biodegradable bags and placed curbside for scheduled collection. The filled bags shall weigh no more than 40 pounds and shall not contain household debris, plastic flower pots, garbage, diapers, etc. Christmas tree pickup shall be performed by the Highway Department seasonally, pursuant to a schedule established by the Highway Department.

C. Brush shall be curbside by Monday of the scheduled pickup week and no earlier than one week prior to scheduled pickup, as described in the North Castle Brush Pickup Schedule.

§ 259-7. Vegetative yard waste.

Nothing in this chapter shall be construed as preventing any person from utilizing vegetative yard waste for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes.

§ 259-8. Enforcement; rules and regulations.

The Code Enforcement Officer is authorized to enforce the provisions of this chapter and to administer the recycling programs established herein.

§ 259-9. Unlawful activities.

A. It shall be unlawful for any person:

(1) Other than those persons so authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling collection area pursuant to this chapter.

(2) To violate or to cause or to assist in the violation of any provision of this chapter or any implementing rule or regulation promulgated by the Town or its duly appointed agent.

(3) To place or to cause to be placed any material other than a designated recyclable in or near a recycling collection area.

(4) To hinder, obstruct, prevent or interfere with this Town, or any other authorized persons in the performance of any duty under this chapter or in the enforcement of this chapter.

B. All unlawful conduct set forth in this section shall constitute a violation.

§ 259-10. Refusal to collect.

The hauler, or any licensed entity collecting solid waste and recyclables within the Town, may refuse to collect solid waste from any person who has failed to source-separate recyclables from solid waste designated under an applicable section of this chapter.

§ 259-11. Existing contracts.

A. Nothing contained in this chapter shall be construed to interfere with or in any way modify the provisions of any existing contract in force in the Town on the effective date of this chapter.

B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this chapter unless renewal of such contract shall conform to the requirements of this chapter.

§ 259-12. Penalties for unlawful conduct.

A. Any person who engages in unlawful conduct as defined in this chapter may, upon conviction thereof in a proceeding before a court of competent jurisdiction, be deemed guilty of a violation, punishable as follows:

(1) For a first conviction, by a fine of not less than \$25 nor more than \$50.

(2) For a second conviction, by a fine of not less than \$100 nor more than \$200.

(3) For a third conviction, by a fine not less than \$250 nor more than \$300.

B. Each continuing day of violation of shall constitute a separate offense.

§ 259-13. Injunctions; concurrent remedies.

A. In addition to any other remedy provided in this chapter, the Town may institute a suit in equity where unlawful conduct exists, as defined in this chapter, for an injunction to restrain a violation of this chapter.

B. The penalties and remedies prescribed by this chapter shall be deemed concurrent. The existence or exercise of any remedy shall not prevent this Town from exercising any other remedy provided by this chapter or otherwise provided at law or equity.

§ 259-14. Construal of provisions.

The terms and provisions of this chapter are to be liberally construed so as best to achieve and effectuate the goals and purposes hereof.

§ 259-15. Appeals; variances.

The Town Board shall have the power to hear and decide appeals and requests for variances from the requirements of this chapter upon its determination in its absolute legislative discretion where such variance or modification is appropriate so as not to cause undue hardship. The Town Board, upon receiving any application for such variance or modification, shall place the application on the next agenda of the Town Board for a determination.

A. Residential collection practice by hauler.

(1) Collection of solid waste and recyclables from private residences shall be made not less than once per week in accordance with the hauler's published schedule. Construction and demolition wastes shall be collected and billed separately by private arrangement between resident and hauler.

(2) The hauler shall publish, post and distribute annually, and in advance, a schedule of days for the collection of solid waste and recyclables. The schedule shall specifically state any exceptions to the regular schedule.

B. Commercial collection practice by the hauler.

(1) Collection of solid waste and recyclables from commercial service stops shall be made not less than once per week.

(2) The hauler shall furnish a single two-cubic-yard metal container at each commercial service stop. Any solid waste and recycling in addition to the two-cubic-yard container per commercial customer shall be collected by separate agreement between the hauler and the commercial customer or, at the discretion of the customer, by another hauler.

(3) Collections of solid waste and recyclables from commercial establishments shall be made on any weekday, and the frequency thereof, as required, shall be agreed upon between the hauler and the customer. No hauler shall commence work before 7:00 a.m. nor continue after 7:00 p.m. No collections may be made on Sundays.

C. Condition of vehicles. All vehicles used in the transportation of solid waste and recyclables and other material within the Town of North Castle shall be kept in a sanitary condition and shall be so constructed as to prevent leakage in transit. Vehicles shall be maintained in such condition so as to prevent mechanical breakdown and disruption of service. The body of the truck shall be wholly enclosed or shall at all times be kept covered with an adequate cover, or a canvas cover, provided with eyelets and rope for tying it down. Loading of vehicles shall be done in such a manner as to prevent spilling or loss of contents.

D. Hours of operation for residential collection. No hauler shall commence work before 7:00 a.m. nor continue after 7:00 p.m. No collections may be made on Sunday.

E. Transfers. Transfers of any and all material between trucks shall only be done at locations as may be specified by the Town Board.

F. Disposal. All solid waste and recyclables collected hereunder shall be hauled to a designated disposal facility approved by Westchester County. The schedule of operation and all matters pertaining to the control and operation of the disposal facility shall be under the supervision of the custodian of the facility.

G. Availability of service. No licensed hauler shall unreasonably refuse service to any resident requesting collection service within the area as set forth in the application of the collector for a license under this chapter.

H. In the event that a commercial garbage collection vehicle breaks down or otherwise becomes

inoperable while in service, such vehicle shall either be repaired or towed away within four hours of the breakdown, and failure to so remove said vehicle shall constitute a violation of this chapter.

§ 259-16. License required; applications; fees; conditions.

A. License required. It shall be unlawful for any commercial collection vehicle to collect solid waste and recyclables within the Town without first obtaining a license from the Town. Said license shall issue if the following conditions are met:

(1) The applicant must submit an application for a license to collect solid waste in the Town to the Highway Department; and

(2) The commercial collection vehicle must pass an inspection conducted by the Highway Department.

B. Application. Application for a license to collect solid waste and recyclables shall be made at the office of the Highway Department of the Town of North Castle on forms provided by said office. The applicant shall file with his application certificates of insurance as hereinafter set forth, evidence of good standing with the Westchester County Solid Waste Commission, and shall pay the required license fee. Upon receipt of such application properly executed, the Highway Department shall have the opportunity to conduct inspections of the applicant's vehicles. Upon satisfactory inspection and approval from the Highway Department, a representative from the Highway Department shall submit the application with a recommendation, along with the requisite fees and certificates of insurance, to the Town Clerk for placement on an agenda of the Town Board for approval. The approval at a Town Board meeting shall include a determination by the Town Board that the applicant is in good standing with the Westchester County Solid Waste Commission and has the capability, financial capacity and equipment to perform the services required of a licensee hereunder. Upon approval by the Town Board, a vehicle sticker shall be issued by the Highway Department and must be displayed on the collection vehicle.

C. License. Upon approval by the Town Board, the Town Clerk will issue the, license with copies to the Police Department, the Building Department and the Highway Department.

D. Insurance.

(1) Certificates of insurance shall be filed with the application and shall be executed by an authorized representative of a duly qualified insurance company, licensed to do business in the State of New York, evidencing that said insurance company has issued liability and property damage insurance policies covering the following:

(a) All operations of the applicant, or any other person, firm or corporation employed by him, in the collection of solid waste and recyclables within the corporate limits of the Town of North Castle.

(b) The disposal of such solid waste and recyclables to and within the designated and approved disposal area.

(c) Protecting the public and any person from injuries or damages sustained by reason of carrying on the work of solid waste and recyclables collection and disposal.

(2) The applicant shall, at its sole expense, maintain insurance for the term of the license on its own behalf and furnish to the Town of North Castle certificates of insurance, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case

require insurance coverage in greater amounts than the Town's minimum insurance requirements, the applicant shall provide certificates of insurance in the requested amounts. Written notice shall be given the Town Clerk 30 days prior to any change in the conditions of the certificate or any expiration or cancellation thereof.

E. Issuance of license. Upon receipt of approval from the Town Board, the filing of the proper certificates of insurance, payment of the license fee, and establishing that the applicant is in good standing with the Westchester County Solid Waste Commission, the Town Clerk shall thereupon issue the applicant a license. All licenses shall expire on March 31 of the year following issuance, and renewal applications therefor shall be filed not later than 30 days prior to the licensing period. Such license of all persons and/or corporations licensed under this chapter may be renewed for a term of one year upon the payment of the fee herein provided, provided that there has been satisfactory compliance with this chapter by the collector during the previous license period and the licensee remains in good standing with the Westchester County Solid Waste Commission.

F. A deposit and fee shall be charged in connection with the review of all solid waste and recyclables license applications and other actions of the Town described in or contemplated by this chapter in such amounts as set forth in the Master Fee Schedule.

G. Assignment. No license issued hereunder shall be assigned, sold or transferred without the written consent of the Town Board.

H. Complaints. Each hauler licensed hereunder shall provide an adequate and prompt response to all complaints from patrons on missed service and improper handling. Such service shall also be promptly available to service complaints from any resident or Town official for any material deposited improperly within the limits of streets or highways during transit. Haulers' telephone numbers shall be on file with the Town Clerk's office. Haulers shall remedy all complaints within 24 hours following receipt thereof, excepting Sundays. The licensee hereunder shall have available and shall furnish to the Clerk's office a list of complaints received each week, which list shall contain the date of the alleged complaint and the name of the complainant and the nature of the alleged complaint and the manner in which it was resolved.

I. Responsibility for administration. The licensee shall be directly responsible to its customers and to the Town Board of the Town of North Castle and shall collect and dispose of solid waste and recycling in accordance with the rules and regulations as to service and rates of charge as herein stated or as may be subsequently approved by the Town Board.

§ 259-17. Penalties for offenses.

*Unless otherwise provided in this chapter, any ~~person~~ **hauler** violating this chapter shall, upon conviction, be guilty of an offense and shall be subject to a fine of not less than \$100 for each offense and a mandatory fine of \$250 for each subsequent offense and, if a licensed hauler, may be subject to revocation of its license granted hereunder, as determined by the Town Board after a public hearing held on notice to the hauler.*

Chapter 263, Special Events.

A. Section 263-4F is amended to read: Prior to commencement of any event and until completion of the event, the sponsor shall, at its sole expense, maintain insurance on its own behalf and furnish to the Town of North Castle certificates of insurance from an insurance company licensed to do business in New York State, in accordance with the Town's minimum

insurance requirements, together with an indemnification and hold harmless agreement. Should it be determined that the extent of the operations in any particular case require insurance coverage in greater amounts than the Town's minimum insurance requirements, the sponsor shall provide certificates of insurance in the requested amounts.

B. Section 263-4L(3) is amended to add to the public hearing mailing requirements “at least 10 days before the scheduled hearing.”

Chapter 267, Stormwater Management.

A. Section 267-3B(1) and (2) is amended to read:

B. Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare of the public residing within this jurisdiction and to address the findings of fact identified in § 267-3 of this chapter. This chapter seeks to meet those purposes by achieving the following objectives:

(1) Meet the requirements of Minimum Control Measures four and five of the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-15-003, or as amended or revised;

(2) Require land development activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, Permit No. GP-15-002, or as amended or revised;

B. Section 267-3C(5) is added to read: *The provisions of this chapter shall not apply to any project that has been physically completed prior to the effective date of this chapter.*

C. Section 267-3C(6) is added to read:

(6) A project that was approved prior to the effective date of this chapter, but which is not in conformity with the provisions of this chapter, may be continued, subject to the following:

(a) All such activities shall continue to be governed by the present regulations of the Town of North Castle.

(b) No such activity shall be expanded, changed, enlarged or altered without compliance with this chapter.

(c) If such activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this chapter.

(d) If any use or activity is destroyed by human activities, a force of nature or an act of God, it shall not be resumed except in conformity with the provisions of this chapter.

D. In § 267-4B, the definitions of “construction activity,” “green infrastructure practice,” “industrial activity,” “land development activity,” “larger common plan of development or sale,” “point source pollution,” “qualified inspector,” “qualified professional,” “SPDES general permit for construction activities GP-15-002,” “SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems GP-15-003,” “stabilized,” “stormwater pollution prevention plan (SWPPP),” and “trained contractor” are amended or added to read:

CONSTRUCTION ACTIVITY — Activity requiring authorization under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-15-002, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

GREEN INFRASTRUCTURE PRACTICE — As set forth in Chapter 5 of the New York State Stormwater Management Design Manual.

INDUSTRIAL ACTIVITY — Activities requiring the NYSDEC SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, GP-0-12-001, as amended or revised

LAND DEVELOPMENT ACTIVITY — Construction activity, including clearing, grubbing, grading, filling, excavating or stockpiling activities, that results in soil disturbance equal to or greater than 5,000 square feet. Clearing activities include, but are not limited to, logging equipment operations, the cutting and skidding of trees, and stump removal and/or brush root removal. Land development activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE — A contiguous area where multiple separate and distinct land development activities are occurring, or will occur, under one plan. The term "plan" in "larger common plan of development or sale" is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQRA) application, zoning request, computer design, etc.) or physical demarcation (including signs, lot stakes, surveyor markings, etc.) indicating that land development activities may occur on a specific plot. For discrete construction projects that are located within a "larger common plan of development or sale" that are at least 1/4 mile apart, each activity can be treated as a separate plan of development or sale, provided any interconnecting road, pipeline or utility project that is part of the same common plan is not concurrently being disturbed.

POINT SOURCE POLLUTION — Pollution from a single identifiable localized source, typically a discernible, confined and discrete conveyance.

QUALIFIED INSPECTOR — A person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed professional engineer, certified professional in erosion and sediment control (CPESC), registered landscape architect, or other NYSDEC endorsed individual(s). It can also mean someone working under the direct supervision of, and at the same company as, the licensed professional engineer or registered landscape architect, provided that person has training in the principles and practices of erosion and sediment control. Training in the principles and practices of erosion and sediment control means that the individual working under the direct supervision of the licensed professional engineer or registered landscape architect has received four hours of NYSDEC endorsed training in proper erosion and sediment control principles every three years.

QUALIFIED PROFESSIONAL — A person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed professional engineer, registered landscape architect or other NYSDEC endorsed individual(s). Individuals preparing SWPPPs that require post-construction stormwater management practices must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design and, in many cases, the principles of hydraulics, in order to prepare a SWPPP that conforms to the NYSDEC's

technical standard. All components of the SWPPP that involve the practice

of engineering, as defined by the New York State Education Law, shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-15-002 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land, or 5,000 square feet or more within the New York City east of Hudson Watershed.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-15-003 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZED — That all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a minimum density of 80% over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock riprap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities, prepared in conformance with this chapter, the SPDES General Permit for Construction Activities, and applicable NYSDEC technical standards.

TRAINED CONTRACTOR — An employee from the contracting (construction) company that has received four hours of NYSDEC-endorsed training in proper erosion and sediment control principles. After receiving the initial training, the trained contractor shall receive four hours of training every three years. It can also mean an employee from the contracting (construction) company that meets the qualified inspector qualifications as defined here.

E. Section 267-5 is amended to read:

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until either the SMO or the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter. For projects also requiring coverage under the SPDES General Permit for Construction Activities, applications must also be accompanied by all related NYSDEC forms and certifications.

B. All SWPPPs shall be prepared by a qualified professional, as defined in § 267-4 of this chapter.

C. All SWPPPs shall be prepared in conformance with this chapter, the SPDES General Permit for Construction Activities, and the NYSDEC technical standards, as applicable.

D. Contents of stormwater pollution prevention plans.

(1) All SWPPPs shall provide the following background information and erosion and sediment controls:

(a) Background information about the scope of the project, including location, type and size of project;

(b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s);

(c) Description of the soil(s) present at the site;

(d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless a greater amount is determined necessary pursuant to an approved SWPPP;

(e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

(f) Description of construction and waste materials expected to be stored on site, with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

(g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project closeout;

(h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

(j) Temporary practices that will be converted to permanent control measures;

(k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place;

(l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(m) Name(s) of the receiving water(s);

(n) Delineation of SWPPP implementation responsibilities for each part of the site;

(o) Description of structural practices designed to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable;

(p) Any existing data that describes the stormwater runoff at the site; and

(q) Post-construction stormwater quantity and quality controls, at the discretion of the SMO and/or the Town Engineer, may be required.

(2) Post-construction stormwater management practice component.

(a) All construction projects identified as needing post-construction stormwater management practices pursuant to the SPDES General Permit for Construction Activities shall prepare a SWPPP that includes practices designed in conformance with the Design Manual, including green infrastructure practices, in addition to the items listed under § 267-5D(1) above. Where post-construction stormwater management practices are not designed in conformance with this technical standard, the applicant must demonstrate equivalence to the technical standard.

(b) At a minimum, the post-construction stormwater practice component of the SWPPP shall include the following:

[1] Identification of all post-construction stormwater management practices to be constructed as part of the project.

[2] Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.

[3] Hydrologic and hydraulic analysis for all structural components of the stormwater management control system for the applicable design storms. The analysis shall include tributary area maps with two-foot contours for the predevelopment and post-development conditions.

[4] Detailed summary (including calculations) of the sizing criteria that was used to design all post-construction stormwater management practices. At a minimum, the summary shall address the required design criteria from the applicable chapter of the Design Manual; including the identification of and justification for any deviations from the Design Manual, and identification of any design criteria that are not required based on the design criteria or waiver criteria included in the Design Manual.

[5] Identification of any elements of the design that are not in conformance with the Design Manual. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards.

[6] Comparison of post-development stormwater runoff conditions with predevelopment conditions.

[7] Dimensions, material specifications and installation details for each post-construction stormwater management practice or facility.

[8] Site maps must include existing topography with two-foot contours, a proposed grading plan with a limit of disturbance line, and the calculated area of disturbance in acres.

[9] An operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice or facility. The plan shall identify the entity that will be responsible for the long-term operation and maintenance of each practice.

[10] Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.

[11] Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 267-7 of this chapter.

(3) Enhanced phosphorus. All projects that are required to conform to the Enhanced Phosphorus Removal Standards, pursuant to the SPDES General Permit for Construction Activities, shall

prepare a SWPPP that includes post-construction stormwater management practices designed in conformance with the Enhanced Phosphorus Removal Standards included in the Design Manual. At a minimum, the post-construction stormwater management practice component of the SWPPP shall include items D(2)(b)[1] through D(2)(b)[11] above.

E. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

F. Contractor certification.

(1) All certifications required pursuant to the SPDES General Permit for Construction Activities shall be submitted, endorsed and incorporated into the SWPPP.

(2) Each contractor and subcontractor identified in the SWPPP who will be responsible for installing, constructing, repairing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP and the post-construction stormwater management practice installation must sign and date a copy of the following contractor certification statement before undertaking any land development activity: "I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings."

(3) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm, the address (or other identifying description) of the site, and the date the certification is made.

(4) The certification statement(s) shall become part of the SWPPP for the land development activity.

G. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

F. Section 267-7A is amended to read:

A. Maintenance and inspection during construction.

(1) Inspection requirements shall be as specified within the SPDES General Permit for Construction Activities.

(2) The applicant or developer of the land development activity or his or her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(3) The applicant/developer must ensure that all erosion and sediment control practices and all post-construction stormwater management practices identified in the SWPPP are maintained in effective operating condition at all times.

(4) The applicant/developer shall inspect, in accordance with the requirements of the most current version of the Erosion Control Manual, the erosion and sediment controls identified in the SWPPP to ensure that they are being maintained in effective operating condition at all times. The applicant/developer shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the trained contractor. The applicant/developer shall ensure that at least one trained contractor is on site on a daily basis when soil disturbance activities are being performed.

(5) For land development activities that disturb one or more acres of land, the applicant shall have a qualified inspector conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven calendar days. Inspection reports shall be prepared in compliance with standards outlined within the SPDES General Permit for Construction Activities. Inspection reports shall be maintained on site and copies furnished to the SMO upon request.

(6) Inspections of any post-construction stormwater management practice that includes structural components shall be performed by a New York State licensed professional engineer.

G. Section 267-9A is amended to read: To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-15-003, or as amended or revised.

Chapter 275, Subdivision of Land.

A. Section 275-1 is amended to add the following: This chapter is also intended to supersede and amend inconsistent provisions of Town Law § 276, Subdivision 8, by eliminating the provisions for default approval resulting from the Planning Board's failure to take any action or hold any hearing on a preliminary or final plat within the statutory time periods.

B. Section 275-3 is amended to read as follows:

It is declared to be the policy of the Town Board to consider land subdivisions as part of the orderly and desirable development of land. These regulations provide procedures and standards for the Planning Board in its review of subdivision plats. The intent of these regulations is to encourage the most appropriate and best development of land in order to protect and promote the general health, safety and welfare, which is intended to include the following:

A. To assure that land to be subdivided will produce building sites of such character and area that will permit their development for homes or buildings without danger to health or peril from fire, flood or other menace.

B. To facilitate the adequate and efficient provision of community facilities, services and utilities and require the most desirable and appropriate systems for drainage, water supply, sewage disposal and other needed improvements, including any appropriate parks and playgrounds.

C. To promote the safe and convenient circulation of vehicles and pedestrians and to promote the efficient design, location and construction of roads, streets, sidewalks, pathways, and driveways so as to accommodate current and future needs.

D. To minimize the destruction of the natural character of the land and promote the conservation of all elements of topography and vegetation which contribute to the natural beauty of the land.

E. To provide, through all subdivision planning and development, for the privacy of family residents while enhancing the general appearance of the community.

C. Section 275-12B is amended to read: *If prior to any negotiation for sale or lease of land or the submission of a sketch or preliminary subdivision plat to the Board an applicant or his or her representative presents an informal subdivision for discussion to the Board, it shall be accompanied by a discussion fee as set forth in the Master Fee Schedule.*

D. Section 275-14 is amended to read as follows:

§ 275-14. Sketch plat conference and review.

A sketch plan review is recommended prior to submission of a formal application for subdivision approval. The sketch plan review is intended to reduce the review time for Planning Board consideration of proposed subdivisions by allowing early review of the plan by the Planning Board. Upon the request for sketch plan review, the Planning Board shall notify the applicant of the place, date, and time of the meeting at which the sketch plan is to be considered. The applicant or the applicant's representatives shall be present at the meeting to discuss the application. The sketch plan review shall be limited to a review of the basic concept of the proposal with respect to the minimum area, yard and bulk requirements of the district in which the property is located, and to identify problems with meeting the requirements of this chapter which might occur during formal Planning Board consideration. The sketch plan review and consultation shall be nonbinding. After the sketch plan review, nothing herein shall be construed to prevent an applicant from submitting a formal application for subdivision approval to the Planning Board. Although not required, applicants are encouraged to commence discussions with the owners of land abutting or in proximity to the project site to ascertain local concerns and local development issues early in the project design process.

A. All applicants wishing to be placed on the Planning Board agenda for sketch plan review shall contact the Planning Board with the request. Requests are placed on the agenda in the order they are received.

B. Documentation. Maps showing the property boundaries, general topographic information, approximate location of wetlands and the proposed lot arrangement and locations of new streets must be submitted but need not be in final form. All surveys must bear the signature and seal of a licensed professional engineer or land surveyor. An environmental assessment form must be brought to the same conferences to be reviewed by the Planning Board.

C. Town Engineer, Planning Consultant and Highway General Foreman. Prior to formally submitting the application for preliminary subdivision approval, the applicant, or his or her duly authorized representative, should contact the Highway General Foreman, the Town Engineer and/or the Town Planning Consultant to discuss the proposed subdivision layout and its potential environmental impacts.

D. Health Department. The sketch plat should also be discussed with the Westchester County Health Department, which must eventually approve any final subdivision plat. Particular attention should be paid to the area, grade and type of soil of proposed building sites, and the proper amount of land area for on-site water supply and sewage disposal facilities.

E. Soil and Water Conservation District. The Planning Board may also refer a sketch plat to the Westchester County Soil and Water Conservation District for its review and comments regarding soil types, stormwater drainage, resource conservation and suggested erosion control practices.

F. Conservation Board. Where parcels are 10 acres in area or greater or where such parcels are designated on the Town's Open Space Inventory Map, or where activities are shown

occurring in or adjacent to any controlled areas as defined in Chapter 340, Wetlands and Watercourse Protection, the Planning Board may refer a sketch plat to the Conservation Board for its review and comment.

G. Architectural Review Board. The Planning Board may refer a proposed subdivision to the Architectural Review Board, which shall, within the powers of its mandate, review such subdivision to identify scenic views, important natural features, significant land forms, potential for solar energy exposures and potential building sites.

H. Planning Board. Prior to formally submitting the application for preliminary plat approval to the Planning Board, the applicant, or his or her duly authorized representative, shall meet with the Planning Board to discuss the proposed subdivision layout and its potential adverse environmental impacts, if any.

I. Field trip. After the initial conference, the Planning Board may schedule a field trip to the proposed subdivision site. Prior to this field trip, the Planning Board may require that the center line of any proposed road, common driveways and specific lot locations be staked. At the request of the Planning Board, the applicant, or his or her duly authorized representative, shall attend the field trip.

J. Planning Board recommendations. The Planning Board shall advise the applicant, or his or her duly authorized representative, of the additions and modifications, if any, which should be made if an application for preliminary subdivision approval is to be submitted.

E. Section 275-15 is amended to read as follows:

§ 275-15. Preliminary plat.

A. Application and fee. Prior to the filing of an application for the approval of a final plat for a subdivision, the applicant shall submit an application for approval of a preliminary subdivision plat. All applications for preliminary subdivision approval shall be in writing and on forms and in such quantity as may be prescribed by the Planning Board, together with a fee as set forth in the Master Fee Schedule. The preliminary plat shall in all respects comply with the requirements set forth in this chapter and the provisions of §§ 276 and 277 of the Town Law, except where a waiver of such requirements may be specifically authorized by the Planning Board. Said application shall also conform to the requirements listed in § 275-30.

B. Purpose. The preliminary layout, the application, and all supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board. On the basis of the general design of the subdivision and any proposed or required public improvements, the Planning Board will indicate its approval or disapproval of the preliminary plat prior to the time that the final plat, including the design and detailing of the improvements and utilities, is completed. Approval of the preliminary layout does not constitute an approval of the final plat, nor shall it be considered a valid basis for filing of the preliminary plat with the County Clerk, or the construction of site improvements, or for other commitments which depend upon detailed design characteristics.

C. Receipt. An application submitted under this section shall be deemed received at the next regular meeting of the Planning Board at which the application is to be considered. An application shall be placed on the Planning Board agenda only upon payment of the application fee as set by the Master Fee Schedule, along with an environmental assessment form and the number of copies of the plat map as specified by the Planning Board.

D. Applicant to attend Planning Board meeting. The applicant or his duly authorized representative shall attend meetings of the Planning Board at which the application is considered

to discuss the preliminary plat. Although not required, applicants are encouraged to commence discussions with the owners of land abutting or in proximity to the project site to ascertain local concerns and local development issues early in the project design process.

E. Study of preliminary plat. The Planning Board shall study the proposed preliminary plat, taking into consideration the goals and policies of the Town Comprehensive Plan for the district in which the parcel is located, the needs of the community, the requirements of Chapter 355, Zoning, and this chapter, and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, vehicular and pedestrian access, preservation of natural resources, relationship to improvements on adjacent and neighboring land, drainage, lot sizes and arrangement, and the future development of adjoining lands as yet unsubdivided, including those lands depicted on the Official Map.

F. Look-back provision. Within any ten-year period, no more than 49 lots may be created either simultaneously or sequentially from a parent parcel for which both central sewer and water services do not exist or have not been provided. Should more than that total number of lots be applied for within 10 years of the date of subdivision approval involving the parent parcel, the Planning Board may require the applicant to include a plan for providing central sewer and water services to the previously subdivided lots at no additional cost to their present owners as part of the new application for subdivision approval.

G. Compliance with the State Environmental Quality Review Act. A preliminary plat application shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat application shall begin upon filing of such negative declaration or such notice of completion.

H. Public hearing.

(1) If the Planning Board is lead agency, the time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearing the Planning Board may schedule pursuant to the State Environmental Quality Review Act as follows:

(a) If such Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the Planning Board Secretary; or

(b) If such Board determines that an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.

(2) If the Planning Board is not lead agency, the Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the Planning Board Secretary.

I. Public hearing notice.

(1) Notice of the public hearing shall be advertised at least once in the official Town newspaper(s) at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith, and all property owners of record within a distance of 500 feet from the boundary of the property proposed to be subdivided (200 feet when measured completely within the R-10, R-5 and R-2F Districts) shall be mailed, by first class mail, notice of the hearing, at least 10 days before such hearing. Notice of the hearing shall be mailed by the applicant in official envelopes provided by the Town of North Castle. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a certificate of mailing (PS Form 3817 or 3877), along with a separate typewritten list of all required recipients, prior to the date of the public hearing. The notice of public hearing shall bear the signed approval of the Planning Board Secretary and shall be maintained as part of the Town's records of the proposed subdivision.

(2) The Planning Board Secretary shall be responsible for publication in the official Town newspaper(s) and shall mail to all other required recipients a copy of the public hearing notice.

(3) If the application includes a draft environmental impact statement, then the applicant shall be required to mail said document to all required recipients by registered or certified mail, return receipt requested. All such return receipts shall be presented to the office of the Planning Board, along with a separate typewritten list of all required recipients, prior to the date of the public hearing. The notice of public hearing shall bear the signed approval of the Planning Board Secretary and shall be maintained as part of the Town's records of the proposed subdivision.

(4) The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

J. Review by the Westchester County Planning Board. The Planning Board shall refer to the Westchester County Planning Board for its recommendation on the subject subdivision application pursuant to the applicable regulations.

K. Review by adjacent municipalities. If the land to be subdivided is within 500 feet of any abutting municipality in the county, a notice of the public hearing shall be mailed to both the Westchester County Planning Board and the Town or Village Clerk of such abutting municipality at least 10 days prior to the date of the hearing.

L. Planning Board action.

(1) If the Planning Board is lead agency, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows:

(a) If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, such Board shall make its decision within 62 days after the close of the public hearing; or

(b) If the Planning Board determines that an environmental impact statement is required and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning Board shall issue findings on the final environmental impact statement and make its

decision on the preliminary plat.

(2) If the Planning Board is not lead agency, the Planning Board shall by resolution approve, with or without modification, or disapprove the preliminary plat as follows:

(a) If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the preliminary plat.

(b) If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.

(3) Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the Planning Board Secretary as having been granted preliminary approval and a copy of the plat and resolution shall be filed in such Secretary's office. A copy of the resolution shall be mailed to the owner.

(4) Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution stating the decision of the Board on the preliminary plat, the Chairman or other duly authorized member of the Planning Board shall cause a copy of such resolution to be filed in the office of the Town Clerk.

M. Expiration of approval. Approval of a preliminary plat shall expire six months from the date of approval if no application for final approval is submitted within such period, except where such time limit is extended by the Planning Board upon the written request of the applicant.

F. Section 275-16A, B, C, F(4) and I are amended to read as follows:

A. Application for approval and fee. The applicant shall, within six months after the date of filing of the preliminary plat approval with the Town Clerk, file with the Planning Board an application for approval of all or part of the subdivision plat in final form. All applications for plan approval shall be in writing and on forms and in such quantity as may be prescribed by the Planning Board together with a fee as set by the Town Board. Said application shall also conform to the requirements listed in § 275-33.

B. Purpose. The proposed final plat, together with drawings and documents, shall constitute the complete development of the subdivision proposal, shall include the conditions of the Planning Board's preliminary subdivision approval, and shall include the detailed layout drawings for the public improvements and utilities. The final plat shall be in conformity with the approved preliminary plat. After approval by the Planning Board of this submission, the approved performance surety and the general liability insurance policy as approved by the Town Board shall become the basis for the construction of the subdivision and the inspection services by the Town Engineer or other delegated Town officer. The plat itself must be recorded with the County Clerk to have legal status, and an unrecorded plat shall not be a valid basis for site improvements or other commitments. The plat shall be an accurate survey record of the properties resulting from the subdivision and shall bear the seal and signature of the licensed land surveyor responsible for its preparation.

C. Receipt. An application submitted under this section shall be deemed received at the next regular meeting of the Planning Board at which the application is to be considered. An application shall be placed on the Planning Board agenda only after payment of the application

fee as set by the Town Board and submission of the specified number of copies of the final plat map and any supporting documentation.

* * * * *

F(4) The applicant shall be responsible for the publication notice in the official Town newspaper and shall mail to all other required recipients a copy of the public hearing notice by first class mail at least 10 days before such hearing. Notice of hearing shall be mailed by the applicant in official envelopes provided by the Town of North Castle. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a certificate of mailing (PS Form 3817 or 3877), along with a separate typewritten list of all such required recipients at least 12 days prior to the date of the public hearing. The notice of the public hearing shall bear the signed approval of the applicant or the applicant's appointed representative and shall be maintained as part of the Town records for the proposed subdivision. Following approval of the public hearing notice text, the Planning Board Secretary shall be responsible for publication in the official Town newspaper.

* * * * *

I. Approval of construction plans. The construction plans, revised as necessary to meet the requirements of the Planning Board resolution, shall be endorsed by the Town Engineer as approved and in compliance with the requirements of said resolution and the construction standards of the Town Engineer prior to the signing of the plat.

G. Section 275-16N is added to read as follows: Performance surety and estimate of cost of improvements. The Planning Board may require as a condition of final plat approval that the owner/applicant establish or provide a cash escrow account, performance bond or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the required public improvements associated with development of the plat. The surety shall name the Town as beneficiary, shall be in a form satisfactory to the Town Attorney or his/her designee and shall be in an amount as determined by the Town Engineer based on an estimate of the cost of the required public improvements. The surety to guarantee completion of the improvements shall be in accordance with the requirements of § 275-17 of this chapter.

H. Section 275-17B is added to read as follows:

B. Required improvements.

(1) The applicant shall provide the following improvements when required by the Planning Board:

- (a) Paved streets.*
- (b) Corner curves and paved aprons.*
- (c) Sidewalks.*
- (d) Water mains and fire hydrants/dry hydrants.*
- (e) Sanitary sewage disposal facilities.*
- (f) Storm drainage system facilities.*
- (g) Street signs.*
- (h) Streetlighting.*
- (i) Street trees.*

(j) *Seeding or sodding of planting strips with lawn grass.*

(k) *Parklands.*

(2) *In making a determination to require such improvements, the Planning Board shall take into consideration the prospective character of the development and surrounding environment.*

I. Section 275-24C and D are added to read as follows:

C. Grading and stormwater improvements. Site grading and improvements related to management of stormwater quality and quantity shall conform to Town specifications and shall be approved as to design and specifications by the Town Engineer. In addition, development of the parcel shall conform with the State Pollutant Discharge Elimination System (SPDES) Phase II stormwater requirements and Chapter 267, Stormwater Management, of the Code of the Town of North Castle.

D. Trees. A conscious effort shall be made to preserve all worthwhile trees which exist on the site. Such features may well be suggested for park or playground areas. On individual lots or parcels, care should be taken to preserve selected trees to enhance the landscape treatment of the development.

J. In § 275-29 the definitions of “building lot,” “easement,” “frontage,” “Highway General Foreman,” “lot,” “plat or final plat,” “preliminary plat” and “Town Development Plan” are amended to read as follows:

BUILDING LOT — A lot having a buildable area capable of accommodating proposed principal and accessory improvements and including, where required, an on-site water supply facility and sewage treatment system that meet the standards of the Westchester County Department of Health.

EASEMENT — Authorization by a property owner for the use by another, for a specified purpose, of any designated part of real property.

FRONTAGE — The extent of a building or lot along an approved street or along a street to be built as part of subdivision approval.

HIGHWAY GENERAL FOREMAN — The Highway General Foreman of the Town of North Castle, New York, or his duly authorized representative.

LOT — Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by this chapter for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of state law to be adequate as a condition of the issuance of a building permit for a building on such land.

PLAT or FINAL PLAT — A drawing prepared by a New York State licensed professional engineer or land surveyor (with appropriate certification), in a manner prescribed by these regulations, showing a proposed subdivision and containing, in such additional detail as shall be provided by these regulations, all information required to appear on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of a preliminary plat of such proposed subdivision if such preliminary plat has been so approved, and which, if approved, may be filed or recorded by the owner in the office of the Westchester County Clerk.

PRELIMINARY PLAT — A drawing, prepared in the manner prescribed in this chapter, showing the layout of a proposed subdivision, including but not restricted to road and lot layout and

approximate dimensions, key plan, topography and drainage, and all proposed facilities, including preliminary plans and profiles, at suitable scale and in such detail as this chapter requires.

TOWN DEVELOPMENT PLAN — *The Comprehensive Plan for development for the Town of North Castle, New York, prepared and adopted by the Town Board pursuant to § 272-a of the Town Law, and all amendments thereto.*

K. Section 275-29 is amended to repeal the definitions of “Wetlands and Watercourse Protection Law” and “Zoning Ordinance.”

L. Section 275-30G is added to read as follows: *Identification of the size and configuration of the buildable portion on each lot, including limits of clearing and grading.*

M. Section 275-37B is amended to delete the fee amount and insert a reference to the Master Fee Schedule.

Chapter 288, Taxation.

Article I, Alternative Veterans Exemption.

Section 288-2B is amended to add the underlined wording:

In addition to the exemption provided by Subsection A of this section, where the veterans served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed force expeditionary medal, Navy expeditionary medal, Marine Corps expeditionary medal, or global war on terrorism expeditionary medal. qualifying residential real property as defined in New York State Real Property Tax Law § 458-a shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$36,000 or the product of \$36,000 multiplied by the latest state equalization rate for the assessing unit.

Article II, Senior Citizens Tax Exemption.

A. Section 288-4 is amended to read as follows:

Real property owned by persons 65 years of age or over shall be exempt from certain Town taxes up to a maximum of 50% of the assessed valuation, pursuant to the provisions of the Real Property Tax Law § 467, Subdivision 1(b), as amended, in accordance with the schedule below and attached hereto as Schedule A.

Income Schedule for Partial Exemptions for Senior Citizens and Disabled Citizens for June 1, 2010, Assessment Roll Effective as of 2011 Tax Billing Cycle

<i>Annual Income</i>	<i>Percentage of Assessed Valuation Exempt From Taxation</i>
<i>Less than \$29,000</i>	<i>50%</i>
<i>At least \$29,000.01 but less than \$29,999.99</i>	<i>45%</i>
<i>At least \$30,000 but less than \$30,999.99</i>	<i>40%</i>

<i>At least \$31,000 but less than \$31,999.99</i>	<i>35%</i>
<i>At least \$32,000 but less than \$32,899.99</i>	<i>30%</i>
<i>At least \$32,900 but less than \$33,799.99</i>	<i>25%</i>
<i>At least \$33,800 but less than \$34,699.99</i>	<i>20%</i>
<i>At least \$34,700 but less than \$35,599.99</i>	<i>15%</i>
<i>At least \$35,600 but less than \$36,499.99</i>	<i>10%</i>
<i>At least \$36,500 but less than \$37,399.99</i>	<i>5%</i>

B. Section 288-5 is amended to read as follows:

Pursuant to Real Property Tax Law § 467, Subdivision 3(a), no exemption shall be granted if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of \$3,000, or such other sum not less than \$3,000 nor more than \$26,000 for the period expiring June 30, 2007, \$27,000 for the period commencing July 1, 2007 and expiring on June 30, 2008, \$28,000 for the period commencing July 1, 2008 and expiring on June 30, 2009, and \$29,000 for the period commencing on July 1, 2009, as may be provided pursuant to this section. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife, is absent from the property as provided in Subparagraph (ii) of Paragraph (d) of Subdivision 3(a) of Real Property Tax Law § 467, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset, which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-2861, or monies earned through employment in the federal foster grandparent program. Furthermore, such income shall not include the proceeds of a reverse mortgage, as authorized by § 6-h of the Banking Law, and §§ 280 and 280-a of the Real Property Law; provided, however, that monies used to repay a reverse mortgage may not be deducted from income, and provided additionally that any interest or dividends realized from the investment of reverse mortgage proceeds shall be considered income. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

Article III, Exemptions for Persons with Disabilities.

A. The income eligibility schedule is added to § 288-8 as follows:

Real property owned by one or more persons with disabilities, as defined in New York State Real Property Tax Law § 459-c, or owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income or combined incomes is limited by reason of such disability, shall be exempt from taxes up to a maximum of 50% of the assessed valuation, pursuant to the schedule below and attached hereto as Schedule A and subject to the following conditions:

***Income Schedule for Partial Exemptions for Senior Citizens and Disabled Citizens for June 1, 2010, Assessment Roll
Effective as of 2011 Tax Billing Cycle***

<i>Annual Income</i>	<i>Percentage of Assessed Valuation Exempt From Taxation</i>
<i>Less than \$29,000</i>	<i>50%</i>
<i>At least \$29,000.01 but less than \$29,999.99</i>	<i>45%</i>

<i>Annual Income</i>	<i>Percentage of Assessed Valuation Exempt From Taxation</i>
<i>At least \$30,000 but less than \$30,999.99</i>	<i>40%</i>
<i>At least \$31,000 but less than \$31,999.99</i>	<i>35%</i>
<i>At least \$32,000 but less than \$32,899.99</i>	<i>30%</i>
<i>At least \$32,900 but less than \$33,799.99</i>	<i>25%</i>
<i>At least \$33,800 but less than \$34,699.99</i>	<i>20%</i>
<i>At least \$34,700 but less than \$35,599.99</i>	<i>15%</i>
<i>At least \$35,600 but less than \$36,499.99</i>	<i>10%</i>
<i>At least \$36,500 but less than \$37,399.99</i>	<i>5%</i>

B. Section 288-8C is amended to add: . . .*except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in Public Health Law § 2801, provided that any income accruing to that person shall be considered income for purposes of this article only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.*

C. Section 288-8D is amended to read as follows: *Any exemption provided by this article shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive both an exemption pursuant to this article and a senior citizens' tax exemption pursuant to Chapter 470 of the Laws of Westchester County or Article II of this chapter.*

D. Section 288-9 is amended to change reference to the New York State Board of Real Property Services to “Commissioner of Taxation and Finance.”

Article IV, STAR Exemption.

Section 288-12A is amended as follows: *The eligibility of property for a STAR exemption for a school year shall be based upon the condition of the property as of the taxable status date of the prior year's assessment roll, ~~and the ownership of the property as of the taxable status date of the current year's assessment roll~~ and income where the combined income of the owner and spouse who reside on the property does not exceed \$500,000. and meet income requirements in NYS law.*

Article VI, Exemption for Cold War Veterans.

A. Sections 288-18 (definitions of “latest class ratio” and “latest state equalization rate”) and 288-21 are amended to change “Board of Real Property Tax Services” to “Commissioner of Taxation and Finance.”

B. In § 288-21, the reference to Subdivision 4 of § 458-b of the Real Property Tax Law is changed to Subdivision 3.

Article VII, Historic Property Exemption.

Section 288-23 is amended to change “state board” to “Commissioner of Taxation and Finance.”

Chapter 292, Telecommunication Facilities.

A. Section 292-4B is amended to read as follows: *The word "Town" means the Town of North Castle; the term "Town Board" means the Town Board of said Town; the term "Zoning Board of Appeals" means the Zoning Board of Appeals of said Town; the term "Planning Board" means the Town Planning Board of said Town; the term "Architectural Review Board" means the Architectural Review Board of said Town; the term "Building Inspector" means the Building Inspector of said Town; and the term "Town Plan" means the plan adopted by the Town Board pursuant to § 272-a of the Town Law.*

B. In § 292-5, the following definitions are repealed: “alarm monitoring service,” “base transmitter,” “direct-to-home satellite service provider,” “in-building radiation systems,” “playgrounds,” “public utility,” “school.”

C. In § 292-5, the definition of “antenna, transmitting” is revised as follows:

ANTENNA, TRANSMITTING – An antenna used to transmit and/or transmit and receive radio or electromagnetic waves. For the purposes of this chapter, a transmitting satellite dish antenna less than no wider than one meter in diameter in a residential area or two meters in maximum diameter in a nonresidential district is excluded from this definition.

D. Section 292-9I(1) and (2) are amended as indicated:

(1) Towers must be set back a distance at least equal to the height of the tower from any off-site residential structure.

(2) ~~Towers,~~ Guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.

E. Section 292-9N is amended to change “special exception use permit” to “special use permit.”

Chapter 300, Towing.

A. Section 300-1L(1) is amended to read: *The tow company shall, at its sole expense, maintain insurance on its own behalf and furnish to the Town of North Castle certificates of insurance from an insurance company licensed to do business in New York State, in accordance with the Town's minimum insurance requirements, together with an indemnification and hold harmless agreement, and said insurance shall include coverage for the following:*

B. Section 300-1M is amended to read: *The tow company shall have a comprehensive automobile policy, in accordance with the Town's minimum insurance requirements, including coverage for owned, nonowned and hired private passenger and commercial vehicles.*

Chapter 325, Vehicles and Traffic.

A. Section 325-33C is amended to change the reference to the A&P Complex to “Commercial Complex at 450 Main Street.”

B. Section 325-33G is added to read: *Virginia Road Permit Lot. No person shall stop, stand or park a vehicle in this area, which is designated as "permit parking only," without displaying a valid permit issued by the Town Clerk.*

C. Section 325-55 (Schedule XIII) is amended to add entries for General Heath Avenue, east, northerly from its intersection with Beal Place for a distance of 195 feet; and west, northerly from a point 270 feet east of its intersection with Virginia Road to its intersection with Dunlop Way; and McDougal Drive, north, in an easterly direction for distance of 196 feet from its intersection with General Heath Avenue and in a westerly direction for a distance of 450 feet from its intersection with North Broadway; and south, in a westerly direction from North Broadway to its intersection with General Heath Avenue, entire length.

D. Section 325-56 (Schedule XIV) is amended to add an entry for High Street, east, from Greenway Road north for a distance of 170 feet, and from the center of High Street extending in an easterly direction for a distance of 40 feet.

E. Section 325-57 (Schedule XV) is amended to repeal the entry for the A&P Complex and amend the entry for General Heath Avenue, both sides, to read: *From Virginia Road east for 270 feet.*

Chapter 336, Water.

In the following sections of this chapter, the terms "Superintendent" and "Superintendent of the District" have been revised to "District": §§ 336-9, 336-11, 336-14, 336-19A, 336-27, 336-52, 336-63, 336-66, 336-134, 336-154, 336-186, 336-189, 336-209, 336-244, 336-264.

Article I, Water District 1.

A. Section 336-2 is amended as follows: *The Town Board reserves the right to make such changes in the rules and regulations and schedule of water ~~rents~~ rates as it may, from time to time, deem desirable or necessary.*

B. Section 336-3 is amended to revise "rents" to "rates."

C. Section 336-5B is amended as follows: *To cover the cost of a water meter replacement, the District shall require a quarterly meter charge ~~on a quarterly basis~~ in such amount as set forth in the Master Fee Schedule. These quarterly charges cover the cost of periodic district meter replacements. The fees do not cover costs of replacements due to negligence of the owner.*

D. Section 336-6 is amended as follows: *No person or persons shall be permitted to take water from the fire hydrants to sprinkle any streets or portions of the streets or for any purpose without having obtained a permit or permission from the ~~Superintendent~~ District, which permit shall be good only for the time named therein.*

E. Section 336-8 is amended as follows: *In case of the violation of any of the rules, the ~~Superintendent~~ District may shut off the supply upon 24 hours' notice, and water shall not be turned on again until the rules are complied with and all unpaid charges are paid, together with additional charges ~~and rents~~ in such amount as set forth in the Master Fee Schedule for turning off the water and for turning on the water.*

F. Section 336-10 is amended as follows: *Written notice must be given by the owner to the ~~Superintendent~~ District at 415 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated. The meter will be removed. A charge in such amount as set forth in the Master Fee*

Schedule will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed with the ~~Superintendent~~ District, and a written request must be filed to have the water turned on again, for which service a charge in such amount as set forth in the Master Fee Schedule will be made.

G. Section 336-13 is amended as follows: *If connections are made on any private line by other than water district employees, without the permission of the Board or District, it shall be sufficient cause for shutting off the water without notice.*

H. Section 336-18 is amended as follows: *After the owner or representative has ~~received a permit~~ filed an application for water service and paid the necessary charges, ~~he shall have the~~ owner will excavate the necessary trench for the service pipe ~~excavated~~. All trenches for service pipes shall be at least four feet in depth and at right angles to the curblin, unless special permission is granted by the ~~Superintendent~~ District for a variation. When the trench is ready, the ~~Superintendent~~ District, on proper notice of the fact, will proceed to make the tap, insert the corporation cock, make the necessary connections between the corporation cock and curb stop, including the curb stop. The service pipe from curb stop to meter shall be Type K copper, of a make approved by the ~~Superintendent~~ District, and shall be placed by the plumber, but no trench shall be backfilled until after the completed service pipe has been inspected and passed by the ~~Superintendent~~ District or authorized agent. As backfilling proceeds, the curb cock shall be covered by an extension service box, which will be supplied by the District. This curb box shall be set by the plumber with the top flush with the ground.*

I. Section 336-22 is amended as follows: ***Installation of stopcock-curb boxes and street washers access covers.*** *In cases where the ~~stopcock~~ curb boxes and ~~street washers~~ access covers are set into the flagging or pavement of the sidewalk, the stones are to be neatly and accurately cut and the top of the boxes set even with the surface of the pavement or flagging, and in all other cases, flush with the surface of the sidewalk.*

J. Section 336-24 is amended as follows: ***Stopcocks Curb stops placed deeper than certain depth.*** *Wherever the ~~stopcock~~ curb stop has been placed deeper than six feet, a stationary ~~wrench~~ rod which comes up to the ordinary depth of the cocks must be put on, the top of this ~~wrench~~ rod to be formed like the top of the stopcock, and the rod to work in a guide immediately below its top or handle.*

K. Section 336-31 is amended to insert "No. 7" after "Watts" and to change "Superintendent" to "District."

L. Section 336-32, the first sentence is amended as follows: *Should the consumer feel that the meter is not registering properly, ~~he~~ the owner shall file a complaint with the ~~Superintendent~~ District, whereupon the meter will be removed and tested by the Water Department.*

M. Section 336-33 is amended to add "or stop" after "not register properly."

N. Section 336-45 is amended to change "stopcock" to "curb stop."

O. Section 336-46 is amended as follows: *The applicant must keep the service pipes and fixtures in good repair, at his own risk and expense, and prevent all unnecessary waste of water, and all water consumers shall be liable for all such repairs as shall be deemed necessary to prevent water waste. Upon failure to comply with this rule, ~~the Board may repair the same, and in case any such damage for work done or materials furnished shall remain unpaid for one month after the presentation of the bill~~ the Board may turn off the water and not turn it on again until all ~~charges are paid~~ repairs are made by the owner and charges of \$20 each for turning off and on the water collected as set forth in the Master Fee Schedule.*

P. Section 336-47 is amended to revise Subsection A to read: *Residential and commercial rates shall be set forth in the Master Fee Schedule.* Subsection B is amended to delete the example: ~~(\$12.50 of \$25).~~

Q. Section 336-49 is amended to insert “fire” before “sprinkler system.”

R. Section 336-50D is amended to change “the Town” to “the District.”

S. Section 336-54 is amended to change “a few days” to “a few weeks.”

Article II, Water District No. 2.

A. Section 336-57 is amended as follows: *The Town Board reserves the right to make such changes in the rules and regulations and schedule of water ~~rents~~ rates as it may, from time to time, deem desirable or necessary.*

B. Section 336-58 is amended to revise “rents” to “rates.”

C. Section 336-60B is amended as follows: *To cover the cost of a water meter replacement, the District shall require a quarterly meter charge ~~on a quarterly basis~~ in such amount as set forth in the Master Fee Schedule. These quarterly charges cover the cost of periodic district meter replacements. The fees do not cover costs of replacements due to negligence of the owner.*

D. Section 336-65 is amended as follows: *Written notice must be given by the owner to the ~~Superintendent~~ District at 415 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated. The meter will be removed. A charge in such amount as set forth in the Master Fee Schedule will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed with the Superintendent District, and a written request must be filed to have the water turned on again, for which service a charge in such amount as set forth in the Master Fee Schedule will be made.*

E. Section 336-68 is amended as follows: *If connections are made on any private line before the meter by other than water district employees, without the permission of the ~~Board~~ District, it shall be sufficient cause for shutting off the water without notice.*

F. Section 336-73 is amended as follows: *After the owner or representative has ~~received a permit~~ filed an application for water service and paid the necessary charges, ~~he shall have the~~ owner will excavate the necessary trench for the service pipe ~~excavated~~. All trenches for service pipes shall be at least four feet in depth and at right angles to the curblin, unless special permission is granted by the District for a variation. When the trench is ready, the District, on proper notice of the fact, will proceed to make the tap, insert the corporation cock, make the necessary connections between the corporation cock and curb stop, including the curb stop. The service pipe from curb stop to meter shall be Type K copper, of a make approved by the District, and shall be placed by the plumber, but no trench shall be backfilled until after the completed service pipe has been inspected and passed by the District. As backfilling proceeds, the curb cock shall be covered by an extension service box, which will be supplied by the District. This curb box shall be set by the plumber with the top flush with the ground.*

G. Section 336-77 is amended as follows: ***Installation of ~~stopcock~~ curb boxes and ~~street washers~~ access covers.*** *In cases where the ~~stopcock~~ curb boxes and ~~street washers~~ access covers are set into the flagging or pavement of the sidewalk, the stones are to be neatly and accurately cut and the top of the boxes set even with the surface of the pavement or flagging, and in all other cases, flush with the surface of the sidewalk.*

H. Section 336-79 is amended as follows: ~~Stopcocks~~Curb stops placed deeper than certain depth. Wherever the ~~stopcock-curb stop~~ has been placed deeper than six feet, an ~~stationary wrench-operating rod~~ which comes up to the ordinary depth of the cocks must be put on, the top of this ~~wrench-rod~~ to be formed like the top of the stopcock, and the rod to work in a guide immediately below its top or handle.

I. Section 336-85 is amended to insert “No. 7” after “Watts” and to change “Superintendent” to “District.”

J. Section 336-86, the first sentence is amended as follows: *Should the consumer feel that the meter is not registering properly, ~~he~~ the owner shall file a complaint with the Superintendent District, whereupon the meter will be removed and tested by the Water Department.*

K. Section 336-87 is amended to add “or stop” after “not register properly.”

L. Section 336-99 is amended to change “stopcock” to “curb stop.”

M. Section 336-100 is amended as follows: *The applicant must keep the service pipes and fixtures in good repair, at his own risk and expense, and prevent all unnecessary waste of water, and all water consumers shall be liable for all such repairs as shall be deemed necessary to prevent water waste. Upon failure to comply with this rule, ~~the Board may repair the same, and in case any such damage for work done or materials furnished shall remain unpaid for one month after the presentation of the bill~~ the Board may turn off the water and not turn it on again until all ~~charges are paid~~ repairs are made by the owner and charges of \$20 each for turning off and on the water collected as set forth in the Master Fee Schedule.*

N. Section 336-101 is amended to revise the first sentence in Subsection A to read: *Water rates shall be set forth in the Master Fee Schedule;* Subsection B is amended to delete the example: ~~(\$20 of \$40)~~

O. Section 336-102 is amended to read: *The charge for water to consumers outside of North Castle Water District No. 2 and the annual fire line charge to the Brynwood Club shall be set forth in the Master Fee Schedule.*

P. Section 336-107 is amended to change “a few days” to “a few weeks.”

Article IV, Water District No. 4.

A. Section 336-125 is amended as follows: *The Town Board reserves the right to make such changes in the rules and regulations and schedule of water ~~rents~~ rates as it may, from time to time, deem desirable or necessary.*

B. Section 336-126 is amended to revise “rents” to “rates.”

C. Section 336-128B is amended as follows: *To cover the cost of a water meter replacement, the District shall require a quarterly meter charge ~~on a quarterly basis~~ in such amount as set forth in the Master Fee Schedule. These quarterly charges cover the cost of periodic district meter replacements. The fees do not cover costs of replacements due to negligence of the owner.*

D. Section 336-129 is amended as follows: *No person or persons shall be permitted to take water from the fire hydrants to sprinkle any streets or portions of the streets, or for any purpose, without having obtained a permit or permission from the District, which permit shall be good only for the time named therein.*

E. Section 336-131 is amended as follows: *In case of the violation of any of the rules, the ~~Superintendent of the District~~ District may shut off the supply upon 24 hours' notice, and water shall not be turned on again until the rules are complied with and all unpaid charges ~~and rents~~ are paid, together with additional charges ~~and rents~~ in such amount as set forth in the Master Fee Schedule for turning off the water and for turning on the water.*

F. Section 336-133 is amended as follows: *Written notice must be given by the owner to the ~~Superintendent-District~~ District at 415 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated. The meter may be removed. A charge in such amount as set forth in the Master Fee Schedule will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed with the District and a written request must be filed to have the water turned on again, for which service a charge in such amount as set forth in the Master Fee Schedule shall be made.*

G. Section 336-136 is amended as follows: *If connections are made on any private line before the meter by other than water district employees, without the permission of the ~~Board~~ District, it shall be sufficient cause for shutting off the water without notice.*

H. Section 336-141 is amended as follows: *After the owner or representative has ~~received a permit~~ filed an application for water service and paid the necessary charges, ~~he shall have the necessary trenches for the service pip~~ shall be excavated by the owner. All trenches for service pipes shall be at least four feet in depth and at right angles to the curbline, unless special permission is granted by the District for a variation. When the trench is ready, the District, on proper notice of the fact, will proceed to make the tap, insert the corporation cock, make the necessary connections between the corporation cock and curb stop, including the curb stop. The service pipe from curb stop to meter shall be Type K copper, of a make approved by the District, and shall be placed by the plumber, but no trench shall be backfilled until after the completed service pipe has been inspected and passed by the District. As backfilling proceeds, the curb cock shall be covered by an extension service box, which will be supplied by the District. This curb box shall be set by the plumber with the top flush with the ground.*

I. Section 336-142 is amended as follows: *No service pipe leading from the curb box to the meter shall be less than one inch in diameter or less than four feet under the ground, ~~unless special permission is granted by the District for a shallower depth~~. All service pipes between the curb box and meter shall be maintained in good condition by the property owner. Should a leak develop, it shall be repaired immediately by the owner. In the event of the failure of the owner to repair such leak, the water district may, at its option, either shut off the service at the curb box and keep it off until repairs are made, ~~or enter upon the property and make the necessary repairs, charging the cost of same to the owner~~. Whenever any service is so cut off, a charge in such amount as set forth in the Master Fee Schedule shall be made for reopening the same.*

J. Section 336-145 is amended as follows: ***Installation of stopcock-curb boxes and street washers access covers.** In cases where the ~~stopcock~~ curb boxes and ~~street washers~~ access covers are set into the flagging or pavement of the sidewalk, the stones are to be neatly and accurately cut and the top of the boxes set even with the surface of the pavement or flagging, and in all other cases, flush with the surface of the sidewalk.*

K. Section 336-147 is amended as follows: *Wherever the ~~stopcock~~ curb stop has been placed deeper than six feet, a stationary ~~wrench~~ operating rod which comes up to the ordinary depth of the cocks must be put on, the top of this ~~wrench~~ rod to be formed like the top of the stopcock, and the rod to work in a guide immediately below its top or handle.*

L. Section 336-153 is amended to insert “No. 7” after “Watts” and to change “Superintendent” to “District.”

M. Section 336-155 is amended to add “or stop” after “not register properly.”

N. Section 336-167 is amended to change “stopcock” to “curb stop.”

O. Section 336-168 is amended as follows: *The owner must keep the service pipes and fixtures in good repair, at his own risk and expense, and prevent all unnecessary waste of water, and all water consumers shall be liable for all such repairs as shall be deemed necessary to prevent water waste. Upon failure to comply with this rule, ~~the District may repair the same and bill the owner. In the event that any such charge for work done or materials furnished shall remain unpaid for one month after the presentation of the bill~~ the Board may turn off the water and not turn it on again until all ~~charges are paid~~ repairs are made by the owner and charges of \$20 each for turning off and on the water collected as set forth in the Master Fee Schedule.*

P. Section 336-169 is amended to revise Subsection A to read: *Water rates shall be set forth in the Master Fee Schedule.* Subsection B is amended to delete the example: ~~(\$12.50 of \$25).~~

Q. Section 336-175 is amended to change “a few days” to “a few weeks.”

Article V, Water District No. 5.

A. Section 336-180 is amended as follows: *The Town Board reserves the right to make such changes in the rules and regulations and schedule of water ~~rents~~ rates as it may, from time to time, deem desirable or necessary.*

B. Section 336-181 is amended to revise “rents” to “rates.”

C. Section 336-183B is amended as follows: *To cover the cost of a water meter replacement, the District shall require a quarterly meter charge ~~on a quarterly basis~~ in such amount as set forth in the Master Fee Schedule. These quarterly charges cover the cost of periodic district meter replacements. The fees do not cover costs of replacements due to negligence of the owner.*

D. Section 336-188 is amended as follows: *Written notice must be given by the owner to the ~~Superintendent~~ District at 415 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated. The meter may be removed. A charge in such amount as set forth in the Master Fee Schedule will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed with the District and a written request must be filed to have the water turned on again, for which service a charge in such amount as set forth in the Master Fee Schedule shall be made.*

E. Section 336-191 is amended as follows: *If connections are made on any private line before the meter by other than water district employees, without the permission of the Board or District, it shall be sufficient cause for shutting off the water without notice.*

F. Section 336-196 is amended as follows: *After the owner or representative has ~~received a permit~~ filed an application for water service and paid the necessary charges, ~~he~~ the owner ~~shall excavate~~ have the necessary trenches for the service pipe excavated. All trenches for service pipes shall be at least four feet in depth and at right angles to the curblane, unless special permission is granted by the District for a variation. When the trench is ready, the District, on proper notice of the fact, will proceed to make the tap, insert the corporation cock, make the necessary connections between the corporation cock and curb stop, including the curb stop. The*

service pipe from curb stop to meter shall be Type K copper, of a make approved by the District, and shall be placed by the plumber, but no trench shall be backfilled until after the completed service pipe has been inspected and passed by the District. As backfilling proceeds, the curb cock shall be covered by an extension service box, which will be supplied by the District. This curb box shall be set by the plumber with the top flush with the ground.

G. Section 336-197 is amended as follows: *No service pipe leading from the curb box to the meter shall be less than one inch in diameter or less than four feet under the ground, ~~unless special permission is granted by the District for a shallower depth.~~ All service pipes between the curb box and meter shall be maintained in good condition by the property owner. Should a leak develop, it shall be repaired immediately by the owner. In the event of the failure of the owner to repair such leak, the water district may, at its option, either shut off the service at the curb box and keep it off until repairs are made, ~~or enter upon the property and make the necessary repairs, charging the cost of same to the owner.~~ Whenever any service is so cut off, a charge in such amount as set forth in the Master Fee Schedule shall be made for reopening the same.*

H. Section 336-200 is amended as follows: **Installation of stopcock-curb boxes and street washers access covers.** *In cases where the ~~stopcock~~ curb boxes and ~~street washers~~ access covers are set into the flagging or pavement of the sidewalk, the stones are to be neatly and accurately cut and the top of the boxes set even with the surface of the pavement or flagging, and in all other cases, flush with the surface of the sidewalk.*

I. Section 336-202 is amended as follows: **Stopcocks-Curb stops placed deeper than certain depth.** *Wherever the ~~stopcock-curb stop~~ has been placed deeper than six feet, a stationary ~~wrench-rod~~ which comes up to the ordinary depth of the cocks must be put on, the top of this ~~wrench-rod~~ to be formed like the top of the ~~stopcock~~ curb stop, and the rod to work in a guide immediately below its top or handle.*

J. Section 336-208 is amended to insert "No. 7" after "Watts" and to change "Superintendent" to "District."

K. Section 336-210 is amended to add "or stop" after "not register properly."

L. Section 336-222 is amended to change "stopcock" to "curb stop."

M. Section 336-223 is amended as follows: *The owner must keep the service pipes and fixtures in good repair, at his own risk and expense, and prevent all unnecessary waste of water, and all water consumers shall be liable for all such repairs as shall be deemed necessary to prevent water waste. Upon failure to comply with this rule, ~~the District may repair the same and bill the owner. In the event that any such charge for work done or materials furnished shall remain unpaid for one month after the presentation of the bill~~ the Board may turn off the water and not turn it on again until all ~~charges are paid~~ repairs are made by the owner and charges of ~~\$20 each~~ for turning off and on the water collected as set forth in the Master Fee Schedule.*

N. Section 336-224 is amended to revise the first sentence in Subsection A to read: *Water rates shall be set forth in the Master Fee Schedule;* Subsection B is amended to delete the example: ~~(\$20 of \$40)~~

O. Section 336-226D is amended to change "the Town" to "the District."

P. Section 336-230 is amended to change "a few days" to "a few weeks."

Article VI, Water District No. 7.

A. Section 336-235 is amended as follows: *The Town Board reserves the right to make such changes in the rules and regulations and schedule of water ~~rents-rates~~ as it may, from time to time, deem desirable or necessary.*

B. Section 336-236 is amended to revise “rents” to “rates.”

C. Section 336-238B is amended as follows: *To cover the cost of a water meter replacement, the District shall require a quarterly meter charge ~~on a quarterly basis~~ in such amount as set forth in the Master Fee Schedule. These quarterly charges cover the cost of periodic district meter replacements. The fees do not cover costs of replacements due to negligence of the owner.*

D. Section 336-241 is amended to change “Superintendent” to “District” and delete “and rents.”

E. Section 336-243 is amended as follows: *Written notice must be given by the owner to the ~~Superintendent-District~~ at 415 Business Park Drive, Armonk, New York, that the use of water is to be discontinued, and it shall be turned off at the curb when the property is temporarily vacated. The meter may be removed. A charge in such amount as set forth in the Master Fee Schedule will be made for turning off the water. The owner will be responsible for the use of water up to the time such notice is filed with the District, and a written request must be filed to have the water turned on again, for which service a charge in such amount as set forth in the Master Fee Schedule shall be made.*

F. Section 336-246 is amended as follows: *If connections are made on any private line before the meter by other than water district employees, without the permission of the Board or District, it shall be sufficient cause for shutting off the water without notice.*

G. Section 336-251 is amended as follows: *After the owner or representative has ~~received a permit~~ filed an application for water service and paid the necessary charges, ~~he shall have the necessary trenches for the service pipe~~ will be excavated by the owner. All trenches for service pipes shall be at least four feet in depth and at right angles to the curbline, unless special permission is granted by the District for a variation. When the trench is ready, the District, on proper notice of the fact, will proceed to make the tap, insert the corporation cock, make the necessary connections between the corporation cock and curb stop, including the curb stop. The service pipe from curb stop to meter shall be Type K copper, of a make approved by the District, and shall be placed by the plumber, but no trench shall be backfilled until after the completed service pipe has been inspected and passed by the District. As backfilling proceeds, the curb cock shall be covered by an extension service box, which will be supplied by the District. This curb box shall be set by the plumber with the top flush with the ground.*

H. Section 336-252 is amended in part as follows: *In the event of the failure of the owner to repair such leak, the water district may, ~~at its option, either~~ shut off the service at the curb box and keep it off until repairs are made, ~~or enter upon the property and make the necessary repairs, charging the cost of same to the owner.~~ Whenever any service is so cut off, a charge in such amount as set forth in the Master Fee Schedule shall be made for reopening the same.*

I. Section 336-255 is amended as follows: ***Installation of ~~stopcock-curb boxes~~ and ~~street washers~~ access covers.*** *In cases where the ~~stopcock-curb~~ boxes and ~~street washers~~ access covers are set into the flagging or pavement of the sidewalk, the stones are to be neatly and accurately cut and the top of the boxes set even with the surface of the pavement or flagging, and in all other cases, flush with the surface of the sidewalk.*

J. Section 336-257 is amended as follows: ***Stopcocks-Curb stops placed deeper than certain depth.*** *Wherever the ~~stopcock-curb stop~~ has been placed deeper than six feet, a stationary ~~wrench-rod~~ which comes up to the ordinary depth of the cocks must be put on, the top of this ~~wrench-rod~~ to be formed like the top of the ~~stopcock curb stop~~, and the rod to work in a guide*

immediately below its top or handle.

K. Section 336-263 is amended to insert “No. 7” after “Watts” and to change “Superintendent” to “District.”

L. Section 336-265 is amended to add “or stop” after “not register properly.”

M. Section 336-277 is amended to change “stopcock” to “curb stop.”

N. Section 336-278 is amended as follows: *The owner must keep the service pipes and fixtures in good repair, at his own risk and expense, and prevent all unnecessary waste of water, and all water consumers shall be liable for all such repairs as shall be deemed necessary to prevent water waste. Upon failure to comply with this rule, the District may repair the same and bill the owner. In the event that any such charge for work done or materials furnished shall remain unpaid for one month after the presentation of the bill The Board may turn off the water and not turn it on again until all charges are paid repairs are made by the owner and charges of \$20 each for turning off and on the water collected as set forth in the Master Fee Schedule.*

O. Section 336-279 is amended to revise the first sentence in Subsection A to read: *Water rates shall be set forth in the Master Fee Schedule;* Subsection B is amended to delete the example: ~~(\$20 of \$40)~~

P. Section 336-281D is amended to change “the Town” to “the District.”

Q. Section 336-285 is amended to change “a few days” to “a few weeks.”

Chapter 340, Wetlands and Watercourse Protection.

A. Section 340-7 is amended to change “applicants” to “applications” in the second to the last sentence in that section and to change “five business days” to “10 days” in the requirements for mailings prior to public hearing.

B. References to “approving authority” have been revised to “approval authority.”

Chapter 355, Zoning.

A. Section 355-15G(2) is amended to remove the reference to repealed Subsection G(7) and to read as follows: *No barbed wire fence or similar fence shall be erected in a residential district, nor shall such a fence be erected without site plan approval, subject to Subsection G(6) of this section. No tarpaulin or sheet fence or similar fence shall be permitted to be erected. Any nonconforming tarpaulin or sheet fence or similar fence which lawfully existed at the time Local Law No. 6-2014 became effective shall be removed within three months from the date of its passage.*

B. Section 355-15L is amended to read as follows: *Swimming pools. All swimming pools shall be considered structures and shall be set back from lot lines at least the minimum distance required for a principal building in the district in which it is located, except that a swimming pool shall not be located in a front yard unless it is set back at least three times the distance required for a principal building and unless the lot area is equal to at least three times the minimum required. The minimum required setbacks established for swimming pools shall also apply to cabanas and decks or terraces surrounding said pool, as well to all structures and mechanical equipment or other appurtenances related to the pool's use and operation. In addition, such pools shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code.*

C. Section 355-26H(2)(b) is amended to add a ten-day mailing requirement and to read as follows: *Following receipt of the Architectural Review Board's report and recommendations, the Planning Board shall schedule the application for discussion at a public hearing. The applicant shall be responsible for sending notice of such hearing by first class mail to all owners of neighboring properties within 250 feet if located in an R-3/4A or smaller minimum lot size zoning district and within 500 feet if located in an R-1A or larger minimum lot size zoning district. Such notice shall indicate the street address and tax lot number of the subject premises; the nature of the proposed application (including height and gross floor area of the proposed dwelling, lot area and any variances which will be required); the date, time and place of the Planning Board hearing; and the name, address and telephone number of the applicant. The notice of hearing shall be mailed at least 10 days before such hearing by the applicant in official envelopes provided by the Town of North Castle. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a certificate of mailing (PS Form 3817 or 3877).*

D. Section 355-30J(4)(b)[3][g] is amended to read: “An application review fee in the amount set forth in the Master Fee Schedule.”

E. In § 355-40F(5), the last sentence is amended to read: “The fee for such renewal shall be set forth in the Master Fee Schedule.”

F. Section 355-40K(13)(a) is amended to add a ten-day mailing requirement and to read as follows: *A public hearing shall be held by the Planning Board in accordance with the same requirements as set forth in § 355-49. The applicant shall be responsible for the publication of notice in official Town newspapers and shall mail to all other required recipients a copy of the public hearing notice by first class mail. Notice of hearing shall be mailed by the applicant at least 10 days before such hearing in official envelopes provided by the Town of North Castle. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a certificate of mailing (PS Form 3817 or 3877). The notice of public hearing shall bear the signed approval of the Building Inspector and shall be maintained as part of Town records of the accessory apartment application. Following approval of the public hearing notice text, the Building Inspector shall be responsible for publication in official Town newspapers. Following*

the close of such public hearing, the Planning Board shall approve, conditionally approve or disapprove the special permit application, in accordance with the schedule and requirements of § 355-37. The applicant may grant extensions of any review period to the Planning Board.

G. Section 355-44B is amended to add a ten-day mailing requirement and to read as follows:
Notice of hearing shall be sent by first class mail to all property owners within a distance of 250 feet of all property lines. In addition, the Board shall give any other notice required by law. Notice of hearing shall be mailed by the applicant at least 10 days before such hearing in official envelopes provided by the Town of North Castle. Proof of mailing to all required property owners shall be demonstrated by providing the Town with a certificate of mailing (PS Form 3817 or 3877).