

Chapter 29**PLANNING BOARD**

§ 29-1. Creation; membership; terms of office.

§ 29-2. Authority to approve plats.

§ 29-3. Authority to approve changes in streets, highways and public areas.

§ 29-4. Appointment as Zoning Commission.

[HISTORY: Adopted by the Village Board of the Village of Canisteo 8-3-70 by resolution; amended in its entirety 4-3-89 by L.L. No. 7-1989. Subsequent amendments noted where applicable.]

§ 29-1. Creation; membership; terms of office.

There shall be a Board for the Village of Canisteo, Steuben County, New York, appointed by the Village Board of Trustees, to be known as the Village Planning Board, consisting of five (5) members appointed according to the requirements of the General Municipal Law, the initial members of which shall serve for a term of one (1) year, for a term of two (2) years, for a term of three (3) years, for a term of four (4) years and for a term of five (5) years; and at the expiration of such terms, the terms of office of their successors shall be for terms of five (5) years.

§ 29-2. Authority to approve plats.

Pursuant to said Article 12-A of the General Municipal Law and pursuant to Article 7 of the Village Law, said Planning Commission is hereby authorized and empowered to approve plats showing lots, blocks or sites with or without streets or highways and to conditionally

approve preliminary plats and to pass and approve the development of plats already filed in the office of the Clerk of said county if such plats are entirely or partially undeveloped.

§ 29-3. Authority to approve changes in streets, highways and public areas.

Said Planning Board is authorized and empowered to approve or disapprove:

- A. Changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the office of the Clerk of said county.
- B. The laying out, closing off or abandonment of streets, highways or public areas under the provisions of the Village Law and the Highway Law.

§ 29-4. Appointment as Zoning Commission.

Said Planning Board is hereby appointed as the Village Zoning Commission and is hereby authorized and empowered to make a preliminary report of proposed zoning and regulations for the village, recommending districts and regulations to be enforced therein, and to hold public hearing thereon before submitting any final report to the Village Board.

SALARIES AND COMPENSATION

Chapter 35

SALARIES AND COMPENSATION

[The salaries and compensation of the various officers and employees of the Village of Canisteo are established periodically by the Village Board of Canisteo. Such information is available at the office of the Village Clerk during regular business hours.]

Chapter 37

SMOKING POLICY

- § 37-1. Legislative purpose; effective date.
- § 37-2. Prohibited locations; exceptions.
- § 37-3. Nonsmoking areas.
- § 37-4. Conflicts; complaints.
- § 37-5. Violations; enforcement.
- § 37-6. Distribution and posting.

[HISTORY: Adopted by the Village Board of the Village of Canisteo 3-5-1990 by resolution. Amendments noted where applicable.]

§ 37-1. Legislative purpose; effective date.

In an effort to provide a safe and healthy environment for employees and in accordance with the New York State Public Health Law, § 1399-0, Subdivision 6, the Board of Trustees of the Village of Canisteo here adopts the following smoking policy, effective April 1, 1990.

§ 37-2. Prohibited locations; exceptions.

- A. Smoking is prohibited throughout the facilities except in designated areas identified by "Smoking Permitted" signs.
- B. Smoking is prohibited in any indoor enclosed work area occupied by more than one (1) person, unless all employees in such area agree to allow smoking. The rights of a nonsmoker to a smoke-free work area shall prevail.

- C. Smoking is also prohibited in all employee rest rooms, elevators, hallways, classrooms, auditoriums, gymnasiums, employee medical facilities and areas containing office equipment used in common.
- D. Smoking is also prohibited in conference or meeting rooms and municipal vehicles used by more than one (1) person unless all occupants agree to allow smoking.
- E. An enclosed smoking room may be designated upon request if space is available.

§ 37-3. Nonsmoking areas.

Employee cafeterias, lunchrooms and lounges will contain nonsmoking areas large enough to meet demand.

§ 37-4. Conflicts; complaints.

Conflicts should be brought to the attention of the appropriate supervisory personnel. Employees may also file a formal complaint with Arthur J. Burdick.

§ 37-5. Violations; enforcement.

- A. Employees found smoking outside of designated smoking areas will be considered in violation of this policy and may be subject to penalties.
- B. Arthur J. Burdick shall be designated an agent to assist in the enforcement of this policy by notifying employees who are in violation.

§ 37-6. Distribution and posting.

Copies of these rules will be posted and distributed to all employees and to all prospective employees upon request.

PART II

**GENERAL
LEGISLATION**

Chapter 41

ALCOHOLIC BEVERAGES

§ 41-1. Possession of open containers in public places restricted.

§ 41-2. Issuance of licenses restricted.

§ 41-3. Penalties for offenses.

[HISTORY: Adopted by the Village Board of the Village of Canisteo 8-4-80 as L.L. No. 2-1980. Amendments noted where applicable.]

§ 41-1. Possession of open containers in public places restricted.
[Amended 7-20-81 by L.L. No. 2-1981]

No alcoholic beverage shall be possessed by any person on any street, park, sidewalk or in any other place of public assemblage in the Village of Canisteo, New York, in an uncapped container or with the original container seal broken, or in any other type of open container from which the contents may be drunk or otherwise consumed, unless a license first shall have been issued by the Village Clerk, wherein a specific time and geographic location shall be designated authorizing the dispensing and possession of such alcoholic beverage.

§ 41-2. Issuance of licenses restricted.

No license for the consumption of alcoholic beverages from an open container in any public place in the Village of Canisteo shall be issued except to a charitable, patriotic or municipal organization sponsoring a charitable, patriotic or municipal celebration or ceremony.

§ 41-3. Penalties for offenses. [Added 9-8-87 by L.L. No. 4-1987]

Violation of this chapter shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or both.

Chapter 45

BUILDINGS, NUMBERING OF

§ 45-1. Owners or occupants to number residences and places of business.

[HISTORY: Adopted by the Village Board of the Village of Canisteo 12-3-57 as Ord. No. 18. Amendments noted where applicable.]

§ 45-1. Owners or occupants to number residences and places of business.

It shall be the duty of the owner or occupant of every residence or place of business within the village to have the same legibly numbered on the front thereof, such numbers to be in accordance with the map adopted by the Board for that purpose and filed with the Clerk, but nothing herein contained shall require the numbering of an uncompleted house or building or of a vacant lot. All buildings in the process of construction shall be so numbered within ten (10) days after they are ready for occupancy.



BUILDINGS, UNSAFE

Chapter 47

BUILDINGS, UNSAFE

- § 47-1. Purpose.
- § 47-2. Unsafe structures prohibited.
- § 47-3. Definitions.
- § 47-4. Inspection of premises; investigation; report.
- § 47-5. Notice to repair or remove; contents; other recourse; filing.
- § 47-6. Official hearing.
- § 47-7. Emergency cases.
- § 47-8. Expenses; assessment of costs.
- § 47-9. Transfer of title.
- § 47-10. Penalties for offenses.
- § 47-11. Administrative liability.
- § 47-12. Duties of Police Department.
- § 47-13. Duties of firemen.

[HISTORY: Adopted by the Village Board of the Village of Canisteo 9-11-1995 as L.L. No. 3-1995.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Uniform Fire Prevention and Building Code — See Ch. 67.
Flood damage prevention — See Ch. 69.
Zoning — See Ch. 119.

¹ Editor's Note: This local law also superseded former Ch. 47, Unsafe Buildings, adopted 8-7-1978 as L.L. No. 1-1978.

§ 47-1. Purpose.

Unsafe buildings pose a threat to life and property. In the Village of Canisteo, buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this chapter to provide for the safety, health protection and general welfare of persons and property in the Village of Canisteo by requiring such unsafe buildings be repaired or demolished and removed.

§ 47-2. Unsafe structures prohibited.

No person, firm, corporation or association owning, possessing or controlling a building or structure in this village shall permit, suffer or allow said building now or hereafter to be or become dangerous or unsafe to the public and/or residents from any cause whatsoever.

§ 47-3. Definitions.

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

BUILDING — Any building, structure or portion thereof used for residential, business, industrial, recreational or other purposes.

BUILDING INSPECTOR — The Building Inspector of the Village of Canisteo as defined in Chapter 67 and 119 of the Code of the Village of Canisteo.

PORTION OF BUILDING OR STRUCTURE — Any debris, rubble or parts of a building which remain on the

ground or on the premises after demolition, reconstruction, fire or other casualty.

UNSAFE BUILDING OR STRUCTURE — Any building or structure or portion thereof which:

- A. Has interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third ($\frac{1}{3}$) of its base.
- B. Exclusive of the foundation, shows thirty-three percent (33%) or more of damage to or deterioration of the supporting member or members or fifty percent (50%) damage to or deterioration of the nonsupporting enclosing or outside walls or covering.
- C. Has improperly distributed loads upon the floors or roofs or in which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.
- D. Has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Canisteo.
- E. Has become or is so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.
- F. Has light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

- G. Has inadequate facilities for egress in case of fire or panic or has insufficient stairways, elevators, fire escapes or other means of communication.
- H. Has parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Because of its condition, is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Canisteeo.
- J. Is open at the doorways or windows or walls making it accessible to and an object of attraction to minors under eighteen (18) years of age as well as to undesirables and other trespassers.
- K. Is or may become a place of rodent infestation.
- L. Consists of debris, rubble or parts or buildings left on the ground after demolition, reconstruction, fire or other casualty.

§ 47-4. Inspection of premises; investigation; report.

- A. Upon a written complaint brought, the Village Board will cause an inspection to be made by the village's Inspector, appointed by the Village Board under the provisions of the Fire Prevention and Building Code, or such other person as the Village Board may designate to inspect and report to the Village Board concerning any business, industrial or residential buildings alleged to be injurious or unsafe to the public.
- B. Investigations and report. When in the Inspector's own opinion or upon receipt of information that a building: is or may become dangerous or unsafe to the general public; is open at the doorways and windows making it accessible to and an object of attraction to minors under eighteen (18) years of age as well as to vagrants and other trespassers; is or may become a place of rodent infestations; presents any other danger to the health,

safety, morals and general welfare of the public; or is unfit for the purposes for which it may lawfully be used, the Inspector shall cause or make an inspection thereof and report, in writing, to the Village Board his findings and recommendations in regard to its repair or demolition or removal.

§ 47-5. Notice to repair or remove; contents; other recourse; filing.

- A. Board order. The Village Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal and further order that a notice be served upon the persons in the manner provided herein.
- B. Notice contents. The notice shall contain the following:
- (1) A description of the premises.
 - (2) A statement of the particulars in which the building is unsafe or dangerous.
 - (3) An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
 - (4) A statement that the securing or removal of such building shall commence within (30) days of the service of the notice and shall be completed within (60) days thereafter, unless for good cause shown such time shall be extended.
 - (5) A date, time and place for a hearing before the Village Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five (5) business days from the day of service of the notice.

- (6) A statement that, in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Village Board is authorized to provide for its demolition and removal and to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses incurred by the village in connection therewith and including the cost of actually removing said building or structure against the land on which said building or structures are located.
- C. The village shall also have such other and additional remedies as may be available to it, including but not limited to suit against the owner or other interested persons as herein provided for the cost of such damages or expenses.
 - D. A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Steuben.

§ 47-6. Official hearing.

- A. Proceedings; decision of Board.
 - (1) The hearing shall be conducted before the Village Board. There will be no official transcript of the hearing made by the Village Board unless requested by the owner, in writing, at least fifteen (15) days prior to the hearing date.
 - (2) The Building Inspector shall present his report to the Board in writing.
 - (3) The owner or his representative, if present, shall call such witnesses as he deems necessary.
 - (4) If such owner or person served with notice shall neglect, fail or refuse to comply and shall fail to appear at said hearing, then the Village Board shall

direct the repair or removal of the building forthwith.

- (5) At the conclusion of the hearing, the Village Board shall make a determination, in writing, and a copy of the same shall be served either personally or by registered mail on all parties who appeared therein. The determination shall state whether the original report is sustained, modified or reversed. If reversed, no further proceeding shall be had.
 - (6) If such owner or person served with notice shall neglect, fail or refuse to comply, and after appearing at said hearing the Village Board finds that the building is a public nuisance and directs its repair or removal, the owner shall repair or remove said building within the time prescribed by the Board.
 - (7) If the owner fails or neglects to repair or remove said building as directed by the Board following the hearing, then the Board shall direct the repair or removal of the same forthwith.
- B. Refusal to comply. In the event of the refusal or neglect of the person so notified to comply with said order of the Village Board after the hearing, the Village Board shall provide for the demolition and removal of such building or structure either by village employees or by contract. Except in emergency as provided in § 47-7, any contract for demolition and removal of a building in excess of ten thousand dollars (\$10,000.) shall be awarded through competitive bidding.
- C. Costs of proceeding. All costs and expenses incurred by the village in connection with any and all of the above proceedings to remove or secure, including the cost of the transcript and reasonable attorney fees, shall be paid by the owner of the property.

§ 47-7. Emergency cases.

- A. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Village Board may by resolution authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in § 47-8, Expenses; assessment of costs.
- B. When emergency work is to be performed under this section, the village shall cause the owner thereof to be served personally or by registered mail, return receipt requested, and, if served by registered mail, shall post on the premises a notice to comply containing a description of the premises, a statement of the facts in which the structure is unsafe or dangerous and orders and directions to correct the conditions which constitute an emergency within a specified period not to exceed three (3) days from actual or constructive receipt of the notice.
- C. The notice shall state that the corrective costs of the emergency will be assessed against the owner pursuant to the provisions of this chapter.

§ 47-8. Expenses; assessment of costs.

All expenses incurred by the village in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in the Real Property Tax Law for the levy and collections of a special ad valorem levy. In addition thereto, interest shall run thereon from the date of filing the verified statement to the date of actual payment at seven and one-half percent (7 $\frac{1}{2}$ %) per annum. Notwithstanding any provision

herein to the contrary, the village may, at its election, institute suit against the owner of the premises for the direct costs, together with a charge of fifty percent (50%) in addition thereto, as compensation to the village for administering, supervising and handling said work and enter judgment thereon against the owner personally for the aforesaid amount. The imposition and collection of any fine or penalty hereinafter prescribed shall not bar the right of the Village to collect the costs of the removal or repair of any unsafe building or structure as herein prescribed.

§ 47-9. Transfer of title.

The transfer of title by the owner of premises upon which an unsafe building or structure is located shall be no defense to any proceedings under this chapter.

§ 47-10. Penalties for offenses.

Any person upon whom a notice as provided in this chapter has been served who fails, neglects or refuses to place such unsafe building or structure in a safe condition as designated in such notice or who shall commit an offense against any of the provisions of this chapter or orders given pursuant thereto or who shall resist or obstruct the Village Board in carrying out the provisions of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine of not more than two hundred fifty dollars (\$250.) or by such fine and imprisonment. Each week in which such offense continues shall constitute a separate violation.

§ 47-11. Administrative liability.

No officer, agent or employee of the Village of Canisteo shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Village of Canisteo as the result of any act required or

permitted in the discharge of his duties under this chapter shall, at request of said person, be defended by the Village Attorney at village costs or the municipality's insurance carrier's attorneys until the final determination of the proceeding therein.

§ 47-12. Duties of Police Department.

All employees of the Police Department or any other law enforcement official may make a report, in writing, to the Building Inspector of any buildings or structures which are or may be deemed to be unsafe buildings within the terms of this chapter. Such reports should be delivered to the Building Inspector within forty-eight (48) hours of the discovery of such buildings.

§ 47-13. Duties of firemen.

Any fireman may make a report, in writing, to the Building Inspector of any building or structures which are, may be or are suspected to be unsafe buildings within the terms of this chapter.

Chapter 51

CURFEW

§ 51-1. Imposition of curfew.

§ 51-2. Responsibility of parent or guardian.

§ 51-3. Penalties for offenses.

[HISTORY: Adopted by the Village Board of the Village of Canisteo 12-3-57 as Ord. No. 15. Section 51-1 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 51-1. Imposition of curfew.¹

It shall be unlawful for any person under sixteen (16) years of age to be or remain in or upon any of the streets, alleys or public places in the Village of Canisteo, New York, at night after the hour of 10:00 p.m. until dawn, unless such person is accompanied by a parent, guardian or other person having the legal custody of such minor person or in the performance of an errand or duty directed by said parent, guardian or other person having the care and custody of such minor person or whose employment makes it necessary to be upon said street, alleys or public places during the nighttime after said specified hour, provided that this exception shall not apply when the person under age shall be playing or unnecessarily loitering in or upon such said street, alley or public place, whether alone or accompanied by a parent, guardian or any person or persons whatever.

§ 51-2. Responsibility of parent or guardian.

It shall be unlawful for any parent, guardian or any other person having the legal care and custody of any person under sixteen (16)

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

years of age to allow or permit any such child, ward or other person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys or public places in the Village of Canisteo within the time prohibited in the foregoing section of this chapter unless a reasonable necessity exists therefor.

§ 51-3. Penalties for offenses. [Added 9-8-87 by L.L. No. 4-1987]

Any parent, guardian or other adult person having the care and custody of a person under sixteen (16) years of age in violation of this chapter shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for a term not exceeding fifteen (15) days, or both.