

VILLAGE OF ANDOVER
LOCAL LAWS & ORDINANCES
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VILLAGE OF ANDOVER

LOCAL LAWS
AND
ORDINANCES

updated 2017

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LOCAL LAWS & ORDINANCES
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LOCAL LAW #1 OF 1989

A local law relating to the termination of the village's status as an ASSESSING UNIT for village real property tax purposes.

Section 1. Legislative intent. The intent of the Board of Trustees of the Village of Andover is to implement section 1402(3) of the Real Property Tax Law providing for the voluntary termination of the Village's status as an assessing unit, as provided in the Village Law and the Real Property Tax Law. It is also the intent of this local law to abolish the position of Assessor (or Board of Assessors) and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Andover.

Section 2. On or after the effective date of this local law, the Village of Andover shall cease to be an assessing unit.

Section 3. The position of Assessor in the Village of Andover is hereby abolished.

Section 4. The Board of Assessment Review in the Village of Andover is hereby abolished.

Section 5. On or after the effective date of this local law, taxes in the Village of Andover shall be levied on a copy of the applicable part of the assessment roll of the Town of Andover with the taxable status date of such Town controlling for village purposes.

Section 6. Within five days of the effective date of this local law, the Board of Trustees of the Village of Andover shall file a copy of such local law with the Clerk and Assessor of the Town of Andover and with the State Board of Equalization and Assessment.

Section 7. This local law shall take effect immediately upon filing with the Secretary of State, provided, however, that such local law is subject to a permissive referendum and the Village Clerk shall forthwith proceed to notice such fact and conduct such referendum, if required by petition.

PROPOSED;	May 8, 1989
PUBLISHED:	May 16, 1989 WDR
PUBLIC HEARING:	June 13, 1989
PASSED:	June 13, 1989
FILED:	Hutter

LOCAL LAW #1 OF 1982

A local law providing INDEMNIFICATION for VILLAGE OFFICERS and EMPLOYEES pursuant to Public Officers law, Section 18.

Be it enacted by the Village Board of the Village of Andover as follows:

Section 1. PROVISIONS

Pursuant to the provisions of section 18 of the Public Officers Law, the governing body of the Village of Andover hereby agrees to be held liable for costs incurred under the provisions of such section, by conferring upon the officers and employees of such village the benefits of section of such law.

Section 2. EFFECT

This local law shall take effect as provided by law.

PROPOSED;	October 12, 1982
PUBLISHED:	October 25, 1982, Wellsville Reporter
PUBLIC HEARING:	November 9, 1982
PASSED:	November 9, 1982
FILED WITH STATE:	Sootheran & Hutter

LOCAL LAW #2 OF 1982

Section 1. REQUIREMENT OF WRITTEN NOTIFICATION

No civil action shall be maintained against the Village of Andover or the Village Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, sidewalk, bridge, culvert, highway marking, sign or device, or any other property owned, operated or maintained by the Village, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe dangerous or obstructed condition of such highway, sidewalk, bridge, culvert, highway markings, sign or device, or any other property owned, operated or maintained by the Village, was actually given to the Village Clerk or Village Superintendent of Highways, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; but no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, sidewalk, bridge or culvert, unless written notice thereof, specifying the particular place, was actually given to the Village Clerk or Village Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. DUTIES OF VILLAGE CLERK AND HIGHWAY SUPERINTENDENT

The Village Superintendent of Highways shall transmit in writing to the Village Clerk within ten (10) days after the receipt thereof all written notices received by him or her pursuant to the Local Law and S6-628 of the Village Law. The Village Clerk shall cause all written notices received by him

-- ADMINISTRATIVE LAWS

or her pursuant to the Local law and S6-628 of the Village Law, to be presented to the Village Board within five (5) days of the receipt thereof, or at the next succeeding Village Board meeting, whichever shall be sooner.

Section 3. APPLICATION

This Local Law shall supersede in its application to the Village of Andover, S6-628 of the Village Law.

Section 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

PROPOSED: April 13, 1992
PUBLISHED: May 27, 1992
PUBLIC HEARING: June 9, 1992
PASSED: June 9, 1992
PUBLISHED: February 24, 1993 Patriot
FILED: March 1993, K. McDonald

LOCAL LAW #2 OF 1988 - (See LOCAL LAW #10 OF 2016)

~~A Local Law of~~ REQUIREMENT OF WRITTEN NOTIFICATION

~~Section 1. TITLE~~

~~This Local Law shall be known as the Residency Requirement Law for Certain Village Officers.~~

~~Section 2. RESIDENCY REQUIREMENTS OF CERTAIN VILLAGE OFFICERS~~

~~In order to hold their Village offices, the Village Clerk, Deputy Village Clerk, Village Treasurer and Deputy Village Treasurer need not be residents of the Village of Andover but must be residents of the county in which the Village is located which is Allegany County, State of New York.~~

~~Section 3. EFFECTIVE DATE~~

~~This Local Law shall take effect upon filing with the Secretary of State.~~

~~PROPOSED: January 11, 1988
PUBLISHED: January 23, 1988
PUBLIC HEARING: February 16, 1988
PASSED: February 16, 1988
FILED: Hutter~~

-- ADMINISTRATIVE LAWS

~~or her pursuant to the Local law and S6-628 of the Village Law, to be presented to the Village Board within five (5) days of the receipt thereof, or at the next succeeding Village Board meeting, whichever shall be sooner.~~

~~Section 3: APPLICATION~~

~~This Local Law shall supersede in its application to the Village of Andover, S6-628 of the Village Law.~~

~~Section 4: EFFECTIVE DATE~~

~~This Local Law shall take effect immediately upon filing with the Secretary of State.~~

~~PROPOSED: April 13, 1992
PUBLISHED: May 27, 1992
PUBLIC HEARING: June 9, 1992
PASSED: June 9, 1992
PUBLISHED: February 24, 1993-Patriot
FILED: March 1993, K. McDonald~~

LOCAL LAW #10 OF 2016 (replaces #2 of 1988)
RESIDENCY REQUIREMENT

A Local Law c REQUIREMENT OF WRITTEN NOTIFICATION

Section 1. TITLE

This Local Law shall be known as the Residency Requirement Law for Certain Village Officers.

Section 2. RESIDENCY REQUIREMENTS OF CERTAIN VILLAGE OFFICERS

In order to hold their Village offices, the Village Clerk, Deputy Village Clerk, Village Treasurer, Deputy Village Treasurer, DPW Superintendent of the DPW employees, Village Justice and Village Police Officers need not be residents of the Village of Andover but must be residents of the county in which the Village is located which is Allegany County, State of New York. The Mayor, Village Trustees and Chief of Police must be residents of Village of Andover. The Village Justice must be a resident of the Town of Andover.

Section 3. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

PROPOSED: June 9, 2016
PUBLISHED: July 8, 2016
PUBLIC HEARING: July 19, 2016
PASSED: July 19, 2016
FILED WITH STATE: August 10, 2016

LOCAL LAW #1 OF 1993
PUBLICATION OF LOCAL LAWS AFTER ENACTMENT

Subsequent to the passage of Local Laws by the Village of Andover pursuant to the Municipal Home Rule Law of the State of New York, the Village of Andover shall publish a summary of any law so enacted in the official newspaper of the Village in lieu of publishing the entire text of the Local Law.

In addition, the Village Clerk shall make copies available to the public upon request, including in the published notice of passage a provision that copies shall be available at the Village Clerk's Office during regular working hours.

PROPOSED: December 8, 1992
PUBLISHED: January 5, 1993
PUBLIC HEARING: January 12, 1993
PASSED: February 11, 1993
PUBLISHED: February 24, 1993 Patriot
FILED: March 1993, K. McDonald

LOCAL LAW #2 OF 1994
ALTERNATIVE VETERANS EXEMPTION

A Local Law enacting an alternative veterans real property tax exemption pursuant to Real Property Tax Law, Law Section 458-a.

Be it enacted by the Village Board of Trustees of the Village of Andover as follows:

Section 1. This law repeals and replaces Local Law #4 of 1984 in relation to the alternative veterans exemption for real property under Real Property Tax Law Section 458-a.

Section 2. LEGISLATIVE INTENT

The purpose of this law is to provide a limited real property tax exemption for those veterans residing within the Village of Andover, and to ensure that those veterans eligible for an exemption under the requirements of Sections 458 and 458-a of the Real Property Tax Law are able to exercise the exemption which they deem most beneficial to them. This law is enacted in response to and in conjunction with the change from fractional assessment to full assessment in the Village of Andover, New York.

Section 3. This law is adopted pursuant to Section 458(6)(b), Section 458-a(2) and 458-a(d)(ii) of the Real Property Tax Law of the State of New York, and is subject to all of the requirements and limitations contained therein.

Section 4. Veterans residing in the Village of Andover and qualifying for a real property tax exemption under Section 458 and 458-a of the Real Property Tax Law of the State of New York shall be entitled to such exemptions, limited as follows:

(a) Pursuant to Section 458-a(2)(a) of the Real Property Tax Law, the "qualifying residential real property" of a veteran, spouse or unmarried surviving spouse shall be exempt from taxation to the extent of fifteen percent

-- ADMINISTRATIVE LAWS

(15%) of the assessed property valued up to a maximum of \$6,000.00.

(b) Pursuant to Section 458-a(2)(b) of the Real Property Tax Law, qualified veterans who served in a "combat theater" shall be entitled to an additional exemption equal to ten percent (10%) of the assessed property value up to a maximum exemption of \$4,000.00.

(c) Pursuant to Section 458-a(2) ('c) of the Real Property Tax Law, qualified veterans with a service connected disability shall be entitled to an additional exemption equal to the assessed property value multiplied by a value equal to fifty percent (50%) of the veterans disability rating, up to a maximum exemption of \$20,000.00.

Section 5. This law shall be effective immediately upon its filing with the Secretary of State.

PROPOSED;	February 8, 1994
PUBLISHED:	February 23, 1994
HEARING:	March 8, 1994
ADOPTED:	March 8, 1994
PUBLISHED:	March 29, 1994
FILED:	March 15, 1994

-- ALCOHOL

See also OPEN CONTAINER

LOCAL LAW #3 OF 1988

A Local Law to prohibit the possession of ALCOHOLIC BEVERAGES within the Village of Andover by any person under the age of TWENTY-ONE YEARS.

Be it enacted by the Board of Trustees of the Village of Andover as follows:

Section 1. DECLARATION OF POLICY

The Board of Trustees of the Village of Andover recognizes that the abuse of alcoholic beverages is a matter of great concern to our community, and that a special concern exists with regard to young persons under the age of twenty-one years. The State Legislature has enacted laws making it illegal for any person to "sell, deliver or give away, or cause or permit to procure to be sold, delivered or given away any alcoholic beverages to any person, actually or apparently, under the age of twenty-one years". The Board of Trustees further recognizes that young persons may by various means come into possession of alcoholic beverages and consume such alcoholic beverages with resulting injury to themselves, other persons and property. It is hereby determined to be the public policy of the Village of Andover to make illegal the possession of alcoholic beverages by any person under twenty-one years except as specifically permitted by state law or by this local law, and that such restriction is necessary to protect the welfare of the young people, the general public, personal property and public property.

Section 2. DEFINITIONS

For the purposes of this Local Law, all terms shall have their usual and customary meanings except as follows:

1. Any terms given specific definition in the "Alcoholic Beverage Control Law" shall have such meaning as is assigned to it in such state law.
2. "Possession" or "possess" shall mean to have in one's control, power, or at one's disposal, any alcoholic beverages, other than in the presence and supervision of the parent, legal guardian or legal custodian of any person under the age of twenty-one years of age in a private place.

Section 3. VIOLATION

It shall be unlawful for any person under the age of twenty-one years within the Village of Andover to possess or have in their possession, or to accept, or consume any alcoholic beverages, except that it shall not be unlawful if such possession, consumption, acceptance or activity takes place in a private place under the supervision of the parent, legal guardian or legal custodian of a person under twenty-one years of age.

-- ALCOHOL

Section 4. PENALTY

The penalties for violating this Local Law shall constitute an offense punishable by a fine not exceeding fifty dollars (\$50.00) or by imprisonment in jail for ten (10) days, or by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment for thirty (30) days, or by both such fine and imprisonment for a second or subsequent offense.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

PROPOSED:	May 9, 1988
LEGAL NOTICE:	May 18, 1988 Wellsville Daily Reporter
PUBLIC HEARING:	June 8, 1988
PASSED:	June 13, 1988
FILED:	By R. Hutter

-- AMUSEMENTS

VILLAGE ORDINANCE ON AMUSEMENTS

Section 1.

No person shall construct, play ball or engage in any act, amusement or practice endangering property or persons on the streets or public grounds. But coasting and games may be permitted on the streets and public grounds, under proper regulations fixed by the Board of Trustees.

Section 2.

A penalty of not less than five dollars (\$5.00) not exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of this ordinance, and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

PROPOSED;	May 26, 1971
PUBLISHED:	June 3, 1971 Andover News
PUBLIC HEARING:	June 10, 1971
PASSED:	June 10, 1971

-- ALL TERRAIN VEHICLES (ATV)

LOCAL LAW #1 OF 2014

A Local Law addressing PERMITTED OPERATION AND RESTRICTIONS UPON THE USE OF ALL-TERRAIN VEHICLES (ATV) in the Village of Andover, New York.

Be it enacted by the Board of Trustees of the Village of Andover as follows:

PERMITTED OPERATON AND RESTRICTIONS UPON THE USE OF
ALL-TERRAIN-VEHICLES IN THE VILLAGE OF ANDOVER
Chapter 1
ALL-TERRAIN VEHICLES

- (1) Statutory Authority; Title
- (2) Definitions
- (3) Permitted Operations and Restrictions
- (4) Penalties
- (5) Effective Date

(HISTORY: Adopted by the Village Board of the Village of Andover; 2014 as L.L. No. 1)

GENERAL REFERENCES

Section 1. Statutory Authority; Title

This Local Law is adopted pursuant to the authority of Section 10 of the Municipal Home Rule Law of the State of New York. This Local Law shall be known as the "Permitted Operation and Restrictions Upon the Use of All-Terrain-Vehicles in the Village of Andover". This Local Law may be cited as Village of Andover Local Law No. 1 of 2014 (VOA LL 20014-1).

Section 2. Definitions

The words and terms used in this Local Law shall have the same meanings as such words and terms are used in Article 9-A of the General Municipal Law and the words and phrases defined in the New York State Vehicle and Traffic Law unless otherwise provided herein or unless the context required a different meaning.

As used in the Local Law, the following terms shall have the meanings indicated:

VILLAGE: The term "Village" shall mean the Village of Andover, County of Allegany, State of New York.

GOVERNMENTAL AGENCY: The term "Governmental Agency" shall mean any agency of the State of New York and all municipalities within the state.

EXECUTIVE OFFICER: The term "Executive Officer" shall mean the Mayor of the Village of Andover, County of Allegany, State of New York

-- ALL TERRAIN VEHICLES (ATV)

ALL-TERRAIN-VEHICLE or A.T.V.: The term "All-Terrain Vehicle" or "A.T.V." shall mean a self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways provided such vehicle does not exceed seventy inches (70") in width or one thousand pounds (1,000 lbs.) dry weight. Provided, however, this definition shall not include a "snowmobile".

SNOWMOBILE: The term "Snowmobile" shall mean a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners, and is supported, in whole or in part, by one or more skis, belts or cleats.

OWNER: The term "Owner" shall mean any person having title to the A.T.V.

OPERATE: The term "Operate" shall mean to ride in or on, other than the passenger, or use or control the operation of an A.T.V., in any manner, whether or not the A.T.V. is underway.

OPERATOR: The term "Operator" shall mean any person who operates or is in the actual physical control of an A.T.V.

ROADWAY: The term "Roadway" shall mean that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.

HIGHWAY: The term "Highway" shall mean the entire width between the boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

SIDEWALK: The term "Sidewalk" shall mean that portion of any street which is between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Section 3. Permitted Operations and Restrictions.

(1) The operation of A.T.V.s on highways and public ways of the Village of Andover, N.Y., shall be subject to the applicable provisions of the Vehicle and Traffic Laws of New York State, as well as the rules, restrictions and conditions set forth.

-- ALL TERRAIN VEHICLES (ATV)

(2) The operation of A.T.V in the Village of Andover is subject to the following conditions and restrictions:

- a) There shall be no operation of any A.T.V. on any sidewalk or pedestrian pathway with the exception for plowing snow.
- b) Prohibited operating hours: No person shall operate an A.T.V. on any highway between the hours of 9:00 p.m. and 7:00 a.m.
- c) No person under the age of sixteen (16) years of age shall operate an A.T.V. on a Village highway.
- d) No A.T.V. shall be operated on a Village highway at a speed greater than 20 m.p.h. unless on Elm Street, then speed shall not be greater than 15 m.p.h.
- e) No A.T.V. shall be operated on private property unless otherwise granted permission from the landowner.
- f) Each person operating an A.T.V. on a Village highway shall strictly observe all vehicular traffic signs and all other rules and regulations applicable to vehicular traffic, and shall obey the orders and directions of any state or local police or other law enforcement officer that is directing or regulating traffic.

(g was omitted)

- h) All A.T.V.s operating on a Village highway shall be registered according to the New York State Vehicle and Traffic Law.
- i) All A.T.V.s operating in the Village shall be subject to the noise ordinance of the Village.

Section 4. Penalties

Any violation of the provisions of this Local Law shall be deemed a violation under the Penal Law of the State of New York, and shall be punishable by a fine of not less than seventy five dollars (\$75.00) and not more than two hundred and fifty dollars (\$250.00) and/or imprisonment for not more than fifteen (15) days or community service of not more than one hundred (100) hours. A second violation committed within eighteen (18) months shall be punishable by a fine of not less than one hundred and fifty dollars (\$150.00) and not more than five hundred dollars (\$500.00) and/or imprisonment for not more than fifteen (15) days or community service of not more than two hundred (200) hours.

Section 5. Effective Date

This law shall take effect immediately upon filing with the Secretary of State's Office.

PROPOSED: March 11, 2014
LEGAL NOTICE:
PUBLIC HEARING:
PASSED: November 19, 2014
FILED: November 28, 2014

LOCAL LAW #3 OF 1985

A Local Law to provide for the authorization of LIMITED PERIOD BINGO within the territorial limits of the Village of Andover.

Be it enacted by the Village Board of the Village of Andover as follows:

Section 1. PURPOSE

The purpose of this Local Law is to permit the Village of Andover to license authorized organizations to conduct limited period bingo within the territorial limits of the Village of Andover.

Section 2. DEFINITIONS

(1) "Authorized organization" shall mean and include any bonafide religious or charitable organization or bonafide educational, fraternal, civic or service organization or bonafide organization of veterans or volunteer firemen, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more the lawful purposes as defined in this article, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this article for a period of one year immediately prior in applying for a license under this article.

(2) "Lawful purposes" shall mean one or more of the following causes, deeds or activities:

(a) Those which shall benefit needy or deserving persons indefinite in number by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments;

(b) Those which shall initiate, perform or foster worthy public works or shall enable or further the erection or maintenance of public structures;

(c) Those which shall otherwise lessen the burdens borne by government or which are voluntarily undertaken by an authorized organization to augment or supplement services which government would normally render to the people.

(3) "Limited period bingo" shall mean the conduct of bingo by a licensed authorized organization, for a period of not more than seven of twelve consecutive days in any one year, at a festival, bazaar carnival or similar function conducted by such licensed authorized organization. No authorized organization licensed to conduct limited period bingo shall be otherwise eligible to conduct bingo twice in the same year.

-- BINGO

Section 3. SCOPE

The Village of Andover shall be permitted to issue a license for the conducting of limited period bingo to an authorized organization which satisfies the lawful purpose requirement of Section Two enumerated above. This license shall be issued upon verification of the lawful purpose of the authorized organization by the Village of Andover and the payment of a license fee for each bingo occasion of \$18.75 to the Village of Andover by the authorized organization.

Section 4. EFFECT OF LOCAL LAW

This Local Law shall take effect upon filing this Local Law with the Department of State and the State Racing and Wagering board following approval by a majority of the electors voting on the proposition submitted at a general or special election held within the Village of Andover who are qualified to vote for officers of the Village of Andover.

PROPOSED:	January 8, 1985
PUBLISHED:	January 10, 1985 Wellsville Daily Reporter
PUBLIC HEARING:	January 17, 1985
PASSED:	January 17, 1985
FILED:	Sootheran & Hutter

A Local Law amending, in part, Local Law #2 of 1987.

A Local Law to prevent, reduce or eliminate BLIGHT, blighting factors or causes of blight within the Village of Andover.

Section 1. PURPOSE

It is the purpose of the Local Law to prevent, reduce or eliminate blight or potential blight in the Village of Andover for the general welfare of the community by the prevention or elimination of certain environmental causes of blight or blighting factors which may exist at the time this Local Law takes effect or, may in the future, exist in said Village.

Section 2. CAUSE OF BLIGHT OR BLIGHTING FACTORS

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Local Law, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in the Village of Andover owned, leased, rented or occupied by such person, firm or corporation.

(a) JUNK VEHICLES

The storage upon any property of junk vehicles except in a completely enclosed building. For the purpose of this Local Law, the term "junk vehicles" shall include any motor vehicle which is not licensed for use upon the highways of the State of New York for a period in excess of thirty (30) days and shall also include whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days.

(b) BUILDING MATERIALS

The storage upon any property of building materials unless there is in force a valid building permit issued by the Village of Andover for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to: lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

(c) JUNK, TRASH AND RUBBISH

The storage or accumulation of junk, trash, rubbish or refuse of any kind, except as provided herein. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other materials or other cast-off materials of any kind whether or not the same could be put to any reasonable use.

On properties used for single-residential purposes, domestic refuse

originating from such premises may be stored in such a manner as not to create a nuisance for a period not to exceed thirty (30) days. The refuse shall be stored in suitable containers so as to protect it from wind, rain and animals shielded from view of adjacent areas except when placed at the property line for removal on the date of removal. The proprietor of the premises shall provide for the removal of all domestic refuse at least every thirty (30) days and more often if necessary to prevent the creation of a nuisance.

In any area used for business or multiple-residential purposes, domestic refuse originating on such premises may be stored in such a manner as not to create a nuisance for a period not to exceed ten (10) days. The refuse shall be stored in appropriate water-tight commercial-type containers, shielded from view of adjacent areas. The proprietor shall provide for weekly removal of all waste, trash, rubbish or refuse or all kinds and more often if necessary to prevent the creation of a nuisance.

(d) DAMAGED BUILDINGS

The existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, as a dwelling, nor useful for any other purpose for which it may have been intended.

(e) VACANT BUILDINGS

The existence of any vacant building not kept securely locked, windows kept glazed, or neatly boarded up otherwise protected to prevent entrance thereto by vandals.

(f) INCOMPLETE STRUCTURES

The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the Village of Andover and unless such construction is completed within a reasonable time.

Section 3. ENFORCEMENT AND PENALTIES

(a) This Local Law shall be enforced by such persons who shall be so designated by the Village of Andover Board.

(b) It shall be the duty of the owner or owners and the occupants of any real property located within the Village of Andover to remove, eliminate, repair or otherwise abate any and all blight or blighting factors which exist or remain on the property.

(c) The owners and the occupants of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after the service of notice upon him or her. Such notice to be signed by the enforcement officer and personally served by the enforcement officer or by anyone authorized to serve process within the State of New York, or such notice may be sent by certified mail, return receipt requested.

(d) Failure to comply with such notice within the time allowed by the owner and/or occupant shall constitute a violation of this Local Law and allow the Village of Andover to enter the property to remove, eliminate, repair or otherwise remedy the blight or blighting factors.

(e) Any removal, elimination, repair or other remedy not performed by Village personnel shall be contracted for after competitive bidding, unless the cost of same is less than \$10,000.00, pursuant to General Municipal Law, Section 103.

(f) Upon the failure of the owner or owners of the property to pay to the Village Clerk the costs incurred by the Village of Andover in removing, eliminating, repairing or in any manner remedying the blight or blighting factors, the Superintendent of Public Works shall certify the cost to the "Real Property Tax Department of Allegany County and thereupon the cost shall become a lien upon the real property involved and shall be added to and become a part of the taxes next to be assessed and levied upon the real property and shall bear interest at the same rate, and be collected and enforced in the same manner as Village taxes.

Section 4. DEFINITIONS

Person shall mean any natural person, partnership, firm, corporation or other legal entity.

Proprietor shall mean every owner, lessee, tenant, or other person.

Section 5. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

PROPOSED:	May 13, 1999
PUBLISHED:	June 1, 1999 Wellsville Daily Reporter
PUBLIC HEARING:	June 8, 1999
PASSED:	June 8, 1999
FILED:	by Keith Slep

-- BUILDING

See also FIRE ESCAPE

FLOOD INSURANCE ORDINANCE #1 (1973)

WHEREAS, the Village of Andover has adopted and is enforcing the Building Code, and

WHEREAS, Section #1 of the building code as adopted by the Village of Andover prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Building Inspector, and

WHEREAS, the Building Inspector must examine all plans and specifications for the proposed construction when application is made for a building permit,

NOW, THEREFORE BE IT RESOLVED by the Village board of Trustees of the Village of Andover as follows:

(1) That the Building Inspector for the Village of Andover, when reviewing applications for building permits, including the plans and specifications for the proposed construction, will review all building permit applications to determine if the proposed construction is consistent with the need to minimize flood damage.

(2) That the Building Inspector shall review all building permit applications to determine if the site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.

(3) That the Building Inspector in reviewing all applications for construction in flood hazard locations within the Village of Andover shall require that any such proposed construction must:

- (a) Be designed and anchored to prevent the floatation, collapse or lateral movement of the structure or portions of the structure due to flooding.
- (b) Use of construction materials and utility equipment that are resistant to flood damage.
- (c) Use of construction methods and practices that will minimize flood damage.
- (d) Provide adequate drainage in order to reduce exposure to flood hazards.
- (e) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

(4) It is further resolved that the Building Inspector in reviewing all subdivision applications shall make findings of fact and determine if:

-- BUILDING

- (a) All such proposed developments are consistent with the need to minimize flood damage.
- (b) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (c) Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.
- (d) All public utilities and facilities be located, elevated and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems.

PROPOSED: December 3, 1973
PUBLISHED: Andover News
PUBLIC HEARING: December 13, 1973
PASSED: December 13, 1973

FLOOD INSURANCE ORDINANCE #2 (1973)

RESOLUTION TO FEDERAL INSURANCE ADMINISTRATION

WHEREAS, certain areas of the Village of Andover are subject to periodic flooding and mudslides from Dyke Creek and East Valley Creek, causing serious damage to residential properties within these areas; and

WHEREAS, relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968 as amended; and

WHEREAS, it is the intent of this Board of Trustees of the Village of Andover to comply with land use and management criteria regulations as required in said act; and

WHEREAS it is also the intent of this Board of Trustees of the Village of Andover to recognize and duly evaluate flood and mudslide hazards in all official actions relating to land use in the flood plain areas having special flood and mudslide hazards; and

WHEREAS, the Code Citations of any State enabling legislation and of any resulting county, city, town or village ordinance that authorized this Village to adopt land use and control measures is State Law, Chapter 64;

NOW THEREFORE BE IT RESOLVED that this Village Board of Trustees of the Village of Andover hereby assures the Federal Insurance Administration that it takes the following legislative action:

- (1) Appoints the Village Planning Board with the responsibility, authority, and means to:

-- BUILDING

(a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify and location of building sites.

(b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain.

(c) Maintain for public inspection and furnishing upon request, with respect to each area having special flood hazards, information on elevations (in relation to mean sea level) of the lowest floors of all new or substantially improved structures; and

(d) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and mudslide areas in order to prevent aggravation of existing hazards.

(e) Submit on the anniversary date of the community's initial eligibility, an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain and mudslide area management measures.

(2) Take such other official action as may be reasonable necessary to carry out the objectives of the program.

BE IT FURTHER RESOLVED that the Village Board of Trustees of the Village of Andover hereby appoints the Building Inspector with the overall responsibility, authority and means to implement all commitments made herein.

PROPOSED:	December 3, 1973
PUBLISHED:	Andover News
PUBLIC HEARING:	December 13, 1973
PASSED:	December 13, 1973

BUILDING ORDINANCE (1973)

Section 1. APPLICATION FOR PERMITS

(a) Before the construction or alteration of any building or structure, or any part of either is commenced the owner or lessee or agent of either, or the architect or builder employed by the owner or lessee in connection with the proposed construction or alteration, shall submit to the Board of Trustees a detailed statement of such plans and structural detail drawings of the proposed work, as the Board of Trustees may require, together with a sworn statement of the owner of the use or intended use of such building.

(b) All applications, notices and sworn statements required by this ordinance shall be presented to and kept on file in the office of the Village Clerk.

(c) Nothing in this ordinance shall prohibit the filing of amendments to any applications at any time before the completion of the work for which permit was sought and such amendments, after approval, shall be made a part of the application and filed as such.

(d) Ordinary repairs to buildings or structures may be made without notice to the Board of Trustees.

(e) It shall be unlawful to complete or alter any building or structure, or any part thereof, until the application and plans required by the provisions of this Article shall have been approved by the Board of Trustees and a written permit issued by it.

(f) The Board of Trustees shall approve or reject any application or plan or amendment thereto, filed with it pursuant to the provisions of this Article, within a reasonable time, and if approved, shall promptly issue a permit therefor.

(g) Any permit issued by the Board of Trustees under the provisions of this Article, but under which no work is commenced within one (1) year from the time of the issuance, shall expire by limitation.

(h) The Board of Trustees may reject any permit or approval issued under the provisions of this Article, in the case of any false statement or misrepresentation as to a material fact, in the application on which the permit or approval is based.

(i) The Board of Trustees may, by resolution, fix a charge or fee to be paid to the Village by all applicants for permits issued under this ordinance.

Section 2. NON-CONFORMING USES

On and after the date when this ordinance shall take effect, a non-conforming building or use may be continued in such use, provided that no structural extension or addition thereto of more than one hundred percent (100%) of the existing cubical contents of the building shall be erected, and provided that such extension or addition shall be made in conformity with the provisions of Section 1 of this ordinance, pertaining to application for building permits.

-- BUILDING

Section 3. REVERSION OF USE

If a non-conforming building or use, existing at the time this ordinance shall become effective, is subsequently changed to a conforming use, or is destroyed by fire, explosion, Act of God, or the public enemy, to the extent of more than seventy-five percent (75%) of its assessed valuation, such building or use shall not again be altered or rebuilt, except in conformity with the rules and regulations of the district in which such building is located.

Section 4. BUILDING INSPECTION

The Board of Trustees, if it desires, may appoint a Building Inspector to assist in carrying out the provisions of this ordinance, and shall prescribe his powers and duties as such Inspector, and his compensation, if appointed, shall be a charge against the Village.

Section 5. BOARD OF APPEALS

a. The Board of Trustees shall appoint a Board of Appeals of three (3) members, who may, but need not be Trustees, each to be appointed for three (3) years, and such Board of Appeals shall have all the powers and duties given and prescribed by Section 179-a of the Village Law of the State of New York.

b. Where there are any practical difficulties in the way of carrying out the strict letter of any provision of this ordinance, or where unnecessary hardship would thereby result to the owner of property, the Board of Appeals shall have power in a specific case, after due notice and public hearing, to vary any such provision in harmony with the general purpose and intent of this ordinance, so that the public health, safety and general welfare may be secured and substantial justice done, and to this end, may permit, among other things:

(1) The granting in undeveloped sections of the Village of temporary and conditional permits of not more than one (1) year's duration, for structures and uses not permitted by this ordinance, but which are necessary to the development of such sections.

(2) The granting of special permits for the location within the Village limits of a limited number of grocery stores, delicatessens, and other similar businesses customarily found in residential sections, provided the location of such business does not interfere with the declared purpose of conserving property values in that locality, and provided that the building or structure from which said business is conducted is of approved modern design and equipment.

c. The Board of Appeals shall have power to reject and reverse any order, decision or approval of the Building Inspector.

-- BUILDING

Section 6. AMENDMENTS

The Board of Trustees may from time to time, on its own motion or on petition, after public notice and hearing, amend, supplement or change the regulations and uses herein established, and adopt rules and regulations for the purpose of construing, interpreting and carrying into effect this ordinance.

Section 7. VIOLATIONS AND PENALTIES

- a. Every agent, architect, building contractor, owner, tenant or other person having charge of any building or lands who commences, taken part in, or assists in any violation of any of the provisions of this ordinance, or who constructs, maintains or uses any building or structure or premises, in, upon or by which any provision of this ordinance is violated, shall for each and every day that said violation continues, be subject to a fine of not more than one hundred dollars (\$100), and in addition thereto, any such violation of any of the provisions of this ordinance shall constitute disorderly conduct, and any person violating any provision of this ordinance or orders made pursuant thereto, shall be a disorderly person, and may be punished by a fine of not more than one hundred dollars (\$100) and each and every day a violation of this ordinance is committed or permitted to exist, shall constitute a separate offense, after receiving notice to cease or remedy such violation.

- b. Whenever the Mayor of the Village shall certify that any building or any part thereof, or any lands are being erected or used in violation of the provisions of this ordinance, the Village Attorney is authorized to institute all actions and proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance.

Section 8. VALIDITY

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

Section 9. REPEAL OF CONFLICTING ORDINANCES

All ordinances and parts of ordinances heretofore passed, which are in conflict with this ordinance, are hereby repealed.

Section 10. EFFECTIVE DATE

This ordinance shall take effect at twelve noon on the 21st day of December 1973.

PROPOSED:	December 3, 1973
PUBLISHED:	Andover News
PUBLIC HEARING:	December 13, 1973
PASSED:	December 13, 1973

LOCAL LAW #1 OF 1987

(FOLLOWING COMPLIES WITH NATIONAL FLOOD INSURANCE PROGRAM
FLOOD PLAIN MANAGEMENT CRITERIA FOR FLOOD-PRONE AREAS
{44 CFD60.3 (D)} AS REVISED 10/1/86)

FLOOD DAMAGE PREVENTION LOCAL LAW

SECTION 1.0

STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Board of Trustees of the Village of Andover finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Andover and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Local Law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this Local Law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous in health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and:
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this Local Law are:

- (1) to protect human life and health;

-- BUILDING

- (2) to minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blight areas:
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0
DEFINITIONS

Unless specifically defined below, words or phrases used in this Local Law shall be interpreted so as to give them the meaning they have in common usage and to give this Local Law its most reasonable application,

"Appeal" means a request for a review of the local "Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-99, V, VO, VE OR V1-30. It is also commonly referred to as the base floodplain or 100-year floodplain.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its flood subgrade (below ground level) on all sides.

-- BUILDING

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" means any structure built for support, shelter or enclosure for occupancy or storage.

"Cellar" has the same meaning as "Basement".

"Coastal high hazard area" means the area subject to high velocity waters including, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE, VO or V.

"Development" means any man-made change to improved or unimproved real estate, including not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a river line Community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along watercourses studied in detail in the Flood Insurance Study.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevations of the base flood.

-- BUILDING

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustment to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" has the same meaning as "Regulatory Floodway".

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Lowest Floor" means lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" has the same meaning as "Manufactured home".

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New Construction" means structures for which the "start of contraction" commenced on or after the effective date of this Local Laws.

-- BUILDING

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"100-year Flood" has the same meaning as "Base Flood".

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.3-2 of this Law.

"Sand Dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of Construction" means the initiation, exclusive of planning and design, of any phase of a project, physical alteration of the property and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and building materials. For manufactured homes, the "actual start" means affixing of the manufactured home to its permanent site.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground,.

"Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started; or
- (2) if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however include either:

- (1) any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this Local Law which permits construction or use in a manner that would otherwise be prohibited by this Local Law.

SECTION 3.0
GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This Local Law shall apply to all areas of special flood hazards within the jurisdiction of the Village of Andover.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Village of Andover, of Allegany Country, New York, dated July 1977, with accompanying Floodway Maps is hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and maps is hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and maps are on file at the Andover Village Office, 35 E Greenwood Street, Andover, N.Y.

3.3 INTERPRETATION, CONFLICT WITH OTHER LAWS

This Local Law is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986 and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this Local Law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this Local Law and any other applicable regulations. Any infraction of the provisions of this Local Law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of Andover from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this Local Law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0, will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.1 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Local Law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Local Law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Local Law shall not create liability on the part of the Village of Andover, and officer or employee thereof, or Federal Emergency Management Agency, for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made thereunder.

SECTION 4.0
ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATION

The Village Board or its designates is hereby appointed Local administrator to administer and implement this Local Law by granting or denying development permit applications in accordance with its provisions.

4.2 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in Section 3.25. Application for a Development Permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures fill, storage of materials, drainage facilities, and the location of the foregoing.

4.1-2-1 APPLICATION STAGE

The following information is required where applicable:

- (a) elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures.
- (b) elevation in relation to mean sea level to which any non-residential structure will be flood-proofed.
- (c) when required, a certificate from a licensed professional engineer or architect that the utility flood proofing will meet the criteria in Section 5.1-3 (1);
- (d) certificate from a licensed professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in Section 5.2 and:
- (e) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2-2 CONSTRUCTION STAGE

Upon placement of the lowest floor, or flood-proofing by whatever means, it shall be the duty of the permit holder to submit to the Local Administrator a certificate of the elevation of the lowest floor, or flood-proofed elevation in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by name. When flood-proofing is utilized for a particular building, the flood-proofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

4.3 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to:

4.3-1 PERMIT APPLICATION REVIEW

(1) Review all development permit applications to determine that the requirements of this Local Law have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this Local Law, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.

(i) If there is no adverse affect, then the permit shall be granted consistent with the provisions of this Local Law.

(ii) If there is an adverse affect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of Section 5.1-5, Encroachments.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation data has not been provided in accordance with Section 3.25, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 5.1-4 (4) in order to administer Section 5.2, SPECIFIC STANDARDS and Section 5.3 FLOODWAYS.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

(1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar of all new or substantially improved structures, whether or not the structure contains a basement or cellar.

- (2) For all new or substantially improved flood-proofed structures:
 - (i) obtain and record the actual elevation, in relation to mean sea level, to which the structure has been flood-proofed; and
 - (ii) maintain the flood-proofing certificates required in Section 5.1 and 5.2.

- (3) Maintain for public inspection all records pertaining to the provisions of this Local Law including variances when granted and Certificates of Compliance.

4.3-4 ALTERATION OF WATERCOURSES:

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, NY 10278.

- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

The Local Administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

Base flood elevation data established pursuant to Section 3.2 and/or Section 4.3-2, when available, shall be used to accurately delineate the area of special flood hazards.

The Local Administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.

4.3-6 STOP WORK ORDERS

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop work order by the Local Administrator. Disregard of stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.

- (2) All floodplain development found noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop work order by the Local Administrator. Disregard of a stop work order shall be subject to the penalties described in Section 3.5 of this Local Law.

4.3-7 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspection at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the Development Permit or the approved variance.

-- BUILDING

4.3-8 CERTIFICATE OF COMPLIANCE

(1) It shall be unlawful to use or occupy or to permit to use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this Local Law.

(2) All other development occurring within the designated flood hazard area will have, upon completion, a Certificate of Compliance issued by the Local Administrator.

All certificates shall be based upon the inspections conducted subject to Section 4.3-7 and/or any certified elevations, hydraulic information, flood-proofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

SECTION 5.0
PROVISIONS FOR FLOOD REDUCTION

5.1 GENERAL STANDARDS

In all area of special flood hazards, the following standards are required:

5.1-1 ANCHORING

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or 2 feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

(1) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.

(2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and:

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and:

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

5.1-5 ENCROACHMENTS

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in Section 4.3-1 (3), Permit Review. This may require the submission of additional technical data to assist in the determination.

(2) In all area of special flood hazard in which base flood elevation data is available pursuant to Section 4.3-2 of Section 5.1-4(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(3) In all areas of the special flood hazard where floodway data is provided or available pursuant to Section 4.3-2, the requirements of Section 5.3, Floodways, shall apply.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS and Section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any resident structure shall:

- (1) have the lowest floor, including basement or cellar, elevated to or above the base flood elevation;
- (2) have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and:
 - (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.2-2 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvements of any commercial, industrial or other non-residential structure, together with attendant utility and sanitary facilities, shall either: have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or be flood-proofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- (1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

- (i) a minimum of two openings having a total net area not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade; and: screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (2) If the structure is to be flood-proofed:
- (i) a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with the accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and:

The Local Administrator shall maintain on record a copy of all such certificates noted in this section.

5.2-3 CONSTRUCTION STANDARDS FOR AREAS OF SPECIAL FLOOD HAZARDS WITHOUT BASE FLOOD ELEVATIONS

New construction or substantial improvements of structures including manufactured homes shall have the lowest floor including basement elevated to or above the base flood elevation as may be determined in Section 4.3-(2) or 2 feet above the highest adjacent grade where no elevation data is available.

(1) New construction or substantial improvements of structure including manufactured homes shall have the lowest floor (including basement) elevated at least 2 feet above the highest adjacent grade next to the proposed foundation of the structure.

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

- (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

- (ii) the bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade;
- (iii) openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

5.3 FLOODWAYS

Located within areas of special flood hazard area areas designated as floodways (see definition, Section 2.0). The floodway is an extremely hazardous area due to high velocity flood waters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by Section 3.2 and Section 1.3-2, all encroachments including fill, new construction, substantial improvements and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Appeals Board as established by the Village Board of the Village of Andover shall hear and decide appeals and requests for variances from the requirements of this Local Law.
- (2) The Appeals Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Local Administrator in the enforcement or administration of this Local Law.
- (3) Those aggrieved by the decision of the Appeals Board may appeal such decision to the Supreme Court pursuant the Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Appeals Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Local Law; and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and:]
- (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(5) Upon consideration of the factors of Section 6.1(4) and the purposes of this Local Law, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Local Law.

(6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

(1) Generally, variances may be issued for new construction and substantial improvement to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

-- BUILDING

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this section.

(3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (i) the criteria of subparagraphs 1, 4, 5 and 6 of this section are met;
- (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(6) Variances shall only be issued upon receiving written justifications:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and:
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

PROPOSED:	Mandated by DEC
PUBLISHED:	February 27, 1987, Wellsville Daily Reporter
PUBLIC HEARING:	March 9, 1987
PASSED:	March 16, 1987
FILED:	Sotheran & Hutter

~~LOCAL LAW PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF NEW YORK FIRE PREVENTION AND BUILDING CODE.~~

~~This Local Law replaces Local Law #2 of 1985 and Local Law #1 of 1992.~~

~~Section 1: PURPOSE AND INTENT~~

~~This Local Law shall provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code in the Village of Andover. This Local Law is adopted pursuant to Section 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided with this law, state law or within the Uniform Code, all premises regardless of use, are subject to the provisions which follow.~~

~~Section 2: PARTIAL INVALIDITY~~

~~If any section of this Local Law shall be unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder thereof.~~

~~Section 3: CODE ENFORCEMENT OFFICIAL, DUTIES AND POWERS~~

~~A: The office of Code Enforcement Official is hereby created and shall be administered by an appointee of the Village Board. The Code Enforcement Official shall possess background experience related to building construction or fire prevention and shall, within the time constraints prescribed by law, obtain such training as the State of New York shall require for code enforcement officials. The Board of Trustees may, in addition, designate an official inspection agency to conduct the building and fire inspections in accordance with the New York State Uniform Fire Prevention and Building Code within the Village of Andover. The official inspection agency shall perform inspections as provided for in this Local Law, including periodic fire safety inspections, and shall review applications for building permits and certificates of occupancy and shall advise the Code Enforcement Official as to the issuance or non-issuance of such building permits or certificates of occupancy.~~

~~B: In the absence of the Code Enforcement Official, or in the case of his inability to act for any reason, the Village Mayor shall have the power with the consent of the Village Board, to designate a person to act in behalf of the Code Enforcement Official and to exercise all of the powers conferred upon him by this Local Law.~~

-- BUILDING

~~C. The Village Mayor, with the approval of the Village Board, may appoint one inspector or more, as the need may appear, to act under the supervision and direction and the Code Enforcement Official and to exercise any portion of the powers and duties of the Code Enforcement Official as directed by him.~~

~~D. The compensation for the Code Enforcement Official, acting Code Enforcement Official and inspectors shall be fixed and adjusted as needed by the Village Board.~~

~~E. The Code Enforcement Officer shall administer and enforce all of the provisions of the Uniform Code and the provisions of this Local Law, including receiving building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Village Board and maintaining and and filing all records necessary for the administration of the office to the satisfaction of the Village Board. The Code Enforcement Official is authorized to pursue administrative actions and in consultation with the Village attorney, legal action as necessary to abate conditions not in compliance with the New York State Uniform Fire Prevention and Building Code, this Local Law, or other laws, rules or regulations of the Village of Andover or of the State of New York.~~

Section 4: BUILDING PERMIT

A: Permits Required

~~(1) Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid fuel burning heating appliance, chimney or flue in any dwelling unit, without first having obtained as permit from the Code Enforcement Official.~~

~~(2) No permit shall be required for:~~

~~(a) necessary repairs which do not materially affect structural features;~~

~~(b) alterations to existing buildings, provide that the alterations:~~

~~(i) cost less than \$10,000.00;~~

~~(ii) do not materially affect structural features;~~

~~(iii) do not affect fire safety features such as smoke detectors, sprinklers, required fire separations and exits;~~

~~(iv) do not involve installation or extension of electrical systems; and:~~

~~(v) do not include the installation of solid fuel-burning heating appliances and associated chimneys and flues.~~

~~(c) residential storage sheds and other small non-commercial structures less than 140 square feet which are not intended for use by one or more persons as quarters for living, sleeping, eating or cooking; for example, a small storage building, and:~~

~~(d) non-residential farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes.~~

B. Application for a permit

~~(1) The application for a building permit and its accompanying documents shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.~~

~~(2) The form of the permit and application therefore shall be prescribed by the Code Enforcement Official. The application shall be signed by the owner (or his authorized agent) of the building and shall contain at least the following:~~

~~(a) Full name and address of the owner and, if by a corporation, the name and addresses of the responsible officials;~~

~~(b) Identification and/or description of the land on which the work is to be done;~~

~~(c) Description of use or occupancy of the land and existing or proposed building;~~

~~(d) Description of the proposed work and:~~

~~(e) Three sets of plans and specifications for the proposed work.~~

~~(3) The Code Enforcement Official may waive the requirement of plans and specifications when the work to be done involves minor alterations or is otherwise unnecessary.~~

~~(4) Applicant shall notify the Code Enforcement Official of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Official and approval shall be received from the Code Enforcement Official prior to the commencement of such change of work.~~

C. General Requirements

~~(1) A building permit issued pursuant to this Local Law shall be prominently displayed on the property to which it pertains.~~

~~(2) A building permit issued pursuant to this Local Law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.~~

~~(3) A building permit issued pursuant to this Local Law shall expire one (1) year from the date of issuance or upon issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods provided that:~~

- ~~(a) the permit has not been revoked or suspended at the time the application for renewal is made,~~
- ~~(b) the relevant information in the application is up to date, and:~~
- ~~(c) the renewal fee is paid.~~

Section 5: FEES

A fee schedule shall be established and changed as needed, by resolution of the Village Board. Such fees may be charged for the issuance or permits, certificates of occupancy, temporary certificates of occupancy, and for fire safety inspections.

Section 6: CERTIFICATE OF OCCUPANCY

A. No building erected subject to the New York State Uniform Fire Prevention and Building code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued. No building similarly enlarged, extended or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued. The owner or his agent shall make application for a certificate of occupancy. Under all circumstances, certificates of occupancy shall be applied for:

- ~~(1) for new construction.~~
- ~~(2) for each change of use:
 - ~~(a) A change from owner-occupied to rental shall be considered a change in use.~~~~
- ~~(3) for each change in tenancy and/or change in ownership.~~

B. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure

is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance or at an earlier date if so specified.

A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official, be renewed. The Code Enforcement Official may place special conditions of Temporary Certificates of Occupancy as necessary to insure safety and to protect the interest of the Village of Andover.

Section 7: INSPECTION

A: Inspections during construction:

(1) Work for which a building permit has been issued hereunder shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction including, but not limited to: building location, site preparation, excavation, foundation, framing, superstructure, excavation, foundation, framing, superstructure, electrical, plumbing, heating and air conditioning. It shall be the responsibility of the owner, applicant or his agent, to inform the inspector that the work is ready for inspection and to schedule such inspection.

(2) If entrance to make an inspection is refused or cannot be obtained, the Village Board, after being notified by the inspector of the situation, may apply for an order to make an inspection to any court of competent jurisdiction.

B: Fire Prevention and Safety Inspections

(1) Multiple dwellings shall be inspected for the purpose of determining compliance with fire prevention and housing maintenance requirements of the Uniform Code at least once in every thirty-six (36) months. Inspections of such buildings shall include common areas such as: halls, foyers, staircases, etc., and vacant dwelling units. Where the tenants of occupied dwelling units allow, the inspection may include such units.

(2) Fire safety inspections of buildings or structures having areas of public assembly as defined in Part 606 of Title 9 of the Official Compilation of Codes, Rules and Regulations shall be performed at least once in every twelve (12) months.

(3) All other buildings, uses and occupancies (except one or two family dwellings) shall be inspected at least once in every twenty four (24) months.

(4) An inspection of a building or dwelling unit may also be performed at any other time upon:

- (a) the request of the owner, authorized agent or tenant;
- (b) receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exists; or:

(c) other reasonable and reliable information that a violation exists.
(5) Such inspections shall be performed by the Code Enforcement Official.

Section 8: VIOLATIONS

A. Upon determination that a violation of the Uniform Code or this Local Law exists in, on or about any building or premises, the Code Enforcement Official shall order, in writing, the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by registered mail.

B. In addition to those penalties prescribed by State law, any person, firm or corporation who violates any provision of the Uniform Code or any rule or regulation of this Local Law, or the terms or conditions of any Certificate of Occupancy issued by the building and Fire Safety Inspector, shall be liable to a civil penalty of not more than \$200.00 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Village Board on its own initiative or at the request of the Code Enforcement Official.

Section 9: STOP WORK ORDERS

Whenever the Code Enforcement Official has reason to believe that the work on any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work and suspend all building activities until the stop work order has been rescinded. Such order and notice shall appear in writing, shall state the conditions under which the work may be resumed, and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by registered mail at the address set forth in the application for the permission of the construction of such building.

Section 10: DEPARTMENT RECORDS AND REPORTS

A. The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by him, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him with the consent of the Village Board, and notices and orders issued. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

-- BUILDING

~~B. The Code Enforcement Official shall annually submit to the Village Board a written report and summary of all business conducted by the Building Department, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspection and test made, and appeals or litigation pending or concluded.~~

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LOCAL LAW #1 OF 2006

LOCAL LAW PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF NEW YORK
FIRE PREVENTION AND BUILDING CODE.

This Local Law replaces Local Law #2 of 1985, Local Law #1 of 1992 and Local Law #1 of 1993.

Section 1: PURPOSE AND INTENT

This Local Law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Village of Andover. This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this Local Law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this Local Law.

Section 2. DEFINITIONS

In this Local Law:

"Building Permit" shall mean a permit issued pursuant to Section 4 of this Local Law. The term "Building Permit": shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this Local Law.

"Certificate of Occupancy" and "Certification of Compliance" shall mean a certificate issued pursuant to subdivision (b) of Section 7 of this Local Law.

"Code Enforcement Officer" shall mean the Code Enforcement Officer and any and all Inspectors.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors.

"Compliance Order" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of Section 15 of this Local Law.

"Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

"Inspector" shall mean an inspector appointed pursuant to subdivision (d) of Section 4 of this Local Law.

"Operating Permit" shall mean a permit issued pursuant to Section 10 of this Local Law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this Local Law.

"Permit Holder" shall mean the Person to whom a Building Permit has been issued.

"Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"Stop Work Order" shall mean a certificate issued pursuant to Section 6 of this Local Law.

"Temporary Certificate" shall mean a certificate issued pursuant to subdivision (d) of Section 7 of this Local Law.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code as currently in effect and as hereafter amended from time to time.

"Village" shall mean the Village of Andover.

Section 3. CODE ENFORCEMENT OFFICIAL, DUTIES AND POWERS

A. The office of Code Enforcement Official is hereby created.

The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code of this Local Law. The Code Enforcement Officer shall have the following powers and duties:

- (1) to receive, review and approve or disapprove applications for Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specification and construction documents submitted with such applications;
- (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer and may determine to be appropriate;
- (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Local Law;
- (4) to issue Stop Work Orders;
- (5) to review and investigate complaints;
- (6) to issue orders pursuant to subdivision (a) of Section 15 (Violations) of this Local Law;
- (7) to maintain records;
- (8) to collect fees as set by the Village Board of the Village of Andover;
- (9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this Local Law, or to abate or correct conditions not in compliance with Uniform Code, the Energy Code or this Local Law, and:

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Local Law.

B. the Code Enforcement Officer shall be appointed by the Village Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual may be appointed by the Village Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Office by this Local Law.

D. One or more Inspectors may be appointed by the Village Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of powers and fulfillment of his duties conferred upon the Code Enforcement Office by this Local Law. Each Inspector shall within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Village Board of the Village of Andover.

Section 4. BUILDING PERMITS

A. Building Permits Required. Except as otherwise provided in subdivision (B) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

B. Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one story detached structures association with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

(2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings where such pools are designated for a water depth of less than 24 inches and are installed entirely above ground;

(4) installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) construction of retaining walls unless such walls support a surcharge of impound Class I, II or IIIA liquids;

(6) construction of temporary motion picture, television and theater stage sets and scenery;

(7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(8) installation of partitions or movable cases less than 5'-9" in height;

(9) painting, wallpapering, tiling, carpeting, or other similar finish work;

(10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or:

(12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

C. Exemptions not deemed authorization to perform non-compliant work. The exemption from the requirements to obtain a building permit for work in any category set forth in subdivision (B) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient or permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

E. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (D) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted documents to the applicant shall not be construed as authorization to commence work, nor as an indication that Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

F. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

G. Building Permits to be displayed. Building Permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permits shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

I. Time Limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

J. Revocation or Suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provision of the Uniform Code and the Energy Code.

K. Fee. The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this Local Law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

Section 5. CONSTRUCTION INSPECTIONS

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (B) of this Section is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems,, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and:
- (10) a final inspection after all work authorized by the Building Permit has been completed.

C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provision of the Uniform Code and the Energy Code, reinspected and found satisfactory as completed.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this Local Law must be paid prior to or at the time of each inspection performed pursuant this section.

Section 6. STOP WORK ORDERS

A. Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any application provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required and without regard to whether a Building Permit has or has not been issued for such work, or:

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and if the owner is not the Permit Holder, on the Building Permit) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

D. Effect of Stop Work Orders. Upon issuance, of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (A) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under Section 15 (Violations) of this Local Law or under any other applicable Local Law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

Section 7. CERTIFICATES OF OCCUPANCY/CERTIFICATES OF COMPLIANCE

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

B. Issuance of Certificates of Occupancy/Certificates of Compliance.

The Code Enforcement officer shall issue a Certificate of Occupancy/Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy/Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy/Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.

C. Contents of Certificates of Occupancy/Certificates of Compliance. A Certificate of Occupancy/Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy/Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and:

(10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy/Certificate of Compliance and the date of issuance.

D. Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit,. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposed and intent of the Uniform Code,. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy/Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

F. Fee. The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this Local Law must be paid at the time of submission of an application for a Certificate of Occupancy/ Certificate of Compliance or for Temporary Certificate.

Section 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief or any fire department providing fire fighting services for property within this Village of Andover shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

Section 9. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in the Village of Andover shall be identified and address in accordance with the procedures established by Local Law Number two (2) of 1987, as amended in part by Local Law Number One (1) of 1999, as not in effect or as hereafter amended from time to time.

Section 10. OPERATING PERMITS

A. Operating Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code in New York State" and incorporated by reference in 19 NYCRR Section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with no occupant load of 100 persons or more; and:

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Village Board of the Village of Andover.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (A) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

B. Application for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

C. Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

D. Multiple Activities. In any circumstance in which more than one activity listed in subdivision (A) of this section is to be conducted at allocation, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

E. Duration of Operating Permits. Operating permits shall be issued for such period of time not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

F. Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

G. Fee. The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this Local Law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

Section 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.

B. Inspections permitted. In addition to the inspections required by subdivision (A) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) The request of the owner of the property to be inspected or an authorized agent of such owner.

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or:

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

C. OFPC Inspections. Nothing in this section or in any other provision of this Local Law supersede, limit or impair the powers, duties, responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law Section 156-e and Education Law Section 807-b.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in Section 16 (Fees) of this Local Law must be paid prior to or at the time each inspection is performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

Section 12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

A. performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B. if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in Section 15 (Violations) of this Local Law;

C. if appropriate, issuing a Stop Work Order;

D. if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

Section 13. RECORD KEEPING

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificate of Occupancy/Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all other features and activities specified in or contemplated by Section 4 through 12, inclusive of this Local Law, including; and:
- (9) all fees charged and collection.

Section 14. PROGRAM REVIEW AND REPORTING

A. The Code Enforcement Officer shall at least annually, or more often if requested, submit to the Village Board of the Village of Andover a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in Section 13 (Record Keeping) of this Local Law and a report and summary of all appeals or litigation pending or concluded.

B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the Village, on a form prescribed by the Secretary of State, a report of the activities of the Village relative to administration and enforcement of the Uniform Code.

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

Section 15. VIOLATIONS

A. Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this Local Law. Upon finding that any such condition or activity exists the Code Enforcement Officer shall issue a Compliance Order.

The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this Local Law; (4) specify the provision or provisions of the Uniform Code, the energy Code, or this Local Law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B. Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Civil Penalties. In addition to those penalties prescribed by State law, or any term or condition of any Building Permit, Certificate of Occupancy/ Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Local Law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Village.

D. Injunctive Relief. An action or proceeding may be instituted in the name of the Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this Local Law, or any term or condition of any Building Permit, Certificate of Occupancy/Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Local Law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Local Law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this Local Law, an action or proceeding may be commenced in the name of the Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or

proceeding described in this subdivision shall be commenced without the appropriate authorization from the Village Board of the Village of Andover.

E. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in Section 6 (Stop Work Orders) of this Local Law, in any other section of this Local Law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after pursuit of any other remedy or penalty specified in this section, in Section 6 (Stop Work Orders) of this Local Law, in any other section of this Local Law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of Section 381 of the Executive Law.

Section 16. FEES

A fee schedule shall be established by resolution of the Village Board of the Village of Andover. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificate of Occupancy/Certificate of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this Local Law.

Section 17. INTER-MUNICIPAL AGREEMENTS


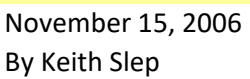
The Village Board of the Village of Andover may, by resolution, authorize the Mayor the Village to enter into an agreement, in the name of the Village of Andover, with other governments to carry out the terms of this Local Law, provided that such agreement does not violate any provision of the Uniform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

Section 18. PARTIAL INVALIDITY

If any section of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Local Law.

Section 19. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

PROPOSED:	November 14, 2006
PUBLISHED:	
PUBLIC HEARING:	
PASSED:	November 15, 2006
FILED:	By Keith Slep

LOCAL LAW #1 OF 1988

A LOCAL LAW REGARDING ELECTRICAL CODE

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANDOVER, NEW YORK,
AS FOLLOWS:

Section 1. TITLE

This Local Law shall be known as the Electrical Code of the Village of Andover.

Section 2. STATEMENT OF PURPOSE

Since there is danger to life and property inherent in the use of electrical energy, this electrical Local Law is enacted to regulate the installation, alteration or repair of wiring for electric light, heat or power and signal systems operating on fifty (50) volts or more, in or on all real property within the Village of Andover.

Section 3. NATIONAL CODE ADOPTED

All electrical installations heretofore mentioned shall be made in conformity with requirements of the National Electrical Code, except where the provisions of this Local Law or any other Local Law, ordinance or building code of the Village of Andover shall differently prescribe, in which event compliance with the provisions of such Local Law, ordinance or building code shall be recognized as proper compliance with this ordinance. The requirements of the National Electrical Code shall be those known as ANSI/NFPA 70-1981.

Section 4. INSPECTION

All village-approved inspection agencies or inspectors are authorized and deputized as agents of the Village of Andover to make inspections and re-inspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event however, will the cost or expense of such inspections and re-inspections be a charge against the Village.

Section 5. DUTIES OF THE INSPECTOR

It shall be the duty of the Inspector to report, in writing, to the Mayor, whose duty it shall be to enforce all of the provisions of this Code, all violations of, or deviations from, or omissions of, the Electrical Provisions of the National Electrical Code, and of all Local Laws, ordinances and the building code as referred to in this Local Law insofar as any of the same apply to electrical wiring.

The Inspector shall make inspections and re-inspections of electrical installations in and on properties in the Village of Andover upon the written request of the Mayor of the Village or as herein provided. The Inspector is authorized to make inspections and re-inspections of electrical wiring installations, devices, appliances and equipment, in and on properties within the Village where he deems it necessary for the protection of life and property. The Inspector shall not make inspections on existing installations in owner-occupied, single-family dwellings except where such inspection shall have been requested by the Mayor. In the event of an emergency, it is the duty of the Inspector to make electrical inspections upon the oral request of the Mayor. It shall be the duty of the Inspector to furnish written reports to the Mayor and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a Certificate of Compliance when electrical installations and equipment are in conformity with this Local Law. He shall direct that a copy of the Certificate of Compliance be sent to the Village of Andover to the attention of the Mayor.

Section 6. VIOLATIONS OF THE ORDINANCE

It shall be a violation of this Local Law for any person, firm or corporation to install or cause to be installed, or to alter or repair electrical wiring for light, heat or power, in or on properties in the village until an application for inspection has been filed with a village-approved inspection agency or inspector. The repair or changing of switches and outlets, not requiring additional wiring, in single-family dwellings shall not require application for inspection. It shall be a violation of this Local Law for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power, to any source of electrical energy supply, prior to the issuance of a temporary certificate, or a Certificate of Compliance, by a village-approved inspection agency or inspector. It shall be a violation of this Local Law for any person, firm or corporation to operate wiring after having been notified by the Inspector that such wiring is defective.

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Section 7. PENALTY FOR VIOLATIONS

Any person, firm or corporation who shall violate any of the provisions of this Local Law or any rule or regulation made pursuant thereto shall be guilty of disorderly conduct and shall be a disorderly person, and upon conviction thereof, may be punished by a fine of not more than twenty-five dollars (\$25) and each day on which such violation continues shall constitute a separate offense.

Section 8. LOCAL LAW NOT APPLICABLE IN CERTAIN CASES

The provisions of this Local Law shall not apply to electrical installation in mines, ships, railway cars, automotive equipment or the installation of equipment employed by a railway, electrical or communication utility in the exercise of its function as a utility, and located outdoors or in buildings used exclusively for that purpose. This Local Law shall not apply to and work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as their principal business. It shall not apply to any building which is owned or leased in its entirety by the Government of the United States or the State of New York. Portions of this Local Law which require application for inspection shall not apply to persons, firms or corporations regularly employed in manufacturing in the Village of Andover when such persons, firms or corporations shall have certified to the Mayor that they regularly employ one (1) or more journeyman electricians, whose principal duties are installation, maintenance and repair of electrical machinery, appliances, equipment and wiring for electric light, heat or power (hereinafter called "electrical work") in or upon the premises used by the applicant in the conduct of manufacturing; and by reason of the amount and frequency of electrical work so performed upon the applicant's premises, compliance with the provisions of this Local Law would impose an undue burden on the applicant's conduct of manufacturing operations. The term "journeyman electrician" shall mean a person who has completed an apprentice course or received equivalent training, or had equivalent experience of at least three (3) years in electrical work.

Section 9. NO WAIVER OR ASSUMPTION OF LIABILITY

This Local Law shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Village of Andover or the Village-approved inspection agencies be deemed to have assumed any such liability by reason of any inspection made pursuant to this Local Law.

Section 10. SEPARABILITY CLAUSE

If any part or provision of this Local Law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of the Local Law or the application thereof to other persons or circumstances, and the Trustees of the Village of Andover hereby declare that they would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 11. REPEALING PROVISIONS

All ordinances and parts of ordinances or Local Laws inconsistent with this Local Law are hereby repealed.

Section 12. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

-- BUILDING

PROPOSED: January 11, 1988
PUBLISHED: Ridge Runner, January 23, 1988
PUBLIC HEARING: February 16, 1988
PASSED: February 16, 1988
FILED: By R. Hutter

-- CURFEW

LOCAL LAW #1 OF 1979

A Local Law establishing a curfew for the Village of Andover.

Be it enacted by the Board of Trustees of the Village of Andover as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of the Board of Trustees of the Village of Andover in enacting this Local Law to promote the health, safety and welfare of the residents of said Village by providing a law which will prohibit the congregating and roaming of groups of young people within the Village after certain specified hours for no legitimate purpose. It is the belief of the Board of Trustees that such gatherings and wanderings lead to Offenses Against Public Order as defined in Article 240 of the Penal Law of the State of New York and Criminal Mischief as defined in Article 145 of said law. It is believed that this Local Law, when supplemented by the provisions of the Penal Law of the State of New York, will end such congregation and wandering within the Village and the associated Criminal Mischief and Offenses Against Public Order which result. Further, it is believed that this Local Law, when supplemented by Article 20 of the Penal Law, will provide for the responsibility of parents and/or guardians for the actions of such young persons as provided in this Local Law.

Section 2. LOITERING OF MINORS PROHIBITED

It shall be unlawful for any minor under the age of eighteen years to loiter, idle, wander, stroll, or lay in or upon the public streets, sidewalks, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, however, that the provisions of this section shall not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

This section shall not be construed to prohibit a minor under the age of eighteen years from going directly to his home or place of residence from any place of entertainment, church, school activity, place of employment, or any other social or group activity sponsored by a religious, charitable, educational, public institution or group.

-- CURFEW

Section 3. RESPONSIBILITY OF PARENTS

It shall be unlawful for the parents, guardian or other adult person having the care and custody of a minor under the age of sixteen years to permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, sidewalks, highways, roads, alleys, parks, playgrounds or other public places, and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, provided however, that the provisions of this section do not apply when the minor is accompanied by his parents, guardian or other adult person having the care or custody of the minor.

Each violation of this section shall constitute a separate offense.

Section 4. PENALTIES

Any minor under the age of sixteen violating the provisions of Section 2 hereof, shall be taken into custody and the parents, guardian or other adult person having the control of such child or minor shall be personally notified of such violation and further said minor apprehended for the violation of this Local Law shall be charged in the Family Court with the violation of this Local Law, and dealt with therein under the Family Court Act of the State of New York.

Any parent, guardian or other adult person having the care and custody of such minor violating Section 3 hereof, shall be a disorderly person, and such violation shall constitute disorderly conduct and, in addition, such person shall become liable for a penalty of not less than ten (\$10.00) dollars, for a second violation fifty (\$50.00) dollars, for a third violation one hundred (\$100) dollars, and for each additional violation, and additional fifty (\$50) dollars up to a maximum of two hundred fifty (\$250) dollars after six violations. The fine, if imposed, shall be paid upon conviction and, if not paid, the Magistrate shall commit the defendant to the County Jail for a term not exceeding one day for each dollar of the fine imposed.

Section 5. SEPARABILITY OF PROVISIONS

It is the intention of the Board of Trustees that each separate provision of this Local Law shall be deemed independent of all other provisions herein, and it is further the intention of the Board of Trustees that if any provision of this Local Law be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 6. REPEAL OF CONFLICTING ORDINANCES

All existing ordinances of the Village of Andover are repealed insofar as they be inconsistent with the provisions of this Local Law.

-- CURFEW

Section 7.

This Local Law shall take effect as provided by law.

PROPOSED:	April 9, 1979
PUBLISHED:	April 1, 1979
PUBLIC HEARING:	May 8, 1979
PASSED:	May 21, 1979
FILED WITH STATE:	Sootheran

-- DOGS

See also: Noise

~~A dog ordinance was passed September 26, 1973 and was repealed in 1979 when the Town of Andover took over dog control.~~

LOCAL LAW #2 of 2003

A Local Law addressing regulating the keeping and harboring of farm animals.

Be it enacted by the Board of Trustees of the Village of Andover as follows:

No farm animals such as cows, horses, pigs, sheep, goats, chickens, ducks, geese or the like shall hereafter be kept, maintained or harbored within the Village of Andover, without first obtaining an "Animal Permit" therefore from the Village Board of Trustees. No such permission shall be granted unless the same are to be kept and maintained within the limitations of the owner's property.

In considering the issuance of a permit, among other factors, the Village Board must consider the interests and opinions of the applicant's neighbors, prior to issuing any permit.

No permit shall be required if the owner's property comprises of ten (10) or more contiguous acres in the Village or is adjacent to a farm outside the Village comprising a total acreage of ten (10) or more contiguous acres.

A permit shall also not be required for any owner, who, prior to the adoption of this Local Law, was already harboring, keeping or maintaining the same. Within thirty (30) days of the adoption of this Local Law, the Clerk of the Village shall, with the assistance of the Building Inspector, issue a list of the exempted properties to be filed and a notice sent to the owners thereof stating that their property is exempt from the application of this Local Law.

Section 1. This Local Law may be enforced by the Village's Building Inspector, police department or any other police agency having jurisdiction in the Village of Andover. No summons shall be issued, however, until the owner shall have been notified, in writing, by the Village Clerk, by certified mail, to the address of the property, at least thirty (30) days in advance, that they are in violation of this Local Law and that such use must cease until the required permit is obtained. Such notice shall include the warning that if the use continues beyond thirty (30) days from the date of the notice, they will be prosecuted for a violation of this Local Law.

Section 2. Any person violating the provisions of this Local Law shall be liable for a fine of not less than seventy dollars (\$70.00), for each week that the violation continues after notification.

PROPOSED:	November 12, 2003
PUBLISHED:	
PUBLIC HEARING:	
PASSED:	November 12, 2003
FILED WITH STATE:	by Keith Slep

LOCAL LAW #1 of 2017

A Local Law addressing fences, walls and hedges in the Village of Andover.

Be it enacted by the Board of Trustees of the Village of Andover as follows:

In any residential district: fences, walls and hedges are permitted only as follows:

- a. In any required front yard: no fence, wall or hedge shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision across such yard between a height of more than two and one-half feet (2-1/2') and less than eight feet (8'), nor in any manner that materially shuts out air, light or sun between such heights.
- b. In side or rear yards: fences, walls or hedges which materially obscure vision or shut out light, sun or air, may not be over six feet (6') in height.
- c. These regulations shall not apply to retaining walls.
- d. The face side of any fence erected in any district shall face the nearest abutting property and all posts or supports shall be on the inside of said fence unless said posts or supports are an integral part of said fence.
- e. A single strand of wire shall not be erected, placed or maintained so as to be dangerous to life or limb of any persons because of its height.
- f. Fences and walls may not be constructed closer than two feet (2') from a property line.
- g. Hedges may not be planted closer than two feet (2') from a property line at the expected outside growth of the hedge.
- h. Fences, walls and hedges existing at the date of enactment of these regulations shall be considered to be in full compliance with these regulations. Any new or replacement fence, wall or hedge must comply with the current regulations.
- i. An existing fence may be replaced with a fence of equal dimensions.

PROPOSED: October 10, 2017
PUBLISHED:
PUBLIC HEARING: October 10, 2017
PASSED: October 10, 2017
FILED WITH STATE: November 7, 2017

ORDINANCE ON CONDUCT AT FIRES (1971)

Section 1.

No persons shall be guilty of insubordination or disorderly conduct at fires, or obstruct the operations of the fire department nor willfully neglect or refuse to obey or attempt to prevent or obstruct the execution of orders of the trustees or officers of the fire department at fires, or drive over a fire hose with any vehicle.

Section 2.

A penalty of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of this ordinance and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

PROPOSED: May 26, 1971
PUBLISHED: Andover News, June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971

ORDINANCE ON FALSE ALARM OF FIRE (1971)

Section 1.

No person shall willfully give, or cause to be given, any false alarm of fire in the Village.

Section 2.

A penalty of not less than ten dollars (\$10.00) nor exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of this ordinance and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

PROPOSED: May 26, 1971
PUBLISHED: Andover News, June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971

ORDINANCE ON FIRE ESCAPES (1971)

Section 1.

All owners of any hotel, factory, theatre, opera house, music hall or other place of amusement, assembly hall, church, library or charitable institution now or hereafter erected, shall provide doors, windows, stairs, escapes and other means of egress from said building suitable for escape in case of fire, and which must be approved by the Board of Trustees.

Section 2.

A penalty of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of this ordinance and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

Section 2.

PROPOSED: May 26, 1971
PUBLISHED: June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971

ORDINANCE OF INFLAMMABLE MATERIALS (1971)

Section 1.

No person shall burn any trash, refuse or other combustible material in any street, alley, vacant lot, yard or public place or in barns, stables or other building especially liable to take fire except as permitted by proper regulations by the Board of Trustees.

Section 2.

A penalty of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of this ordinance and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

PROPOSED: May 26, 1971
PUBLISHED: June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971

LOCAL LAW #1 OF 2000
GAMES OF CHANCE

A Local Law authorizing Games of Chance.

Be it enacted by the Board of Trustees of the Village of Andover as follows:

Section 1. Pursuant to Sections 187 and 188 of the General Municipal Law of the State of New York, it shall be lawful for authorized organizations to conduct games of chance within the territorial limits of the Village of Andover, provided such authorized organization shall have first obtained a license from the Village of Andover Clerk.

Licenses shall be obtained in compliance with the rules and regulations and in the manner provided by the New York State Racing and Wagering Board. In addition, the Village Board is also hereby authorized to enact rules and regulations for such games and licenses consistent with this Local Law and Article 9-A of the General Municipal Law.

Section 2. Definitions:

(a) "Authorized Organizations" shall mean and include all the organizations enumerated and listed in subdivision (4) of Section 186 of the General Municipal Law.

(b) "Games of Chance" shall mean and include only those games enumerated and listed in subdivision (3-A) of Section 186 of the General Municipal Law, and be limited to "Bell Jar" games.

(c) "Bell Jars" shall mean and include those games in which a participant shall draw a card from a jar, vending machine, or other suitable devices or container which contains numbers, colors or symbols that are covered and which, when uncovered, may reveal that a prize shall be awarded on the basis of a designated winning number, color or symbol or combination of numbers, colors or symbols. Bell jars shall also include seal cards, coin boards and merchandise boards.

Section 3. Effective Date

This Local Law shall take effect upon the approval thereof by a majority of the voters of the Village voting thereon at a referendum to be held March 21, 2000, and upon the filing of this Local Law with the Department of State.

PROPOSED:	November 9, 1999
PUBLISHED:	December 8, 1999
PUBLIC HEARING:	December 14, 1999
ADOPTED BY BOARD:	January 11, 2000
PASSED BY PUBLIC REFERENDUM:	March 21, 2000

ORDINANCE PROVIDING FOR THE LICENSING OF MERCHANTS, DEALERS,
PEDDLERS, HUCKSTERS, CANVASSERS, AGENTS AND OTHERS USING THE STREETS
AND PUBLIC PLACES (1971) - (See LOCAL LAW #6 2016)

~~Section 1. Except as herein provided, all persons who are not engaged or who hereafter engage in purchasing, buying, bartering, selling, peddling, hawking or vending goods, wares and merchandise or other personal property, or soliciting orders or subscriptions for the sale or purchase thereof, or for work, labor or services to be rendered to residents of the Village to be done and performed elsewhere than upon the premises of such resident, in the public streets, or by going from house to house within the limits of the Village, whether he or she be the principal or employee, agent or representative of any other person, firm or corporation, shall procure a license so to do from the Clerk of the Village and shall pay to the Treasurer of the Village the license fee hereinafter provided.~~

~~Section 2. The fee for licenses issued under Section of this ordinance shall be as follows:~~

~~If a vehicle is used, the license fee for the period commencing on the date when such license is issued and ending on the 31st day of May next thereafter, shall be the sum of twenty five dollars (\$25.00), or a daily fee of two dollars (\$2.00) per day, which license in either case shall include the right of one person and no more to be in attendance upon said vehicle. For each person operating from a vehicle, in addition to the one person holding a license therefor, the license fee for the like period shall be the sum of twenty five (\$25.00) or a daily fee of two dollars (\$2.00) per day.~~

~~The license fee for any other person who does not operate a vehicle in connection with such work shall be the sum of twenty five (\$25.00) dollars for the period commencing on the date said license is issued and ending on the 31st day of May next thereafter, or a daily fee of two dollars (\$2.00) per day. If the application for any license is made after December in any one year, the amount of such license fee shall be one half of the foregoing rates and all said licenses, except daily licenses shall expire on the 31st day of May next after the date of issue.~~

~~Section 3. All applicants for a license or a permit under the provisions of this ordinance shall file with the Mayor or with the Clerk of the Village, an application for the same setting forth, under oath, his or her name, age, place of residence and, if any employee, agent or representative of any other person, firm or corporation, together with such other information as the Mayor of the Village may require.~~

~~Section 4. All of said licenses and permits shall be issued by the Mayor of the Village and shall be countersigned by the Clerk of the Village, who shall keep a record thereof and of the amount of the fee, if any, to be paid therefor; and upon presentation of such license to the Treasurer of the Village so signed and countersigned, and the payment to the Treasurer of such license fee, the~~

~~Treasurer shall endorse thereon his receipt and, except as hereinafter provided, no license shall take effect until the receipt of the Treasurer shall have been endorsed thereon. The license or permit must be shown to anyone on demand and no person holding such license or permit shall be permitted to engage in any work or occupation on Sundays or before eight o'clock in the morning or after 6 o'clock in the evening on other days.~~

~~Section 5. No license or permit issued under the provisions of this ordinance shall include more than one person, nor shall more than one license or permit of any kind be issued to any one person, and no license or permit hereunder shall be transferable. Except that if the holder of any license or permit is engaged in work as the agent or representative of some other person, firm or corporation, then and in the event, with the consent of the Mayor of the Village and in his discretion the said license or permit may be surrendered and a new license or permit issued to some other person for the unexpired term thereof, without the payment of any license fee. Any person assigning or transferring or attempting to assign or transfer any license or permit issued hereunder except as herein provided, shall be guilty of violating this ordinance.~~

~~Section 6. The provisions of the foregoing sections of this ordinance shall not be construed to require the obtaining of a license or permit by a person who is the bonafide owner or lessee and occupant of a store, shop, warehouse, factory or other place of business within the Village, for the sale, distribution, storage or manufacture of any of the goods, wares, and merchandise of other personal property, or where such work, labor and services can be or are intended to be performed.~~

~~The peddling of meats, fish, fruits and farm produce by farmers and persons who produce such commodities and the hawking or peddling by an honorably discharged soldier, sailor or marine who is crippled as a result of injuries received while in the naval or military service of the United State or who is the holder of a license granted under Section 32 of the General Business Law are excepted from any of the provisions of this ordinance.~~

~~Section 7. Any person who shall violate any of the provisions of this ordinance shall be liable to a penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every offense and each separate day that this ordinance is violated shall be considered a separate offense and in addition thereto it is hereby ordained that a violation of any of the provisions of this ordinance shall constitute disorderly conduct and any person violating the same shall be a disorderly person.~~

~~Section 8. All ordinances and parts of ordinances in conflict herewith are hereby repealed.~~

LOCAL LAW #6 2016

LICENSING OF MERCHANTS, DEALERS, PEDDLERS, HUCKSTERS,
CANVASSERS, AGENTS AND OTHERS USING THE STREETS/PUBLIC PLACES

Section 1. Except as herein provided, all persons who are not engaged or who hereafter engage in purchasing, buying, bartering, selling, peddling, hawking or vending goods, wares and merchandise or other personal property, or soliciting orders or subscriptions for the sale or purchase thereof, or for work, labor or services to be rendered to residents of the Village to be done and performed elsewhere than upon the premises of such resident, in the public streets, or by going from house to house within the limits of the Village, whether he or she be the principal or employee, agent or representative of any other person, firm or corporation, shall procure a license to do so from the Clerk of the Village and shall pay to the Treasurer of the Village the license fee hereinafter provided.

Section 2. The fee for licenses issued under Section of this ordinance shall be as follows:

If a vehicle is used, the license fee for the period commencing on the date when such license is issued and ending thirty (30) days after license is issued, shall be the sum of thirty dollars (\$30.00), which license in either case shall include the right of one person and no more to be in attendance upon said vehicle. For each person operating from a vehicle, in addition to the one person holding a license therefor, the license fee for the like period shall be the sum of thirty dollars (\$30).

The license fee for any other person who does not operate a vehicle in connection with such work shall be the sum of thirty dollars (\$30) for the period commencing on the date said license is issued and ending thirty days after license is issued.

Section 3. All applicants for a license or a permit under the provisions of this Local Law shall file with the Mayor or with the Clerk of the Village, an application for the same setting forth, under oath, his or her name, age, place of residence and, if any employee, agent or representative of any other person, firm or corporation, together with such other information as the Mayor of the Village may require.

Section 4. All of said licenses and permits shall be issued by the Mayor of the Village and shall be countersigned by the Clerk of the Village, who shall keep a record thereof and of the amount of the fee, if any, to be paid therefor; and upon presentation of such license to the Treasurer of the Village so signed and countersigned, and the payment to the Treasurer of such license fee, the Treasurer shall endorse thereon his receipt and, except as hereinafter provided, no license shall take effect until the receipt of the Treasurer shall have been endorsed thereon. The license or permit must be shown to anyone on demand and no person holding such license or permit shall be permitted to engage in any work or occupation on Sundays or before eight o'clock in the morning or after 6 o'clock in the evening on other days.

Section 5. No license or permit issued under the provisions of this Local Law shall include more than one person, nor shall more than one license or permit of any kind be issued to any one person, and no license or permit hereunder shall be transferable. Except that if the holder of any license or permit is engaged in work as the agent or representative of some other person, firm or corporation, then and in the event, with the consent of the Mayor of the Village and in his discretion the said license or permit may be surrendered and a new license or permit issued to some other person for the unexpired term thereof, without the payment of any license fee. Any person assigning or transferring or attempting to assign or transfer any license or permit issued hereunder except as herein provided, shall be guilty of violating this Local Law.

Section 6. The provisions of the foregoing sections of this Local Law shall not be construed to require the obtaining of a license or permit by a person who is the bonafide owner or lessee and occupant of a store, shop, warehouse, factory or other place of business within the Village, for the sale, distribution, storage or manufacture of any of the goods, wares, and merchandise or other personal property, or where such work, labor and services can be or are intended to be performed.

The peddling of meats, fish, fruits and farm produce by farmers and persons who produce such commodities and the hawking or peddling by an honorably discharged disabled veteran or who is the holder of a license granted under Section 32 of the General Business Law and/or a not-for-profit or approved institution, are excepted from any of the provisions of this Local Law.

Section 7. Any person who shall violate any of the provisions of this Local Law shall be liable to a penalty of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for each and every offense and each separate day that this Local Law is violated shall be considered a separate offense and in addition thereto it is hereby ordained that a violation of any of the provisions of this Local Law shall constitute disorderly conduct and any person violating the same shall be a disorderly person.

Section 8. All Local Laws and parts of Local Laws in conflict herewith are hereby repealed.

PROPOSED:	June 9, 2016
PUBLISHED:	July 8, 2016
PUBLIC HEARING:	July 19, 2016
PASSED:	July 19, 2016
FILED WITH STATE:	August 10, 2016

VILLAGE ORDINANCE ON MALICIOUS MISCHIEF (1971)

Section 9: In case any section, paragraph or provision of this Local Law shall by a court of competent jurisdiction be declared invalid, the remaining provisions of this Local Law shall continue in full force and effect and shall be construed as though such invalid paragraph has not been included herein.

PROPOSED: May 26, 1971
PUBLISHED: June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971

-- MISCHIEF

VILLAGE ORDINANCE ON MALICIOUS MISCHIEF (See LOCAL LAW #5 2016)

Section 1: No person shall willfully and maliciously break, mar, injure, remove or deface any building, fence, awning, sign, signboard, street sign, tree, shrubbery or other ornamental thing in the Village; remove from or pile up before any door or on any sidewalk or street, boxes, casks or other things, tear down any notice or handbill lawfully posted, or incite or induce dogs to fight in any street or public place in the Village.

Section 2: A penalty of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of this ordinance, and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

PROPOSED: May 26, 1971
PUBLISHED: June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971

LOCAL LAW #5 2016
MALICIOUS MISCHIEF

Section 1. No person shall willfully and maliciously break, mar, injure, remove or deface any building, fence, awning, sign, signboard, street sign, utility pole, tree, shrubbery or other property in the Village; remove from or pile up before any door, or on any sidewalk or street any material or substance that would cause damage or nuisance.

Section 2. No person shall tear down any notice or handbill lawfully posted in any street or public place in the Village

Section 3. A penalty of not less than twenty five dollars (\$25.00) nor exceeding two hundred fifty dollars (\$250.00), eighty (80) hours community service or up to fifteen (15) days imprisonment.

PROPOSED: June 9, 2016
PUBLISHED: July 8, 2016
PUBLIC HEARING: July 19, 2016
PASSED: July 19, 2016
FILED WITH STATE: August 10, 2016

ANTI NOISE ORDINANCE (1971) - (See LOCAL LAW #3 OF 2016)

~~RESOLVED, it shall be unlawful for any person to make or cause to be made and unreasonably loud or disturbing noise, which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others within the limits of the Village of Andover.~~

~~A: HORNS, SIGNALING DEVICES, ETC~~

~~The sounding of any horn or signaling device on any automobile, motorcycle, truck or other vehicle within the Village, except as a danger warning. The sounding of any such device for an unnecessary or unreasonable period of time. The use of any horn or signaling device when traffic is for any reason held up.~~

~~B: RADIOS, PHONOGRAPHS, TELEVISION~~

~~The using, operating of radios, phonographs or televisions, or permitting them to be played, or producing sound in such a manner as to disturb the peace, quiet or comfort of the neighboring inhabitants. The operation of any such set, instrument, phonograph, machine or device, particularly between the hours of eleven o'clock p.m. and seven o'clock a.m., in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.~~

~~C: LOUD SPEAKER, AMPLIFIERS FOR ADVERTISING~~

~~The using, operating or permitting to be played any loudspeaker, sound amplifier, or device for producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public, except with official permit obtained from the Village Clerk.~~

~~D: YELLING, SHOUTING, ETC.~~

~~Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven p.m. and seven a.m. or any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, or other type of residence, or of any persons in the vicinity.~~

~~E: ANIMALS, BIRDS, DOGS, ETC.~~

~~The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.~~

~~F: The discharge into the open air of the exhaust of any internal combustion engine or motor vehicle except through a standard muffler or other device which will effectively prevent loud or explosive noises therefrom.~~

~~G: The use of any automobile, motorcycle or vehicle, so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.~~

LOCAL LAW #3 OF 2016
ANTI NOISE - LOCAL LAW #3 OF 2016

RESOLVED, it shall be unlawful for any person to make or cause to be made any unreasonably loud or disturbing noise, which either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others within the limits of the Village of Andover.

A. HORNS, SIGNALING DEVICES, ETC

The sounding of any horn or signaling device on any automobile, UTV, ATV, snowmobile, motorcycle, truck or other vehicle within the Village, except as a danger warning. The sounding of any such device for an unnecessary or unreasonable period of time. The use of any horn or signaling device when traffic is for any reason held up.

B. RADIOS, PHONOGRAPHS, TELEVISION

The using, operating of radios, phonographs or televisions, or permitting them to be played, or producing sound in such a manner as to disturb the peace, quiet or comfort of the neighboring inhabitants. The operation of any such set, instrument, phonograph, machine or device, particularly between the hours of eleven o'clock p.m. and seven o'clock a.m., in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

C. LOUD SPEAKER, AMPLIFIERS FOR ADVERTISING

The using, operating or permitting to be played any loudspeaker, sound amplifier, or device for producing or reproducing of sound which is case upon the public streets for the purpose of commercial advertising or attracting the attention of the public, except with official permit obtained from the Village Clerk. The permit fee will be ten dollars (\$10).

D. YELLING, SHOUTING, ETC.

Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven p.m. and seven a.m. or any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, or other type of residence, or of any persons in the vicinity.

E. ANIMALS, BIRDS, DOGS, ETC.

The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.

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

G. The use of any automobile, motorcycle or vehicle so, out of repair or so loaded, as to create loud and unnecessary grating, grinding, rattling or other noise.

-- NOISE

H. The creation of any excessive noise on any street adjacent to any school, institution of learning, or church while the same are in use which unreasonably interferes with the workings of such institution.

I. Drag racing, acceleration tests, any excessive burst of speed in a motor vehicle or the operating of any vehicle in such a manner as to cause the tires to squeal on any street or highway within the Village of Andover shall be considered an annoyance and a hazard to the safety of the public.

Section 2. It shall be a presumption that the ownership of any vehicle violating the provisions of this Local Law shall be deemed to be that as indicated by the registration plates of such vehicle.

Section 3. Any persons who breaches any provision of this Local Law shall be deemed guilty of a violation. Upon conviction thereof, the following alternative permissible dispositions shall be available to the Court:
Unconditional Discharge; Conditional Discharge (1 year); Fine (7am - 11pm) \$25 - \$250; fine (11pm - 7am) \$50 - \$250, or eighty (80) hours community service.

Section 4. If any part of this Local Law shall be adjudged to be invalid by any court or competent jurisdiction, such judgement of the invalidity shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to that part thereof directly involved.

PROPOSED:	June 9, 2016
PUBLISHED:	July 8, 2016
PUBLIC HEARING:	July 19, 2016
PASSED:	July 19, 2016
FILED WITH STATE:	August 10, 2016

LOCAL LAW #1 OF 1976 (see LOCAL LAW #2 of 2016)

~~OPEN CONTAINER LAW~~

~~No person shall carry, transport or have in his possession on any Village street within the Village of Andover, or on any Village property, or in any Village building, any open, re-sealed or partly opened bottle, can container, or similar article containing alcohol beverage of any kind or description.~~

~~Penalty: A penalty of not less than twenty five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense.~~

~~PROPOSED: November 8, 1976
PUBLISHED: November 15, 24, 1974 Andover News
PUBLIC HEARING: December 13, 1976
PASSED: December 13, 1976~~

LOCAL LAW #2 OF 2016
OPEN CONTAINER LAW

No person shall carry, transport or have in his possession on any Village street or sidewalk within the Village of Andover, or on any Village property, or in any Village building any open, re-sealed or partly opened bottle, can or similar article containing alcoholic beverage of any kind or description.

Penalty: A penalty of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) and/or community service of not more than forty (40) hours or imprisonment of not more than fifteen (15) days for first offense. A penalty of not less than fifty (\$50) nor more than two hundred fifty dollars (\$250) and/or community service of not more than eighty (80) hours or imprisonment of not more than thirty (30) days for each additional offense thereafter.

This Local Law may be temporarily waived with prior permission/approval from the Village Board or Mayor for the specific event(s) only.

PROPOSED:	June 9, 2016
PUBLISHED:	July 8, 2016
PUBLIC HEARING:	July 19, 2016
PASSED:	July 19, 2016
FILED WITH STATE:	August 10, 2016

-- PARKING

Also see TRAFFIC

LOCAL LAW #1 OF 1983

A Local Law to regulate the parking of motor vehicles on PRIVATE PLACES.

Be it enacted by the Village Board of the Village of Andover as follows:

Section 1. DEFINITION - PRIVATE PLACE: A parking lot or area in private ownership in use for vehicular traffic by the owner or lessee, and by members of the public having express or implied permission from the owner or lessees thereof.

Section 2. No member of the public shall park, stand, store or leave a motor vehicle upon any privately owned parking areas or lot without express or implied permission from the owner or lessee of such premises.

Section 3. To effectuate the prohibition on parking on such premises described, a conspicuous sign or signs shall be posted at such parking lot or parking area informing the public as to the permitted conditions of parking thereon. A sign as hereinafter described shall be deemed substantial compliance with this section.

PARKING RESTRICTED

(6 inches)

EXCEPT FOR: (list persons or conditions permitted) ONLY

(4 inches)

UNDER PENALTY OF LAW

(2 inches)

VIOLATION - LOCAL LAW NO. 1, 1983

POLICE ENFORCEMENT

(2 inches)

Section 4. Such sign or signs shall be no more than three feet high by four feet wide, with red lettering on a white background. The words "police enforcement" and "under penalty of law" on such signs shall be construed, among other things, to mean a request by the owner or lessee that the police or special patrolmen shall enforce the provisions of this section against persons parking, standing, storing or leaving vehicles on such premises without the consent of the owner or lessee, and that the police are authorized to enter upon such premises to enforce the provisions of this Local Law. Such sign or signs shall state the conditions of parking or the persons authorized by the owner or lessee to use said premises for parking or both; and persons not included within such authorization or violating the regulations and conditions set out on said signs be deemed to be using said premises unlawfully without the authority and consent of the owner or lessee. This section may be enforced by the police or special patrolmen in the same manner as elsewhere provided for in the Village Ordinances or Local Laws for the enforcement of traffic or parking ordinances, including the use of tags, summonses and towing, and any other procedure authorized by law.

-- PARKING

Also see TRAFFIC

Section 5. Proof of ownership of a vehicle shall be presumptive evidence in an action for enforcement of this section that the owner parked or caused his vehicle to be parked on such premises.

Section 6. If such premises adjoin or abut a building or structure whose entrances or exits open upon such parking area, no vehicle shall be left parked, standing, or placed in such manner as to obstruct such entrances or exits to the street or public right of way; such passageway shall be equal in width to the width of said entrances or exits in such instance, but in no case shall be less than five feet wide, and shall permit persons to enter and leave such building or structure with safety. A sign attached to such building or structure at the place of such entrances or exits shall inform users of such parking area as to such restrictions, and failure to obey the regulations herein contained shall be deemed a violation of this Local Law.

Section 7. On demand of the police, any owner or lessee requesting police enforcement of this Local Law, shall furnish to the police a statement in writing signed by him or his agent, to the effect that a specified vehicle was unlawfully parked, stored or left upon his premises at a certain time or during a certain period without his consent or permission, and such owner or lessee shall be available to testify to such facts in court at the request of the police. Failure of an owner or lessee to comply with the request of the police as above set out shall be sufficient cause for the Chief of Police or his subordinates to cease enforcing this Local Law at the premises of such owner or lessee who fails to give the cooperation required herein.

Section 8. Every person convicted of a violation of this Local Law shall, for a first conviction thereof, be punished by a fine of not more than five dollars (\$5.00) or by imprisonment for not more than five days or by both such fine and imprisonment, for a second conviction within one year thereafter, such person shall be punished by a fine of not more than ten dollars (\$10.00) or by imprisonment for not more than ten days or by both such fine and imprisonment; upon third conviction, such person shall be punished by a fine of not more than fifteen dollars (\$15.00) or by imprisonment for not more than fifteen days or by both such fine and imprisonment.

Section 9. This Local Law shall take effect upon filing with the Secretary of State.

PROPOSED:	February 15, 1983
PUBLISHED:	February 23, 1983
HEARING:	March 8, 1983
PASSED:	March 8, 1983
FILED:	Sotheran & Hutter

-- PUBLIC PEACE AND ORDER

See also: MISCHIEF, NOISE, OPEN CONTAINER

VILLAGE ORDINANCE ON VULGAR LANGUAGE OR CONDUCT (1971)

(see LOCAL LAW #4 2016)

~~Section 1. No person or persons shall use any profane, vulgar or obscene language in any street or public place in the Village, and no person shall write, draw, post or advertise any obscene or profane word or words or any immodest or offensive picture or figure upon any post, building, fence, sidewalk or other place in the Village.~~

~~Section 2. A penalty of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of this ordinance, and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.~~

~~PROPOSED: May 26, 1971
PUBLISHED: June 3, 1971 Andover News
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971~~

ORDINANCE FOR PUBLIC PEACE AND ORDER (1967)

(see LOCAL LAW #4 2016)

~~Section 1. DISTURBANCE IN PUBLIC BUILDINGS~~

~~No person shall make, aid, countenance or assist in making any noise, disturbance or improper diversion by whistling, stamping, shouting or indulging in any improper conduct or conversation in any church, public hall, tavern, theatre or restaurant of this Village, to the annoyance or disturbance of any person or persons there assembled for any lawful purpose, or in any room or building where any number of persons are so lawfully assembled for any such purpose.~~

~~PENALTY: A penalty of not less than fifteen dollars (\$15.00) nor exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of Section 1 of this ordinance, and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.~~

~~Section 2. IMPROPER NOISES~~

~~No person shall open or allow to be open a muffler cut-off on a motor vehicle or motorcycle while the engine therein is running, or run or operate, or allow to run or be operated, any gasoline or oil engines without a proper and reasonable muffler; nor shall any noises be allowed within the Village limits which shall unreasonably disturb the public peace and order within the Village limits.~~

~~PENALTY: A penalty of not less than ten dollars (\$10.00) nor exceeding twenty five dollars (\$25.00) is hereby prescribed for each violation of Section 2 of this ordinance, and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.~~

LOCAL LAW #4 OF 2016
DISTURBING THE PEACE

Section 1. No person or persons shall use any profane, vulgar or obscene language in any street or public place in the Village, and no person shall write, draw, post or advertise any obscene or profane word or words or any immodest or offensive picture or figure upon any post, building, fence, sidewalk or other place in the Village.

Section 2. No person or persons shall engage in fighting or in violent, tumultuous behavior.

Section 3. No person or persons shall make unreasonable noise that either annoys, disturbs, or endangers that comfort, repose, health, peace or safety of others within the Village limits.

Section 4. No person or persons, without lawful authority, shall disturb any lawful assembly or meeting of persons.

Section 5. No person or persons shall obstruct vehicular or pedestrian traffic.

Section 6. No person or persons shall refuse to obey a lawful police order to disperse.

Section 7. No person or persons shall create a hazardous or physically offensive condition by any act which serves no legitimate purpose.

Section 8. A penalty of not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250) and/or no more than forty (40) hours of community service or fifteen (15) days imprisonment for first offense. A penalty of not less than seventy-five dollars (\$75) nor more than two hundred fifty dollars (\$250) and/or no more than eighty (80) hours of community service or fifteen (15) days imprisonment for each additional offense thereafter.

PROPOSED:	June 9, 2016
PUBLISHED:	July 8, 2016
PUBLIC HEARING:	July 19, 2016
PASSED:	July 19, 2016
FILED WITH STATE:	August 10, 2016

-- PUBLIC PEACE AND ORDER

PROPOSED: August 8, 1967
PUBLISHED: Andover News
PUBLIC HEARING: August 18, 1967
PASSED: August 18, 1967

ORDINANCE TO CONTROL PUBLIC PEACE AND GOOD ORDER (1971)

Section 1. No person or persons shall be in an intoxicated condition or drunk upon or in any street, public place or any public building in the Village or participate in any riotous and tumultuous assemblages in any street or public place in the Village, or unnecessarily assemble upon the streets or in the doorways or stairways adjacent thereto, or loiter about such places in the Village or be guilty of any disorderly, riotous or tumultuous conduct within the Village and thereby disturbing the peace and quiet of the Village or any meeting or assemblage therein.

Section 2. A penalty of not less than five dollars (\$5.00) nor exceeding one hundred dollars (\$100.00) is hereby prescribed for each violation of this ordinance, and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

PROPOSED: May 26, 1971
PUBLISHED: June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971

ORDINANCE FOR PUBLIC SAFETY (1967)

Section 1. No person shall coast upon any of the sidewalks of the Village of Andover, and any person violating any of the provision of this ordinance shall be liable to a penalty of not less than three dollars (\$3.00) nor more than ten dollars (\$10.00) for each and every violation thereof.

Section 2. No person shall catch on, jump on or from any train, automobile, motor or other vehicle while same is in motion in the Village of Andover, NY, nor climb on or enter any cars at any railroad station or yard in said village unless such entry shall be made as a passenger or for some necessary or lawful purpose. Any person violating any provisions of this ordinance shall be liable to a penalty of not less than three dollars (\$3.00), nor more than ten dollars (\$10.00), for each and every violation.

Section 3. No person shall throw glass, stones, sticks, snowballs or other missiles upon, to or across any of the streets of this Village. No person shall play ball, or in any manner throw, bat, catch or kick any ball on any of the streets of this Village. Any person or persons violating this ordinance shall be liable to a penalty of not less than three dollars (\$3.00), nor more than ten dollars (\$10.00), for each and every violation thereof.

-- PUBLIC PEACE AND ORDER

Section 4. No person shall ride or drive or cause to be ridden or driven, any horse, cow or similar animal, or drive, draw or cause to be driven or drawn, any buggy, carriage, wagon, sleigh, motor vehicle or other vehicle on any of the sidewalks of this Village, except to cross the same at a crossing over such sidewalk or for snow removal by an authorized agent of the Village. Any person or persons violating this ordinance shall be liable to a penalty of not less than three dollar (\$3.00), nor more than ten dollars (\$10.00), for each and every violation thereof.

Section 5. RIDING BICYCLES ON SIDEWALKS

(a) No person shall ride any bicycle upon the sidewalks between the north and south bridges on Main Street in the Village of Andover.

(b) Every person riding a bicycle upon any other sidewalk within the limits of said village shall do so at a speed not to exceed six miles per hour and shall leave the sidewalk or stop and dismount at a distance of at least 10 feet when meeting or passing a pedestrian.

Any person violating this ordinance shall be liable to a penalty of not less than three dollars (\$3.00), nor more than ten dollars (\$10.00) for each and every violation thereof.

PROPOSED: September 12, 1967
PUBLISHED: Andover News
PUBLIC HEARING: October 10, 1967
PASSED: October 10, 1967

ORDINANCE ON PUBLIC NUISANCE (1971)

Section 1. No person shall do anything or knowingly maintain any condition upon the premises owned or occupied by such person, which shall endanger the public health, disturb public comfort, or offend public decency or morality.

Section 2. A penalty of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) is hereby prescribed for each violation of this ordinance, and such violation shall constitute disorderly conduct, and any person violating the same shall be a disorderly person.

PROPOSED: May 26, 1971
PUBLISHED: June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971

-- SELLING See LICENSING

A Local Law regulating the operation of snowmobiles within the Village of Andover.

WHEREAS, in the opinion of the Board of Trustees, there has been an increase in the use of public highways and rights-of-way of the Village of Andover by snowmobiles, and:

WHEREAS, often this use is contrary to the safety of both the snowmobiler and the general public;

NOW, therefore, the purpose of this Local Law is to protect the public health, welfare and safety by regulating the operation of snowmobiles on public highways, rights-of-way and in places within the Village of Andover, NY, in a manner which will be compatible for vehicular and pedestrian travel and other necessary uses, and which will promote the safe and proper use of snowmobiles for recreation and commerce and minimize the detrimental effects of such use.

ARTICLE 1
DEFINITIONS

The terms, words and phrases used in this Local Law shall have the same meaning as such terms, words and phrases defined in Article 21.05 of the New York State Parks, Recreation and Historic Preservation Law.

- (a) GOVERNMENTAL AGENCY - shall mean any agency of the State of New York and all municipalities within the state.
- (b) EXECUTIVE OFFICER - shall mean the mayor.
- (c) SNOWMOBILE - shall mean a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts and cleats.
- (d) OWNER - shall mean any person having title to the snowmobile.
- (e) OPERATE - shall mean to ride in or on, other than as a passenger, or use or control the operation of a snowmobile, in any manner, whether or not the snowmobile is under way.
- (f) OPERATOR - shall mean every person who operates or is in actual physical control of a snowmobile.
- (g) ROADWAY - shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.
- (h) HIGHWAY - shall mean the entire width between the boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.
- (i) SIDEWALK - shall mean that portion of any street which is between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

ARTICLE 2
PERMITTED OPERATION AND RESTRICTIONS

- I. The operation of snowmobiles on highways and public ways of the Village of Andover, NY shall be subject to the applicable provisions of Article 21 of the New York State Parks, Recreation and Historical Preservation Law, and also the rules and regulations of the Office of Parks, Recreation and Historic Preservation, as well as the rules, restrictions and conditions set forth herein.
 1. The operation of snowmobiles solely for the purpose of travel between the residences of the owners and areas outside the Village is hereby permitted on the following highways in the Village of Andover, NY:
 - (a) Joe Lynch Road to South Main Street to the intersection of East Greenwood Street, on the east side of the highway.
 - (b) West Greenwood to First Street on the south side of the highway, to West Center Street on the east side of the highway.
 - (c) Rochambeau Avenue to Old Dyke Road, on the north side of the highway.
 - (d) Water Street to Barney Street, on the north side of the highway, Barney Street to Elm Street, on the west side of the highway, Elm Street to East Avenue on the north side of the highway.
 - (e) East Avenue to East Greenwood Street, on the west side of the highway; East Greenwood Street to UniMart, on the north side of the highway, to the UniMart on South Main Street.
 - (f) No other highways are authorized for travel by snowmobiles within the Village of Andover.
- II. The operation of snowmobiles permitted above is submit to the following conditions and restrictions:
 - (a) There shall be no operation of any snowmobile on any sidewalk or pedestrian pathways.
 - (b) Prohibited operating hours - No person shall operate a snowmobile on any highway between the hours of 9:00 p.m and 7:00 a.m. on weekdays (Monday through Thursday, inclusive) and 10:00 p.m. and 8:00 a.m. weekends (Friday through Sunday, inclusive), except that one return trip from the Village limits to the operator's residence, with no stops, is permitted after hours.
 - (c) Place of Operation - No person shall operate a snowmobile within the Village of Andover on any highway or portion thereof other than those enumerated above.
 - (d) No person under sixteen (16) years of age shall operate a snowmobile on a Village highway unless accompanied by a parent or guardian that is legally responsible for the child, as per Section 25.19 of the New York State Parks, Recreation and Historic Preservation Law.
 - (e) No snowmobile shall be operated on a Village highway at a speed greater than 10 miles per hour, nor higher than idle speed.

-- SNOWMOBILES

(f) No snowmobile shall be operated on private property other than land owned by the operator of his/her immediate family, unless otherwise granted permission from the landowner.

(g) Each person operating a snowmobile on a Village highway shall strictly observe all vehicular traffic signs and all other rules and regulations applicable to vehicular traffic, and shall obey the orders and directions of any state or local police or other law enforcement officer that is directing or regulating traffic.

(h) All snowmobiles operated within the Village shall be equipped with adequate headlights, braking system, muffler and all other equipment as prescribed by Article 25.17 of the New York State Parks, Recreation and Historic Preservation Law.

(i) All snowmobiles shall be equipped with at least one fluorescent flag, not less than six feet (6') nor more than seven feet (7') in height.

ARTICLE 3
PENALTIES

Any violation of the provisions of this Local Law shall be deemed a violation under the Penal Law of the State of New York, and shall be punishable by a fine of not more than one hundred dollars (\$100.00) and/or imprisonment for not more than fifteen (15) days.

ARTICLE 4
EFFECTIVE DATE

No snowmobile shall be operated under the provisions of this Local Law and the same shall not become effective until after both of the following occur:

1. The filing of this Local Law with the Secretary of State of the State of New York, and
2. Signs and markers are installed in accordance with the rules and regulations of the New York State Parks, Recreation and Historic Preservation Law and the Department of Transportation.

PROPOSED: April 11, 2000
PUBLISHED: June 2, 2000
PUBLIC HEARING: June 13, 2000
PASSED: June 13, 2000

ORDINANCE ON INCUMBERING THE STREETS (1971)
(See LOCAL LAW #9 OF 2016)

~~Section 1: No person shall encumber any street, sidewalk or public ground with any material, nor have thereon any horse, team, automobile, truck or other vehicle so as to obstruct the passage in said street except as may be permitted by proper regulations fixed by the Board of Trustees.~~

~~Section 2: No encroachment or projection in, over, or upon any of the streets or public grounds, or any excavation in or immediately adjacent thereto shall be permitted except by proper regulations fixed by the Board of Trustees.~~

~~Section 3: Every owner or occupant of a plot or parcel of land bounded by any street shall cause all hedges,, trees, shrubs or other vegetation to be kept trimmed in such a manner and any walks to be constructed in such a manner, that the said hedges, trees, shrubs or other vegetation, walls or walks will not:~~

- ~~(a) encroach over the property line of any street or of Village property in such a manner as to interfere with or annoy the pedestrians or other lawfully using such street or property,~~
- ~~(b) obstruct the light from the street lights or~~
- ~~(c) obstruct the view of approaching traffic on intersecting streets, or~~
- ~~(d) obstruct the street or property in such a manner so as to hinder the removal of snow, or other materials, or the repair of any street or property,~~

~~and, when notified by the Village of a violation of the foregoing, shall remove such violation forthwith. In the event that any of the above conditions exist after ten (10) days notice by the Village, the Village may trim said trees or hedges, etc., or remove said walls or walks, and charge the cost of such trimming or removal to the taxes of the premises.~~

PROPOSED:	May 26, 1971
PUBLISHED:	June 3, 1971
PUBLIC HEARING:	June 3, 1971
PASSED:	June 10, 1971

LOCAL LAW #9 OF 2016
STREET OBSTRUCTION

Section 1. No person shall obstruct any street, sidewalk or public ground with any material, nor have thereon any horse, team, automobile, truck or other vehicle so as to obstruct the passage on said street except as may be permitted by proper regulations fixed by the Board of Trustees.

Section 2. No encroachment or projection in, over, or upon any of the streets or public grounds, or any excavation in or immediately adjacent thereto shall be permitted except by proper regulations fixed by the Board of Trustees.

Section 3. Every owner or occupant of a plot or parcel of land bounded by any street shall cause all hedges, trees, shrubs or other vegetation to be kept trimmed in such a manner and any walks to be constructed in such a manner, that the said hedges, trees, shrubs or other vegetation, walls or walks will not:

- (a) encroach over the property line of any street or of Village property in such a manner as to interfere with or annoy the pedestrians or other lawfully using such street or property,
- (b) obstruct the light from the street lights, or
- (c) obstruct the view of approaching traffic on intersecting streets, or
- (d) obstruct the street or property in such a manner so as to hinder the removal of snow, or other materials, or the repair of any street or property,
- (e) No snow, ice, grass, leaves or other vegetation or debris shall be shoveled, raked, blown or allowed to blow into any street or allowed to obstruct or cause to obstruct any drainage intake adjacent to or downstream from any property on any Village street. Any violation of this Local Law shall, upon conviction, be subject to a fine not to exceed two hundred fifty (\$250); fifteen (15) days imprisonment or eighty (80) hours community service.

and, when notified by the Village of a violation of the foregoing, shall remove such violation forthwith. In the event that any of the above conditions exist after ten (10) days notice by the Village, the Village may trim said trees or hedges, etc., or remove said walls or walks, and charge the cost of such trimming or removal to the taxes of the premises.

PROPOSED: June 9, 2016
PUBLISHED: July 8, 2016
PUBLIC HEARING: July 19, 2016
PASSED: July 19, 2016
FILED WITH STATE: August 10, 2016

-- TAX LEVY OVERRIDE

LOCAL LAW #1 of 2012
Village of Andover, County of Allegany

A Local Law authorizing a property tax levy limit in excess of the limit established in General Municipal Law 3-C.

Section 1. Legislative Intent:

It is the intent of this Local Law to allow the Village of Andover to adopt a budget for the fiscal year commencing June 1, 2012, which requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-C.

Section 2. Authority:

This Local Law is adopted pursuant to subdivision five (5) of General Municipal Law 3-C, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a Local Law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override:

The Board of Trustees of the Village of Andover, County of Allegany is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property levy in excess of the amount otherwise prescribed in General Municipal Law 3-C.

Section 4. Severability:

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional the court's order of judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. This Local Law is effective immediately upon the adoption of the same by the Village Board. Upon adoption of this Local Law it shall be filed with the Secretary of State for filing.

PROPOSED:

PUBLISHED:

PUBLIC HEARING:

PASSED:

FILED:



April 10, 2012

April 30, 2012

-- TAX LEVY OVERRIDE

LOCAL LAW #1 of 2016

A Local Law to override the tax levy limit established in NY General Municipal Law 6-C.

Be it enacted by the Village of Andover as follows:

Section 1. Legislative Intent:

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Village of Andover, County of Allegany, pursuant to General Municipal Law 3-C, and to allow the Village of Andover, County of Allegany to adopt a village budget for (a) village purposes including but not limited to village public works; (b) for protection and (c) any other special or improvement district governed by the Village Board for the fiscal year 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-C.

Section 2. Authority:

This Local Law is adopted pursuant to subdivision five (5) of General Municipal Law 3-C, which expressly authorizes the Village Board to override the tax levy limit by the adoption of a Local Law approved by vote of sixty percent (60%) of the Village Board.

Section 3. Tax Levy Limit Override:

The Village Board of the Village of Andover, County of Allegany is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-C.

Section 4. Severability:

If any clause, sentence, paragraph, subdivision, or part of the Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order to judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, form or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. This Local Law is effective upon filing with the Secretary of State.

PROPOSED: January 19, 2016

PUBLISHED:

PUBLIC HEARING:

PASSED: January 19, 2016

FILED: February 11, 2016

LOCAL LAW #1 of 2018

A Local Law to override the tax levy limit established in NY General Municipal Law 6-C.

Be it enacted by the Village of Andover as follows:

Section 1. Legislative Intent:

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Village of Andover, County of Allegany, pursuant to General Municipal Law 3-C, and to allow the Village of Andover, County of Allegany to adopt a village budget for (a) village purposes including but not limited to village public works; (b) fire protection and (c) any other special or improvement district governed by the Village Board for the fiscal year 2016 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law 3-C.

Section 2. Authority:

This Local Law is adopted pursuant to subdivision five (5) of General Municipal Law 3-C, which expressly authorizes the Village Board to override the tax levy limit by the adoption of a Local Law approved by vote of sixty percent (60%) of the Village Board.

Section 3. Tax Levy Limit Override:

The Village Board of the Village of Andover, County of Allegany is hereby authorized to adopt a budget for the fiscal year 2016 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-C.

Section 4. Severability:

If any clause, sentence, paragraph, subdivision, or part of the Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order to judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. This Local Law is effective upon filing with the Secretary of State.

PROPOSED: June 12, 2018

PUBLISHED:

PUBLIC HEARING:

PASSED: June 12, 2018

FILED: July 16, 2018

-- TERM OF OFFICE, MAYOR

LOCAL LAW #1 of 2005

Extending to four (4) years the terms of office of Mayor of the Village of Andover.

Pursuant to Section 3-302 (5) of the Village Law of the State of New York, the term of office for Mayor of the Village of Andover shall be extended from two (2) years to four (4) years. The extended term to commence at the beginning of the official year following the next general Village election at which the office is filled.

This Local Law shall take effect thirty (30) days from the date of adoption; unless a petition is filed for a permissive referendum.

PROPOSED:	December 14, 2004
PUBLISHED:	
PUBLIC HEARING:	
PASSED:	January 18, 2005
FILED:	January 20, 2005

-- TERM OF OFFICE, BOARD OF TRUSTEES

LOCAL LAW #2 of 2005

Extending to four (4) years the terms of office for all Trustees of the Village of Andover.

Pursuant to Section 3-302 (5) of the Village Law of the State of New York, the term of office for all Trustees of the Village of Andover shall be extended from two (2) years to four (4) years. The extended term to commence at the beginning of the official year following the next general Village election at which the office is filled.

This Local Law shall take effect thirty (30) days from the date of adoption; unless a petition is filed for a permissive referendum.

PROPOSED:	December 14, 2004
PUBLISHED:	
PUBLIC HEARING:	
PASSED:	January 18, 2005
FILED:	January 20, 2005

LOCAL LAW #3 OF 1994 - (See #7 OF 2016)

TRAFFIC AND PARKING

Section 1. DEFINITION OF WORDS AND PHRASES

(a) The words and phrases used in this Local Law shall, for the purposes of this Local Law, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.

(b) The following words and phrases, which are not defined by Article 1 of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section, for purpose of traffic Local Laws of this Village:

(1) — HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas shall be considered holidays.

Section 2. TRAFFIC CONTROL DEVICES

The Village of Andover, Department of Public Works, shall install and maintain traffic control devices when and as required under the provision of his Local Law to make effective the provisions of said Local Law and may install and maintain such additional traffic control devices as it may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions of Sections 1682 and 1684 of that law.

Section 3. SPEED REGULATIONS

(a) Thirty (30) miles per hour is hereby established as the maximum speed at which vehicles may proceed within the corporate limits of this Village on all streets except as otherwise noted in this section and unless otherwise posted.

(b) No person shall operate a vehicle on any highway or private road open to public motor vehicle traffic at a rate of speed in excess of the maximums established in this section, or this Local Law, except on the following highways:!

(1) — Route 417 from the easterly Village limit on S.H. 9044 to the westerly Village limit on S.H. 5419.

(2) — Route 21, S.H. 5419, from the northerly Village limit, southerly for a distance of 2,000 feet therefrom.

(c) Upon the basis of an engineering and traffic investigation, forty (40) miles per hour is hereby established as a maximum speed at which vehicles may proceeds within the corporate limits of this Village on the following highways:

-- TRAFFIC

(1) — Route 417 from the easterly Village limit on S.H. 9044 to the westerly Village limit on S.H. 5419.

(2) — Route 21, S.H. 5419, from the northerly Village limit, southerly for a distance of 2,000 feet therefrom.

(d) Obedience to speed limits. No person shall operate a vehicle on any highway or private road open to public motor vehicle traffic at a rate of speed in excess of the maximums established in this Local Law.

Section 4. APPLICATION OF LOCAL LAW

The provisions of this Local Law shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 5. PARALLEL PARKING

Except where angle parking is authorized, every vehicle stopped, standing or parked upon a highway where there are no adjacent curbs shall be so stopped, standing or parked parallel with the edge of the roadway heading in the direction of lawful traffic.

Section 6. STOPPING, STANDING and PARKING

1. All stopping, standing and parking regulations described in this section shall be in compliance with all State Laws now in effect.

2. All stopping, standing and parking regulations shall be designated by appropriate signs in order to give adequate notice to operator of vehicles, except in those area which are covered by the Vehicle and Traffic Laws of the State of New York.

A. PARKING

1. MAIN STREET

(a) — Parking of any vehicle on Main Street between Dyke Street and Elm Street shall be only within those spaces as defined by parking, standing and stopping signs on both the easterly and westerly sides of Main Street.

(b) — Parking of any vehicle on Main Street between Greenwood and Elm Streets shall be limited to two (2) hours between the hours of 8:00 a.m. and 6:00 p.m., on each day of the week, except Sundays and holidays, except that a single parking space shall be designated in front of the Post Office where parking shall be limited to five (5) minutes.

(c) — A no parking zone shall exist encompassing both sides of North Main Street from the intersection of North Main Street and Baker Street north to the entrance of the cemetery located on North Main Street in the Village of Andover, which shall be in effect twenty four (24) hours per day and shall be designated by

appropriate signs which shall be posted in the no-parking zone in order to give adequate notice to parkers of vehicles.
(d) — The stopping of any vehicle from a point 20 feet from the southernmost rail of the Erie Lackawanna Railroad, along the curb forming the intersection along the east side of North Main Street and the west side of Route 21 for a distance of 70 feet (an area familiarly referred to as the "island"), shall be prohibited at all times.

2. GREENWOOD STREET

(a) — Parking of any vehicle on either side of East Greenwood Street for a distance of thirty (30) feet from the traffic control device located at the corner of Main Street and continuing for two hundred twenty (220) feet easterly from the center of Main Street shall be limited between the hours of 8:00 a.m. and 6:00 p.m., on each day of the week, except Sundays and holidays, to two (2) hours parking and shall be designated as between certain signs to be erected by the Village.

(b) — Parking of any vehicle on West Greenwood Street for a distance of one hundred twenty (120) feet westerly from the center of Main Street shall be prohibited.

3. DYKE STREET

(a) — Parking of any vehicle at any time on the southerly side of East Dyke Street is prohibited.

(b) — Parking of any vehicle on the northerly side of East Dyke Street for a distance of eighty five (85) feet easterly from the center of Main Street shall be prohibited.

4. EAST AVENUE

(a) — Parking of any vehicle at any time on the east side of East Avenue for the full extent that East Avenue is located within the Village limits of the Village of Andover is prohibited.

(b) — Parking of any vehicle at any time on the west side of East Avenue for a distance of seventy (70) feet from the corner of Elm Street is prohibited, and shall be designated by appropriate signs.

5. ELM STREET

(a) — Parking of any vehicle at any time on the north side of Elm Street for the full extent of said Elm Street is prohibited.

(b) — A "No Parking" area shall be established between designated signs on the south side of Elm Street in an area located between Church Street and East Avenue, where parking shall be prohibited on all schooldays between the hours of 6:00 a.m. and 4:00 p.m.

(c) — A "No Parking" area shall be established between designated signs on the south side of Elm Street at the area which intersects with the curved portion of the east side of Barney Street up to East Avenue.

-- TRAFFIC

- 6. PLEASANT AVENUE
 - (a) — Parking of any vehicle at any time on the southerly side of Pleasant Avenue is prohibited.
 - (b) — Parking of any vehicle at any time on the northerly side of Pleasant Avenue shall be limited to two (2) hours.

- 7. EAST CENTER STREET
 - (a) — Parking on the southerly side of East Center Street for a distance of fifty feet (50') from the curb of Main Street shall be prohibited at all times.

- 8. WEST CENTER STREET
 - (a) — Parking on the northerly side of West Center Street for a distance of one hundred sixty feet (160') west from the center of Main Street shall be prohibited at all times.
 - (b) — Parking on the southerly side of West Center Street from the corner of Main Street to the corner of Second Street shall

- 9. BARNEY STREET
 - (a) — A "No Parking" area shall be established between designated signs on the east side of Barney Street to the intersection of Elm Street.

- 10. HILL STREET
 - (a) — Parking on either side of Hill Street for the full extent that said Hill Street is located within the Village limits of the Village of Andover shall be prohibited at all times.

- 11. LYNCH ROAD
 - (a) — Parking on either side of Lynch Road from the intersection of Route 417 to the intersection of Oil Well Street in the Village of Andover shall be prohibited at all times.

- 12. BAKER STREET
 - (a) — Parking on the south side of Baker Street for its entire length shall be prohibited at all times.

- 13. ROCHAMBEAU AVENUE
 - (a) — Parking shall be prohibited within seventy feet (70') of the ridge on both sides of the road.

B. NO STANDING IN DESIGNATED LOCATIONS

- (a) — The standing of vehicles is hereby prohibited within 30 feet (30') upon approach to any flashing signal, stop or yield sign or traffic control signal located at the side of the roadway unless a different distance is indicated by official signs, markings or parking meters.

-- TRAFFIC

(b) — Along all side streets within the Village limits, standing is prohibited within 30 feet (30') of all intersecting streets not covered by further restrictions herein.

C. NO STOPPING IN DESIGNATED LOCATIONS

(a) — The stopping of any vehicle from a point 20 feet (20') from the southernmost rail of the Erie-Lackawanna Railroad, along the curb forming the intersection along the east side of North Main Street and west side of Route 21 for a distance of 70 feet (70') (and area familiarly referred to as the "island") shall be prohibited at all times.

Section 7. STOP INTERSECTIONS AND THROUGH STREETS

(a) — Main Street is hereby designated as a through highway and stop signs shall be erected on the following entrances thereto:

- 1.— Dyke Street from the east
- 2.— West Greenwood Street from the west
- 3.— East Greenwood Street from the east
- 4.— West Center Street from the west
- 5.— East Center Street from the east
- 6.— Southland land of North Main Street extensions
- 7.— Water Street from the west
- 8.— Water Street from the east
- 9.— Pond Road from the west

(b) — East Greenwood Street is hereby designated as a through highway between its intersection with Main Street and its easterly limits and stop signs shall be erected on the following entrances thereto:

- 1.— Church Street from the north
- 2.— East Avenue from the north

(c) — The intersection of West Greenwood Street and First Street is hereby designated as a stop intersection and stop signs shall be erected at its entrance to said intersection from the north and south.

(d) — The intersecting of West Greenwood Street and Second Street is hereby designated as a stop intersection and a stop sign shall be erected on Second Street at its entrance to said intersection from the north and south.

(e) — Elm Street is hereby designated as through highway between Main Street and Barney Street and stop signs shall be erected on the following entrances thereto:

- 1.— Church Street from the south
- 2.— Church Street from the north
- 3.— East Avenue from the south

(f) — The intersection of Route 417 and Second Street is hereby designated as a stop intersection and a stop sign shall be erected on Second Street at its entrance to said intersection from the north.

-- TRAFFIC

~~(g) — The intersection of North Main Street and Water Street is hereby designated as a stop intersection and a stop sign shall be erected on Water Street at its entrance to said intersection from the northeast.~~

~~(h) — The intersection of North Main Street and Baker Street is hereby designated as a stop intersection and a stop sign shall be erected on Baker Street at its entrance to said intersection from the west.~~

~~(i) — The intersection of High Street and East Avenue is hereby designated as a stop intersection and a stop sign shall be erected on High Street at its entrance to said intersection from the southeast.~~

~~(j) omitted — -~~

~~(k) — The intersection of Church Street and Center Street is hereby designated as a stop intersection and stop signs shall be erected on Center Street at its entrance to said intersection from the east and west.~~

~~(l) — The intersection of West Center Street and First Street is hereby designated as a stop intersection and a stop sign shall be erected on West Center Street from both the north and from the south.~~

~~(m) — The intersection of Rochameau Avenue and Harmon Street is hereby designated as a stop intersection and stop signs shall be erected on Harmon Street at its entrance to said intersection from the north.~~

~~(n) — The intersection of Harmon Street and Baker Street is hereby designated as a stop intersection and stop signs shall be erected on Baker Street at its entrance to said intersection from the east and west.~~

~~(o) — The intersection of Second Street and Maple Street is hereby designated as a stop intersection and stop signs shall be erected on Maple Street at its entrance to said intersection from the east and west.~~

~~(p) — The intersection of Pleasant Avenue and East Avenue is hereby designated as a stop intersection and stop signs shall be erected on Pleasant Avenue at its entrance to said intersection from the west.~~

~~(q) — The intersection of Pleasant Avenue and Church Street is hereby designated as a stop intersection and stop signs shall be erected on Pleasant Avenue at its entrance to said intersection from the east.~~

Section 8. YIELD INTERSECTIONS

~~(a) — The intersection of Greenwood Street and Dyke Street is hereby designated as a yield intersection and a yield sign shall be erected on Dyke Street at its entrance to said intersection from the west.~~

~~(b) — The intersection of Barney Street and Water Street is hereby designated as a yield intersection and a yield sign shall be erected on Barney Street at its entrance to said intersection from the north.~~

-- TRAFFIC

(c) — The intersection of Hardy Hill and Water Street is hereby designated as a yield intersection and a yield sign shall be erected on Hardy Hill at its entrance to said intersection from the south.

Section 9: ONE-WAY STREETS

(a) — West Center Street, as it exists between First Street and Second Street, shall be designated as a one-way street with traffic running from north to south, and the Village shall place appropriate signs at all entrances and egresses to designate it as such.

Section 10: SCHOOL SPEED ZONE

(a) — A school speed zone shall be established which shall extend on Elm Street from a point approximately three hundred feet (300') to the west of the westerly edge of the Andover Central School; then in an easterly direction along the portion of Elm Street parallel with and in front of the Andover Central School; then to a point of Elm Street at its intersection from the center line of Barney Street which is a distance of approximately one hundred feet (100') from the easterly edge of Andover Central School; continuing then northerly along Barney Street for a distance of one hundred ten feet (110').

(b) — The maximum speed limit within the above described school speed zone shall be fifteen (15) miles per hour.

(c) — Appropriate signs shall be posted in the school speed zone in order to give notice to operators of vehicles.

Section 11: PROHIBITION OF U-TURNS

(a) — The turning of vehicles so as to proceed in the opposite direction is hereby prohibited on Route 21 (Main Street), from its intersection with Route 417 to the northerly Village limits.

Section 12: LIMITED ACCESS ROAD

(a) — Traffic on Fairview Avenue shall be limited to prohibit all commercial vehicles except for local deliveries made thereto, and an appropriate sign shall be erected designating it as such.

Section 13: SEASONAL PARKING RESTRICTIONS

(a) — No person shall park or leave a vehicle on any street of the Village of Andover between the hours of 2:00 a.m. and 6:00 a.m. from the 15th day of November to the 15th day of April.

Section 14: EMERGENCY POWERS

(a) — In the event of a public emergency, the Mayor or Chief of Police of the Village of Andover shall have the power to suspend the operation of the provisions of this chapter for the duration of such emergency.

-- TRAFFIC

Section 15: ~~AUTHORITY TO IMPOUND VEHICLES~~

~~(a) — When any vehicle is parked or abandoned on any highway within this Village during a snowstorm, flood, fire or other public emergency which effects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the Andover Police Department or by a private towing and impounding contractor designated by the Village Board when such removal is requested by the Andover Police Department.~~

~~(b) — When any vehicle is found unattended on any highway within this Village where stopping, standing or parking is prohibited, said vehicle may be removed by the Andover Police Department or by a private towing and impounding contractor designated by the Village Board when such removal is requested by the Andover Police Department.~~

Section 16: ~~STORAGE AND CHARGES~~

~~(a) — After removal of any vehicle as provided in this article, the private towing and impounding contractor may store such vehicle in a suitable place at the expense of the owner. Such owner, or persons in charge of the vehicle, may redeem the same upon payment to the private towing and impounding contractor of the amount of all expenses actually and necessarily incurred in effecting such removal, such charges not to exceed the annually contracted charges, together with any charges for a storage, such storage charges not to exceed the annually contracted charges. A copy of all annual removal and storage contracts shall be available for public view in the Village Offices and shall be published within ten (10) days of the establishment of new rates in the Village's designated newspaper.~~

Section 17: ~~NOTICE OF REMOVAL~~

~~(a) — The Andover Police Department shall, without delay, ascertain to the extent possible, the owner of he vehicle or person having charge of the same, and notify that person of the removal.~~

Section 18: ~~PENALTIES~~

~~(a) — Every person convicted of a traffic infraction for a violation of the provisions relating to parking violations contained in this Local Law shall, for a first conviction thereof, be punished by a fine of not more than ten dollars (\$10). For the second such conviction within eighteen (18) months thereafter, such person shall be punished by a fine of not more than twenty dollars (\$20). Upon a third or subsequent conviction within eighteen (18) months after the first conviction, such person shall be punished by a fine of not more than forty dollars (\$40).~~

-- TRAFFIC

Section 19. REPEAL OF PRIOR ORDINANCES AND LOCAL LAWS

(a) All prior ordinances and Local Laws or parts of ordinances and Local Laws of this Village in conflict with or in consistent with the provisions of this Local Law are hereby repealed, except that this repeal shall not affect or prevent the prosecution of any person for any act done or committed in violation of any Local Law hereby repealed prior to the taking effect of this Local Law.

Section 20. VALIDITY OF LOCAL LAW

(a) If any part or parts of this Local Law are, for any reasons, held to be invalid, such decision shall not effect the validity of the remaining portions of this Local Law.

Section 21. EFFECT OF LOCAL LAW

(a) This Local Law as amended shall take effect from and after the filing of this Local Law with the Secretary of State except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law and Section 46 of the Highway Law of the State of New York.

(b) Any part or parts of this Local Law which are subject to approval under Section 1684 of the Vehicle and Traffic Law and Section 46 of the Highway Law of the State of New York, shall take effect from and after the date on which approval in writing is received from both the New York State Traffic Commission and the New York State Department of Public Works.

PROPOSED:	July 12, 1994
PUBLISHED:	July 27, 1994, Patriot Newspapers July 26, 1994, Wellsville Daily Reporter
PUBLIC HEARING:	August 9, 1994
LEGAL NOTICE:	August 31, 1994, Wellsville Daily Reporter
ADOPTED:	September 6, 1994
PUBLISHED:	September 13, 1994, Patriot Newspapers
REVISED & ADOPTED:	December 13, 1994
APPROVED DOT:	December 13, 1994
FILED:	December 16, 1994

LOCAL LAW #7 of 2016
TRAFFIC AND PARKING

Section 1. DEFINITION OF WORDS AND PHRASES

(a) The words and phrases used in this Local Law shall, for the purposes of this Local Law, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.

(b) The following words and phrases, which are not defined by Article 1 of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section, for purpose of traffic Local Laws of this Village:

(1) HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas shall be considered holidays.

Section 2. TRAFFIC CONTROL DEVICES

The Village of Andover, Department of Public Works, shall install and maintain traffic control devices when and as required under the provision of this Local Law to make effective the provisions of said Local Law and may install and maintain such additional traffic control devices as it may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions of Sections 1682 and 1684 of that law.

Section 3. SPEED REGULATIONS

(a) Twenty-five (25) miles per hour is hereby established as the maximum speed at which vehicles may proceed within the corporate limits of this Village on all streets except as otherwise noted in this section and unless otherwise posted.

(b) No person shall operate a vehicle on any highway or private road open to public motor vehicle traffic at a rate of speed in excess of the maximums established in this section, or this Local Law, except on the following highways:

(1) Route 417 from the easterly Village limit on S.H. 9044 to the westerly Village limit on S.H. 5419.

(2) Route 21, S.H. 5419, from the northerly Village limit, southerly for a distance of 2,000 feet therefrom.

(c) Upon the basis of an engineering and traffic investigation, forty (40) miles per hour is hereby established as a maximum speed at which vehicles may proceeds within the corporate limits of this Village on the following highways:

-- TRAFFIC

(1) Route 417 from the easterly Village limit on S.H. 9044 to the westerly Village limit on S.H. 5419.

(2) Route 21, S.H. 5419, from the northerly Village limit, southerly for a distance of 2,000 feet therefrom.

(d) Obedience to speed limits. No person shall operate a vehicle on any highway or private road open to public motor vehicle traffic at a rate of speed in excess of the maximums established in this Local Law.

Section 4. APPLICATION OF LOCAL LAW

The provisions of this Local Law shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 5. PARALLEL PARKING

Except where angle parking is authorized, every vehicle stopped, standing or parked upon a highway where there are no adjacent curbs shall be so stopped, standing or parked parallel with the edge of the roadway heading in the direction of lawful traffic.

Section 6. STOPPING, STANDING and PARKING

1. All stopping, standing and parking regulations described in this section shall be in compliance with all State Laws now in effect.

2. All stopping, standing and parking regulations shall be designated by appropriate signs in order to give adequate notice to operator of vehicles, except in those area which are covered by the Vehicle and Traffic Laws of the State of New York.

A. PARKING

1. MAIN STREET

(a) Parking of any vehicle on Main Street between Dyke Street and Elm Street shall be only within those spaces as defined by parking, standing and stopping signs on both the easterly and westerly sides of Main Street.

(b) Parking of any vehicle on Main Street between Greenwood and Elm Streets shall be limited to two (2) hours between the hours of 8:00 a.m. and 6:00 p.m., on each day of the week, except Sundays and holidays, except that a single parking space shall be designated in front of the Post Office where parking shall be limited to five (5) minutes.

(c) A no-parking zone shall exist encompassing both sides of North Main Street from the intersection of North Main Street and Baker Street north to the entrance of the cemetery located on North Main Street in the Village of Andover, which shall be in effect twenty-four (24) hours per day and shall be designated by

appropriate signs which shall be posted in the no-parking zone in order to give adequate notice to parkers of vehicles.
(d) The stopping of any vehicle from a point 20 feet from the southernmost rail of the Erie-Lackawanna Railroad, along the curb forming the intersection along the east side of North Main Street and the west side of Route 21 for a distance of 70 feet (an area familiarly referred to as the "island"), shall be prohibited at all times.

2. GREENWOOD STREET

(a) Parking of any vehicle on either side of East Greenwood Street for a distance of thirty (30) feet from the traffic control device located at the corner of Main Street and continuing for two hundred twenty (220) feet easterly from the center of Main Street shall be limited between the hours of 8:00 a.m. and 6:00 p.m., on each day of the week, except Sundays and holidays, to two (2) hours parking and shall be designated as between certain signs to be erected by the Village.

(b) Parking of any vehicle on West Greenwood Street for a distance of one hundred twenty (120) feet westerly from the center of Main Street shall be prohibited.

3. DYKE STREET

(a) Parking of any vehicle at any time on the southerly side of Dyke Street is prohibited.

(b) Parking of any vehicle on the northerly side of Dyke Street for a distance of eighty-five (85) feet easterly from the center of Main Street shall be prohibited.

4. EAST AVENUE

(a) Parking of any vehicle at any time on the east side of East Avenue for the full extent that East Avenue is located within the Village limits of the Village of Andover is prohibited.

(b) Parking of any vehicle at any time on the west side of East Avenue for a distance of seventy (70) feet from the corner of Elm Street is prohibited, and shall be designated by appropriate signs.

5. ELM STREET

(a) Parking of any vehicle at any time on the north side of Elm Street for the full extent of said Elm Street is prohibited.

(b) A "No Parking" area shall be established between designated signs on the south side of Elm Street in an area located between Church Street and East Avenue, where parking shall be prohibited on all schooldays between the hours of 6:00 a.m. and 4:00 p.m.

(c) A "No Parking" area shall be established between designated signs on the south side of Elm Street at the area which intersects with the curved portion of the east side of Barney Street up to East Avenue.

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6. PLEASANT AVENUE
 - (a) Parking of any vehicle at any time on the southerly side of Pleasant Avenue is prohibited.
 - (b) Parking of any vehicle at any time on the northerly side of Pleasant Avenue shall be limited to two (2) hours.

7. EAST CENTER STREET
 - (a) Parking on the southerly side of East Center Street for a distance of fifty feet (50') from the curb of Main Street shall be prohibited at all times.

8. WEST CENTER STREET
 - (a) Parking on the northerly side of West Center Street for a distance of one hundred sixty feet (160') west from the center of Main Street shall be prohibited at all times.
 - (b) Parking on the southerly side of West Center Street from the corner of Main Street to the corner of Second Street shall be prohibited at all times.

9. BARNEY STREET
 - (a) A "No Parking" area shall be established between designated signs on the east side of Barney Street to the intersection of Elm Street.

10. HILL STREET
 - (a) Parking on either side of Hill Street for the full extent that said Hill Street is located within the Village limits of the Village of Andover shall be prohibited at all times.

11. LYNCH ROAD
 - (a) Parking on either side of Lynch Road from the intersection of Route 417 to the intersection of Oil Well Street in the Village of Andover shall be prohibited at all times.

12. BAKER STREET
 - (a) Parking on the south side of Baker Street for its entire length shall be prohibited at all times.

13. ROCHAMBEAU AVENUE
 - (a) Parking shall be prohibited within seventy feet (70') of the bridge on both sides of the road.

B. NO STANDING IN DESIGNATED LOCATIONS

- (a) The standing of vehicles is hereby prohibited within 30 feet (30') upon approach to any flashing signal, stop or yield sign or traffic control signal located at the side of the roadway unless a different distance is indicated by official signs, markings or parking meters.

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(b) Along all side streets within the Village limits, standing is prohibited within 30 feet (30') of all intersecting streets not covered by further restrictions herein.

C. NO STOPPING IN DESIGNATED LOCATIONS

(a) The stopping of any vehicle from a point 20 feet (20') from the southernmost rail of the Erie-Lackawanna Railroad, along the curb forming the intersection along the east side of North Main Street and west side of Route 21 for a distance of 70 feet (70') (and are familiarly referred to as the "island") shall be prohibited at all times.

Section 7. STOP INTERSECTIONS AND THROUGH STREETS

(a) Main Street is hereby designated as a through highway and stop signs shall be erected on the following entrances thereto:

1. Dyke Street from the east
2. West Greenwood Street from the west
3. East Greenwood Street from the east
4. West Center Street from the west
5. East Center Street from the east
6. Southbound lane of North Main Street extensions
7. Water Street from the west
8. Water Street from the east
9. Pond Road from the west

(b) East Greenwood Street is hereby designated as a through highway between its intersection with Main Street and its easterly limits and stop signs shall be erected on the following entrances thereto:

1. Church Street from the north
2. East Avenue from the north

(c) The intersection of West Greenwood Street and First Street is hereby designated as a stop intersection and stop signs shall be erected at its entrance to said intersection from the north and south.

(d) The intersection of West Greenwood Street and Second Street is hereby designated as a stop intersection and a stop sign shall be erected on Second Street at its entrance to said intersection from the north and south.

(e) Elm Street is hereby designated as through highway between Main Street and Barney Street and stop signs shall be erected on the following entrances thereto:

1. Church Street from the south
2. Church Street from the north
3. East Avenue from the south

(f) The intersection of Route 417 and Second Street is hereby designated as a stop intersection and a stop sign shall be erected on Second Street at its entrance to said intersection from the north.

(g) The intersection of North Main Street and Water Street is hereby designated as a stop intersection and a stop sign shall be erected on Water Street at its entrance to said intersection from the northeast.

(h) The intersection of North Main Street and Baker Street is hereby designated as a stop intersection and a stop sign shall be erected on Baker Street at its entrance to said intersection from the west.

(i) The intersection of High Street and East Avenue is hereby designated as a stop intersection and a stop sign shall be erected on High Street at its entrance to said intersection from the southeast.

(j) omitted

(k) The intersection of Church Street and Center Street is hereby designated as a stop intersection and stop signs shall be erected on Center Street at its entrance to said intersection from the east and west.

(l) The intersection of West Center Street and First Street is hereby designated as a stop intersection and a stop sign shall be erected on West Center Street from both the north and from the south.

(m) The intersection of Rochameau Avenue and Harmon Street is hereby designated as a stop intersection and stop signs shall be erected on Harmon Street at its entrance to said intersection from the north.

(n) The intersection of Harmon Street and Baker Street is hereby designated as a stop intersection and stop signs shall be erected on Baker Street at its entrance to said intersection from the east and west.

(o) The intersection of Second Street and Maple Street is hereby designated as a stop intersection and stop signs shall be erected on Maple Street at its entrance to said intersection from the east and west.

(p) The intersection of Pleasant Avenue and East Avenue is hereby designated as a stop intersection and stop signs shall be erected on Pleasant Avenue at its entrance to said intersection from the west.

(q) The intersection of Pleasant Avenue and Church Street is hereby designated as a stop intersection and stop signs shall be erected on Pleasant Avenue at its entrance to said intersection from the east.

Section 8. YIELD INTERSECTIONS

(a) The intersection of Greenwood Street and Dyke Street is hereby designated as a yield intersection and a yield sign shall be erected on Dyke Street at its entrance to said intersection from the west.

(b) The intersection of Barney Street and Water Street is hereby designated as a 4-way stop intersection and stop signs will be erected at said intersection. Water Street to Barney Street is hereby designated one-way heading south and a one-way sign will be erected.

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(c) The intersection of Hardy Hill and Water Street is hereby designated as a stop intersection and a stop sign shall be erected on Hardy Hill at its entrance to said intersection from the north.

Section 9. ONE-WAY STREETS

(a) West Center Street, as it exists between First Street and Second Street, shall be designated as a two-way street with traffic running both east and west.

Section 10. SCHOOL SPEED ZONE

(a) A schools speed zone shall be established which shall extend on Elm Street from a point approximately three hundred feet (300') to the west of the westerly edge of the Andover Central School; therein in an easterly direction along the portion of Elm Street parallel with and in front of the Andover Central School; then to as point of Elm Street at its intersection from the center line of Barney Street which is a distance of approximately one hundred feet (100') from the easterly edge of Andover Central School; continuing then northerly along Barney Street for a distance of one hundred ten feet (110').

(b) The maximum speed limit within the above described school speed zone shall be fifteen (15) miles per hour.

(c) Appropriate signs shall be posted in the school speed zone in order to give notice to operators of vehicles.

Section 11. PROHIBITION OF U TURNS

(a) The turning of vehicles so as to proceed in the opposite direction is hereby prohibited on Route 21 (Main Street), from its intersection with Route 417 to the northerly Village limits.

Section 12. LIMITED ACCESS ROAD

(a) Traffic on Fairview Avenue shall be limited to prohibit all commercial vehicles except for local deliveries made thereto, and an appropriate sign shall be erected designating it as such.

Section 13. SEASONAL PARKING RESTRICTIONS

(a) No person shall park or leave any vehicle on any street of the Village of Andover between the hours of 2:00 a.m. and 6:00 a.m. from the 15th day of November to the 15th day of April.

Section 14. EMERGENCY POWERS

(a) In the event of a public emergency, the Mayor or Chief of Police of the Village of Andover shall have the power to suspend the operation of the provisions of this chapter for the duration of such emergency.

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Section 15. AUTHORITY TO IMPOUND VEHICLES

(a) When any vehicle is parked or abandoned on any highway within this Village during a snowstorm, flood, fire or other public emergency which effects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the Andover Police Department or by a private towing and impounding contractor designated by the Village Board when such removal is requested by the Andover Police Department.

(b) When any vehicle is found unattended on any highway within this Village where stopping, standing or parking is prohibited, said vehicle may be removed by the Andover Police Department or by a private towing and impounding contractor designated by the Village Board when such removal is requested by the Andover Police Department.

Section 16. STORAGE AND CHARGES

(a) After removal of any vehicle as provided in this article, the private towing and impounding contractor may store such vehicle in a suitable place at the expense of the owner. Such owner, or persons in charge of the vehicle, may redeem the same upon payment to the private towing and impounding contractor of the amount of all expenses actually and necessarily incurred in effecting such removal, such charges not to exceed the annually contracted charges, together with any charges for a storage, such storage charges not to exceed the annually contracted charges. A copy of all annual removal and storage contracts shall be available for public view in the Village Offices and shall be published within ten (10) days of the establishment of new rates in the Village's designated newspaper.

Section 17. NOTICE OF REMOVAL

(a) The Andover Police Department shall, without delay, ascertain to the extent possible, the owner of the vehicle or person having charge of the same, and notify that person of the removal.

Section 18. PENALTIES

(a) Every person convicted of a traffic infraction for a violation of the provisions relating to parking violations contained in this Local Law shall be punished by a fine of twenty-five dollars (\$25) to two hundred fifty dollars (\$250); fifteen (15) days imprisonment; or eighty (80) hours community service.

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Section 19. REPEAL OF PRIOR ORDINANCES AND LOCAL LAWS

(a) All prior ordinances and Local Laws or parts of ordinances and Local Laws of this Village in conflict with or inconsistent with the provisions of this Local Law are hereby repealed, except that this repeal shall not affect or prevent the prosecution of any person for any act done or committed in violation of any Local Law hereby repealed prior to the taking effect of this Local Law.

Section 20. VALIDITY OF LOCAL LAW

(a) If any part or parts of this Local Law are, for any reasons, held to be invalid, such decision shall not effect the validity of the remaining portions of this Local Law.

Section 21. EFFECT OF LOCAL LAW

(a) This Local Law as amended shall take effect from and after the filing of this Local Law with the Secretary of State except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law and Section 46 of the Highway Law of the State of New York.

(b) Any part or parts of this Local Law which are subject to approval under Section 1684 of the Vehicle and Traffic Law and Section 46 of the Highway Law of the State of New York, shall take effect from and after the date on which approval in writing is received from both the New York State Traffic Commission and the New York State Department of Public Works.

PROPOSED:	June 9, 2016
PUBLISHED:	July 8, 2016
PUBLIC HEARING:	July 19, 2016
PASSED:	July 19, 2016
FILED WITH STATE:	August 10, 2016

-- TRAFFIC

ORDINANCE TO CONTROL FAST DRIVING

- Section 1. No person shall ride or drive any animal in an immoderate manner, nor have any horse untied or hitched an unreasonable time in the streets or public ground, nor drive any animal on any sidewalk therein, nor operate any motor vehicle on any public highway in a reckless manner.
- Section 2. A penalty of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of this ordinance, any such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

PROPOSED: May 26, 1971
PUBLISHED: June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971

-- TREES

ORDINANCE ON TREES

(See LOCAL LAW #11 OF 2016)

- ~~Section 1. Every owner of land adjacent to the street shall trim all trees in said street in front thereof so that no part of any branch thereof shall be less than fourteen feet (14') from the ground.~~
- ~~Section 2. No person or persons shall in any negligent, willful or malicious manner injure or destroy any shade tree in the streets or public grounds in the Village.~~
- ~~Section 3. A penalty of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) is hereby prescribed for each violation of these ordinances, designated as Sections 1 and 2, and such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.~~

~~PROPOSED: May 26, 1971
PUBLISHED: June 3, 1971
PUBLIC HEARING: June 10, 1971
PASSED: June 10, 1971~~

LOCAL LAW #11 OF 2016
TREES

- Section 1. Every owner of land adjacent to a Village street shall trim all trees in front thereof so that no part of any trunk or branch that borders any street or sidewalk shall be less than ten feet (10') from the ground.
- Section 2. No person or persons shall in any negligent, willful or malicious manner injure or destroy any shade tree in the streets or public grounds in the Village.
- Section 3. Every landowner of land having power lines cross said land shall keep all trees trimmed so that no branches exist within fifteen feet (15') to any side of any power line nor at any distance above a power line.
- Section 4. The Village Electric Department shall be authorized to trim trees on public and private property which pose a threat to power line safety, according to the NESC (National Electric Safety Code).

Landowners shall be notified in writing as to any intent of the Village to trim or remove trees on private property. All timing will be done in accordance with the NESC and/or ACRT Line Clearance Manual. Landowners may choose to have trees trimmed at their own cost, providing the contractors have Line Clearance Certification if the work to be done is within 20 feet of the power lines.

- Section 5. Written notification of trees on private property posing a threat to power lines will be made by the Village DPW. Trees on private land which are deemed a threat to power lines due to unhealthy condition shall be removed by said property owners at their own expense. Removal of a tree deemed a threat to power lines may be made by the Village DPW depending on the condition of availability of the Village Crew and conditions surrounding the tree or trees. Cost of removal will be charges to the property owner.

- Section 6. Trees or parts thereof that fall, break, split or in any way cause damage to power lines and/or cause power outages will be cut down, trimmed or moved by the Village in whatever way deemed necessary to repair or replace power lines at the expense of the property owner. Fallen, trimmed or damaged trees or limbs will not be removed from private property by the Village.

- Section 7. A penalty of not less than twenty five dollars (\$25) nor exceeding two hundred fifty dollars (\$250) is hereby prescribed for each violation of this ordinance, any such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

PROPOSED: June 9, 2016
PUBLISHED: July 8, 2016
PUBLIC HEARING: July 19, 2016
PASSED: July 19, 2016
FILED WITH STATE: August 10, 2016

-- WATER SYSTEM (use, maintenance)

LOCAL LAW #1 of 2015

A Local Law providing for the use and maintenance of the Village of Andover water system.

Be it enacted by the Village Board of the Village of Andover as follows:

VILLAGE OF ANDOVER WATER USE LAW

- ARTICLE 1. Applicability
- ARTICLE 2. Application for service
- ARTICLE 3. Attachments and connections by unauthorized person(s) prohibited
- ARTICLE 4. Connections to water mains
- ARTICLE 5. Curb stops
- ARTICLE 6. Service pipe and connections
- ARTICLE 7. Protection of service pipe
- ARTICLE 8. Meters
- ARTICLE 9. Meter repairs
- ARTICLE 10. Meters for construction purposes
- ARTICLE 11. Access to premises
- ARTICLE 12. Shutting off water
- ARTICLE 13. Change in pressure
- ARTICLE 14. Connection with other water supplies
- ARTICLE 15. Wasting water prohibited
- ARTICLE 16. Vacation of premises
- ARTICLE 17. Damage to water facilities
- ARTICLE 18. Control of hydrants
- ARTICLE 19. Damage to hydrants

VILLAGE OF ANDOVER WATER USE LAW (continued)

- ARTICLE 20. Use of hydrants**
- ARTICLE 21. Opening and closing of valves restricted**
- ARTICLE 22. Sale of water by consumer prohibited**
- ARTICLE 23. Sales of water outside of district restricted**
- ARTICLE 24. Connection between water systems**
- ARTICLE 25. Water rates**
- ARTICLE 26. Bills**
- ARTICLE 27. Unpaid charges**
- ARTICLE 28. Water sources in the Village**
- ARTICLE 29. Penalties for offenses**
- APPENDIX A - Fee schedule (to be amended from time to time).**

ARTICLE 1. Applicability

The following rules and regulations shall apply to any person, corporation or institution whose property shall be supplied with water by the Village Water District

ARTICLE 2. Application for service

The property owner or his duly authorized agent must make application for water service at the office of the Village Clerk. A drawing showing, at a minimum, location of the premise, street right-of-way, structures to be served and existing utilities shall accompany each application. The applicant shall pay the Village *the meter fee* and connection charge in full. *Applications for water service outside of the Village will be accepted but may not be approved. Outside service shall be at such premium as the Village may from time to time fix.*

ARTICLE 3. Attachments and connections by unauthorized person(s) prohibited

No unauthorized person shall make any attachments, additions, alterations or connections to the water main of the Water District

ARTICLE 4. Connections to water mains

Each lot shall have a separate water service connection. All service connections to the water mains and service pipes from said mains to approximately two (2) feet from the lot line or designated right of way, including tapping of the main, corporation stop, service pipe and curb stop and box, shall be installed only by properly authorized persons acting under the direction of the Village Board or its designated representative. All costs, labor and expense incident to the installation of the water service shall be paid by the developer or the contractor.

ARTICLE 5. Curb stops

Each water service shall be provided with a curb stop which shall be protected by a cast-iron curb box leading from the curb stop to the surface of the ground and covered with an iron cover with the letters WATER thereon and so exposed as to be easily found. The curb box must not be covered and shall always be accessible. No plumber or person other than a District employee is permitted to turn water on or off at a curb stop or valve unless written permission has been given by the Water District, nor shall any person tamper with or use the curb stop or valve for any purpose whatsoever except on such permission.

VILLAGE OF ANDOVER WATER USE LAW (continued)

ARTICLE 6. Service pipe and connections

- A. All connections from the curb stop to the meter location shall be made by the customer at the customer's own expense. All installations shall be subject to the approval of the Water District.
- B. All service pipe connections made to the mains shall be Type K copper tubing with compression-type fittings. Residential service pipes shall not be smaller than three-quarters (3/4) inch in diameter.
- C. The use of bushings is prohibited. When it is necessary to reduce pipe sizes, reducing couplings must be used.
- D. All service pipes from the curb stop to the building must be at a depth of not less than four and one-half (4-1/2) feet below the finished grade and laid in a straight line at right angles to the curb line.
- E. Service pipe should not be in the same trench as the sewer pipe.
- F. No connections are permitted to a service pipe between the water main in the street and the meter.
- G. A shut off valve must be placed in every service line immediately inside the building wall and so situated that the water to the premises can be completely shut off, draining the meter and system to prevent freezing when not in use.
- H. Every service pipe, whether in a trench or a building, must be inspected by the Water District before it is covered or concealed. Upon acceptance of the installation by the Water District, the service may be covered.

ARTICLE 7. Protection of service pipe

The owner of the property into which water is introduced by a service pipe will be required to maintain in perfect order, at the owner's expense said pipe from the curb stop to the meter on or for the owner's premises, including all fixtures therein provided for delivering or supplying water for any purpose. In cases where such services and fixtures are not kept in repair, the Water District may make all necessary repairs and replacement of parts. The expense of such work and all materials and labor required shall be paid by the property owner.

ARTICLE 8. Meters

- A. All water furnished through service pipes shall be metered. No meters, after being set, shall be removed, tampered with or disturbed except by the Water District. All meters shall be furnished by the Water District after payment of the meter fee and the connection charge. The Water District shall approve the location of the meter.
- B. The size of the meter for any water service shall be determined by the Water District after determining the anticipated water use.
- C. If, in the judgment of the District, local conditions require it, the meter will be set outside the building in a special box to be provided for that purpose, but the cost of such installation shall be paid by the property owner. The special covered box must be a minimum of four and one-half (4-1/2) feet by twenty (20) inches inside dimensions.

VILLAGE OF ANDOVER WATER USE LAW (continued)

ARTICLE 8. Meters (continued)

D. The Water District is the owner of all meters. The District will, however, exchange said meters in good working order for one which has become defective or inaccurate free of charge, provided that such defect or inaccuracy is not due to the fault, negligence or carelessness of the owner or occupant(s) of the premises or guests present therein. Meters shall be sealed and shall be subject to the exclusive control and jurisdiction of the Water District.

E. Meters shall be kept accessible to District personnel. The District at its option may install outside readers at owner's expense. The owner or occupants of the premises shall not store or accumulate household materials on or immediately adjacent to the water meter.

ARTICLE 9. Meter repairs

The Water District shall make repairs to all meters and all persons other than District employees are prohibited from removing the meter or tampering with it in any way. Repairs made necessary by the carelessness or negligence of the owner or occupant(s) of the premises shall be charged for by the Village at prevailing rates to the owner. Other repairs to meters shall be made without charge.

ARTICLE 10. Meter for construction purposes

Water meters for construction purposes shall be set by the District at the expense of the contractor or person making such application. In case it is impractical to place meters for such construction purposes, water may be supplied to the contractor or owner at a flat rate.

ARTICLE 11. Access to premises

Village officials or employees of the Water District, upon presentation of proper credentials, may enter upon any premises where water is being supplied by the Water District or upon any premises when application is made to connect a water service for the purpose of reading, removing or repairing meters or for inspecting the plumbing and fixtures of the water services. Village officials or employees of the Water District may also apply to the Village of Andover Justice Court or other court of competent jurisdiction for a warrant or court order granting access to private premises upon a showing of reasonable cause to believe that there is a malfunction or misuse of the water system taking place on those premises.

ARTICLE 12. Shutting off water

The Water District reserves the right to shut off water in the case of fire or constructing new work or in making repairs or leakage tests. The right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary. The District, its employees or the Village shall not be liable for any damage which may result to any person, property or premises from the shutting off of the water from any main or service for any purpose whatever, even in cases where no notice is given. Reasonable attempts will be made to notify owner, in advance of water shut offs.

ARTICLE 13. Change in pressure

The Water District shall not be liable for any direct, indirect or consequential damage or loss of any kind to property or persons which may arise from or be caused by any change, either increase or decrease, in pressure of water supplies from unexpected water main breaks or emergency fire fighting flows.

VILLAGE OF ANDOVER WATER USE LAW (continued)

ARTICLE 14. Connection with other water supplies

No connection between the Village water supply and any other water supply will be allowed except by special permission from the Water District. In case permission is granted, it will be only under the strictest precautions against possible contamination of the Village water supply by the use of double-check valves or backflow preventers installed according to instruction from the Water District and in accordance with the Dept. of Health.

ARTICLE 15. Wasting water prohibited

No person shall be permitted for any reason to waste water. In case any person deliberately, intentionally or unnecessarily wastes or allows any water to be wasted upon the owner's premises, whether such water is paid for by meter or not, the water to the premises shall be shut off by the District without notice.

ARTICLE 16. Vacation of premises

Consumers vacating premises having water service must promptly notify the District that the water may be shut off and the meter read. Such consumers and the owners of the premises will be held responsible for the full minimum water rent until such notice is given.

ARTICLE 17. Damage to water facilities

Any person responsible for any injury to any water main, pipe, valve, hydrant or other water facility shall reimburse the District for the damages and for the loss of water caused thereby. Said person shall also be responsible for any damages caused by such escaping water.

ARTICLE 18. Control of hydrants

A. All street or road fire hydrants or hydrants for private fire protection from unrestricted service lines are under the control of the Water District. No person, except an authorized agent or employee of the District or a person permitted by the Village Board to take therefrom, shall operate, use or disturb any hydrant or any part thereof or take any water therefrom under any circumstance whatever, except fire companies for the use to control, prevent or extinguish fires.

B. Fire tankers may be filled without permission during a fire emergency. The Water District shall be notified of said use the next scheduled District working day.

C. Fire practice sessions shall give the District advance notice and receive written District permission for hydrant use.

ARTICLE 19. Damage to hydrants

In case any damage to a street or road hydrant is done by any person or said person's agent having a permit for taking water from said hydrant, the holder of the permit shall pay such damages and all costs and expenses that may be occurred by reason thereof, on demand, to the Water District, including loss of water.

VILLAGE OF ANDOVER WATER USE LAW (continued)

ARTICLE 20. Use of hydrants

No person shall use any fire hydrant for construction or other purposes without first obtaining permission for such use from the Water District. The hydrant shall be operated only by a proper hydrant wrench, which shall be obtained from the District. Water must not be allowed to run except when being used. All persons using hydrants shall immediately obey any instructions or orders that may be issued by the Village Board to regulate the use of these hydrants. If required by the Village Board, a meter shall be applied to the connection made with the hydrant at the expense of the party using the same, and said party shall pay for all water by meter measurement or bulk rate.

ARTICLE 21. Operating and closing valves restricted

No person except a duly authorized representative of the Water District shall open, close, or in any way interfere with any valve or gate in any water main or pipe. Any person who has disturbed or displaced a valve box or who has covered a valve box with dirt, paving, plank or other material shall immediately replace the valve box or remove the obstruction.

ARTICLE 22. Sale of water by consumer prohibited

No consumer with the Water District shall sell water to anyone for any purpose whatsoever.

ARTICLE 23. Sale of water outside of District restricted

No water through any connection, pipe or main shall be sold or furnished outside the Water District without consent, in writing, of a duly authorized agent for the Village Board after action of the Village Board.

ARTICLE 24. Connection between water systems

No connection of whatsoever nature shall be made by any person between the facilities of said Water District and any other water system, public or private, without the consent, in writing, of a duly authorized agent for the Village Board after action of the Village Board.

ARTICLE 25. Water rates

A. Generally, all water consumed shall be recorded and paid for by meter registration or at rates to be fixed by the Village Board. Such rates may from time to time be changed by resolution as the Village Board may determine. Water rates for turning on and off, meter fees and taking meters in and out, outside sprinkler and hydrant fees and new service line fees will be on file in the Village Clerk's Office.

B. There will be a connection fee for every water use or service.

C. There will be a basic charge for water service

D. There will be a fee for the actual usage consumed or metered. This figure will be calculated by multiplying the Village Board's set rate per thousand gallons or cubic feet by the actual or calculated usage.

VILLAGE OF ANDOVER WATER USE LAW (continued)

ARTICLE 26. Bills

A. Bills for metered water shall be payable monthly, and in each instance meter bills, if not paid by the due date, shall be increased as a penalty for failure to pay promptly. A 10% penalty will be added to unpaid bills if payment is not received by the due date. Failure to receive a bill shall not act as a waiver of said penalty unless there is documented evidence of delay or failure to deliver by the Post Office. Duplicate bill copies are available in the Village Clerk's Office. In case of inability to read a meter, an estimated bill will be submitted to the consumer.

ARTICLE 27. Unpaid charges

All charges for water, service pipe installation, repairs, damages caused by carelessness or neglect, penalties, etc. shall be made against the premises supplied, and the owner of the premises shall be held responsible therefor. Such charges, if not paid, shall be a lien on the property benefitted. All such unpaid charges shall be added to the next general tax against the property.

ARTICLE 28. Water sources in the Village

No person shall within the Village for any reason without prior written consent of a duly authorized agent of the Village Board after authorization of such action the Village Board of Trustees:

1. Drill a well;
2. Construct or develop a spring;
3. Develop any other water source; or
4. Use any other source of potable or non-potable water, except for incidental use of bottled water.

ARTICLE 29. Penalties for offenses

Any person found to be violating any provision of this law shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violation. Failure to cease all such activities within the time prescribed in said notice shall be a violation, punishable by a maximum fine of two hundred fifty (\$250) or imprisonment for not more than fifteen (15) days, or both.

VILLAGE OF ANDOVER
Water Rules & Regulations

Appendix A - Fee Schedule

1. RETAIL SERVICE

Water Consumption - Billed Monthly

Base charge per unit	\$18.00
Charge per 1,000 gallons	\$4.50 *
User Outside Village limits (150% of base charge)	\$27.00
Charge per 1,000 gallons, outside Village limits	\$6.00
Account Change-over Charge (initial set up fee) (on electric service if no water service on account)	\$5.00

2. HYDRANTS

Hydrant installation	at cost
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3. SERVICE CONNECTION CHARGE

NEW SERVICE CONNECTION FEE (Owner digs ditch and backfills. Village taps main, supplies and installs line to - and including - curb box, patches street)	\$330.00
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4. FIELD SERVICE CHARGES

a. METER TEST - CUSTOMER REQUEST	at cost
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b. SERVICE SHUT OFF AND/OR METER REMOVAL	
Water On or Off during working hours	\$10.00
Water On or Off after working hours	\$40.00
Water Off <u>and</u> on same day during working hours	\$10.00

c. FREEZE DAMAGE - CUSTOMER SIDE	
- freeze plate	\$50.00
- any other material/labor:	(to be invoiced)

NOTE: Village is responsible for service from main to curb box. Customer is responsible for line from curb box to house and inside house.

d. MISCELLANEOUS	
Other calls after working hours, 2 hour minimum: actual costs <u>plus</u> man-hours	

* Per a resolution approved at the 04/16/19 meeting - water consumption rates were raised \$.25/1,000 gallons - effective June 1, 2019.

VILLAGE OF ANDOVER
Water Rules & Regulations
(adopted 03/01/95—revised 09/15/15)

Appendix A—Fee Schedule

1. RETAIL SERVICE

Water Consumption—Billed Monthly

Base charge per unit	\$18.00	(old rate 17.25 base through April 2015)
Charge per 1,000 gallons	\$4.50	(old rate \$.00372 through April 2015) (old rate \$.00400 through May 2018) (old rate \$.00425 through May 2019)
User Outside Village limits (150% of base charge)	\$27.00	(old rate \$25.88 through April 2015)
Charge per 1,000 gallons, outside Village limits	\$6.00	(old rate \$5.58 through April 2015)
Account Change over Charge (new acct set up)	\$5.00	

2. HYDRANTS

Hydrant installation	at cost
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3. SERVICE CONNECTION CHARGE

NEW SERVICE CONNECTION FEE (Owner digs ditch and backfills. Village taps main, supplies and installs line to and including curb box, patches street)	\$330.00
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4. FIELD SERVICE CHARGES

a. METER TEST—CUSTOMER REQUEST	at cost
b. SERVICE SHUT OFF AND/OR METER REMOVAL	-
Water On or Off during working hours	\$10.00
Water On or Off after working hours	\$40.00
Water Off <u>and</u> on same day during working hours	\$10.00
c. FREEZE DAMAGE—CUSTOMER SIDE	-
—freeze plate	\$50.00
—any other material/labor:	(to be invoiced)

NOTE: Village is responsible for service from main to curb box. Customer is responsible for line from curb box to house and inside house.

d. MISCELLANEOUS	
Other calls after working hours, 2 hour minimum: actual costs <u>plus</u> man hours	

PROPOSED:

PUBLISHED:

PUBLIC HEARING:

PASSED:

November 17, 2015

FILED:

December 8, 2015

-- WEEDS

LOCAL LAW #3 OF 1985
(see Local Law #8 of 2016)

~~A Local Law relating to the removal of weeds on property located within the corporate limits of the Village of Andover.~~

~~Be it enacted by the Village Board of the Village of Andover as follows:~~

~~Section 1. Every owner of real property situated within the corporate limits of the Village of Andover, New York, whether the same be improved or unimproved, shall on or before the 15th day of the months of June and August cut or destroy or cause to be cut or mowed or destroy all weeds, brush, briar and grass growing on his or her property with 225 feet of the street, dedicated or in use as such, except ornamental trees and shrubs and cultivated flowers, herbs or plants and shall, when necessary, promptly dispose of the cuttings by some safe and proper method.~~

~~Section 2. The Police Department of the Village of Andover, New York shall, during the periods covered by this Local Law, regularly inspect the different pieces and parcels of property and shall upon discovery of a violation of this Local Law, promptly summon the record holder of the property before the Justice Court of the Village of Andover, New York.~~

~~Section 3. For each violation of this Local Law, the owner of the real property involved shall, upon conviction, be subject to a fine in the amount not to exceed fifty dollars (\$50.00) for each and every offense. Each day's failure to comply with the terms and provisions of this Local Law shall be deemed and treated as a separate violation.~~

~~Section 4. This Local Law shall take effect upon filing with the Secretary of State.~~

~~PROPOSED: July 9, 1985
PUBLISHED: August 5, 1985, Wellsville Reporter
PUBLIC HEARING: August 12, 1985
PASSED: August 12, 1985
PUBLISHED: August 22, 1985, Wellsville Reporter
May 22, 1991, Patriot Newspapers
FILED: 1985~~

-- ZONING

See BUILDING, FLOOD

-- WEEDS (also see Encumbering Streets)

LOCAL LAW #8 OF 2016

WEEDS

A Local Law relating to the removal of weeds on property located within the corporate limits of the Village of Andover.

Be it enacted by the Village Board of the Village of Andover as follows:

Section 1. Every owner of real property situated within the corporate limits of the Village of Andover, New York, whether the same be improved or unimproved, shall - from June 1st to October 1st - **not allow grass, weeds, etc. to grow more than twelve inches (12") tall** and cut or destroy or cause to be cut or mowed or destroy all weeds, brush, briar and grass growing on his or her property within 225 feet of the street, dedicated or in use as such, except ornamental trees and shrubs and cultivated flowers, herbs or plants and shall, when necessary, promptly dispose of the cuttings by some safe and proper method.

Section 2. The Police Department of the Village of Andover, New York shall, during the periods covered by this Local Law, regularly inspect the different pieces and parcels of property and shall upon discovery of a violation of this Local Law, promptly summon the record holder of the property before the Justice Court of the Village of Andover, New York.

Section 3. For each violation of this Local Law, the owner of the real property involved shall, upon conviction, be subject to a fine in the amount not to exceed two hundred fifty dollars (\$250.00); fifteen (15) days imprisonment or forty (40) hours community service for each and every offense. Each day's failure to comply with the terms and provisions of this Local Law shall be deemed and treated as a separate violation.

Section 4. This Local Law shall take effect upon filing with the Secretary of State.

PROPOSED:	June 9, 2016
PUBLISHED:	July 8, 2016
PUBLIC HEARING:	July 19, 2016
PASSED:	July 19, 2016
FILED WITH STATE:	August 10, 2016

-- ZONING

See BUILDING, FLOOD