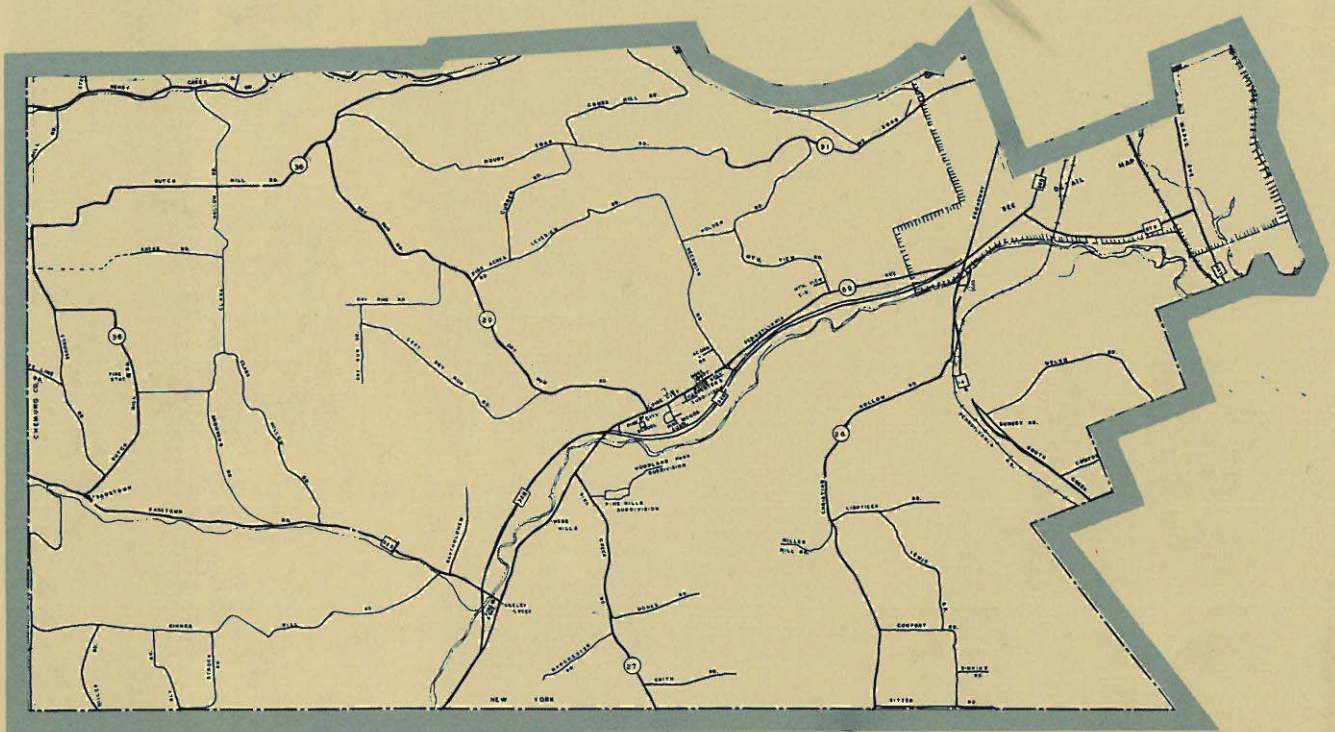


TOWN OF SOUTHPORT



MASTER PLAN AND REVISED ZONING ORDINANCE

June 1967

The Planning Board of the Town of Southport presents for your information the Master Plan, Zoning Ordinance and Maps of the Town of Southport.

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SOUTHPORT PLANNING BOARD

Truman E. Buck	Owen H. Hofbauer
Quentin S. Cook	Robert E. Kelly
Albert L. Easton	Thomas D. Milligan, Chairman
James B. Pulford, Vice Chairman	

May 1967

INTRODUCTION AND BACKGROUND

The Town of Southport's original Zoning Ordinance marks its 20th year August 1966. Since its adoption, Southport's population has nearly doubled; its urban area (78% of Southport's population) has also spread out along natural growth routes.

	<u>Census</u>	<u>% of Chemung County</u>
1940 -	5,774 people	7.9%
1960 -	11,433 people	11.6%

Population growth in recent years has been primarily in the Maple Avenue, Mt. Zoar, and the Pine City Road areas. It is anticipated that these logical growth areas will continue to receive new housing developments. Christian Hollow and Sagetown Road areas may also be expected to receive increasing attention from new home seekers if population projections of variously 14,500 to 21,400 by 1980 begin to materialize.

From the foregoing one can draw several conclusions about the Town of Southport. Within one political jurisdiction, our Town contains many of the problems of both city and rural areas. On the one hand it is one of the four largest farming Towns in the County, and on the other hand it contains one of the highest density population areas outside the City of Elmira. This means that the Town's development planning, its zoning, its provision of health, safety and welfare services, in other words its local government generally, must adapt itself to two kinds of community needs, one rural and one urban.

The changes of the past twenty years and the prospects for the next twenty indicated to the Town Planning Board:

1. The Zoning Ordinance of 1946 may no longer be applicable to 1966 or to the future.
2. Land Use divisions between agriculture, residence, commerce and industry has changed in 20 years and future requirements of an increasing population must be considered today so that the growth of Southport will make sense in terms of convenience to its citizens and as concerns the cost of providing municipal services.

Each time the Town Board and Planning Board receives a request for a zoning change, numerous questions are asked about such factors as relate to traffic patterns, parking, compatibility with existing neighborhood, esthetics, etc. But, always the big question that pervades over all is - "How will this proposed change fit into the needs of Southport in the future?". Further discussion inevitably brings one to a second question - "Indeed, how well does present zoning adopted in 1946 meet the needs of Southport's future growth?".

When one begins to consider these questions further, he quickly notes that the present zoning ordinance encompasses all types of housing - apartment, close residences, and suburban spread-out dwellings - into a single residence district pattern. From a neighborhood store to a shopping center complex, all businesses are lumped under one category of business district. Industry - either you are or you aren't. It matters not whether the industry is a heavy, air-contaminating giant or a new, growing enterprise on the ground floor of modern technological fabrications. Agriculture - our rural agriculturists and rural non-farmers have no desire and little need for urban regulations where families may live within 12 feet of each other. It becomes evident that our present zoning ordinance with only four zoning districts is too rigid for some purposes and too lax in other situations. Also, it clearly lacks flexibility to keep in step with fast-changing technology and the rapid expansion of urban areas into formerly suburban neighborhoods, and the movement of the suburban neighborhoods into rural areas.

3. Southport needs a Master Plan. The foregoing culminates into a four-part program that forms the framework around which the people and their elected officials may build for the future of the Town of Southport. One, a logical future land-use pattern of growth (Master Plan Map); second, a current land-use zoning map; third, an up-to-date zoning ordinance that protects people where they are now, but lends flexibility to meet changing needs; and fourth, identification of the municipal type facilities needed to serve and protect the health, safety, and welfare of the citizens of Southport (Capital Improvements Plan). In 1963 the Planning Board with the approval of the Town Board elected to undertake a "do-it-ourselves" master plan study and rejected both an estimated \$30,000 - \$35,000 state/federal program or a do-nothing alternate. The advice and generous dedication of time by the Planning Board Members and 52 Advisory Neighborhood Committee people, the technical skill of the Chemung County Planning Board staff and its director, Richard Brown, has made this idea become a reality. It is a privilege to present for consideration to the people of the Town of Southport this outline for the guidance of the present and future of our Town.

The Planning Board members wish to thank the citizens and the Town Board for their forbearance in awaiting the preparation and adoption of the Master Plan and Maps and the new revised Zoning Ordinance and Maps presented herewith following over three years of study. The interest and time given to constructive suggestions by many citizens at the several neighborhood and public meetings have been appreciated and were an important part of this work now presented.

Planning Board, Town of Southport

CAPITAL IMPROVEMENT PLAN

The following major capital projects are recommended for the Town of Southport to:

- a. Meet the requirements of increasing population density in the expanding urban and suburban areas of the Town, where over three-quarters of the Town's population now live;
 - b. Increase the attractiveness of certain appropriate areas of the Town for the respective work, life, and play needs of the Town's citizens.
1. A connecting high-speed highway system connecting Southport to all major sections of Chemung County and the Southern Tier. In a mobile age that demands accessibility, Southport requires a transportation media (highways) that enables its present and future citizens to move readily from home to work and to other centers for recreation and business. This is as much a concern to protect present investments people have made in their homes and businesses as it is to attract additional residential and business development.
 - a. Extension of four-lane Route 328 eastward from Bulkhead along Seeley Creek, across the Chemung River to Route 17 and south from Pine City to the state line to connect with the proposed Appalachian Highway system.
 - b. Connections with proposed North-South Intra-Urban Arterial from Southport to Horseheads and at Sagetown Rd., Beckwith Rd., Route 14 and South Main Street.
 2. A centralized sanitary sewage treatment and trunk line system serving the following sections of Town in suggested order of priority:
 - a. Maple Avenue and South Main Street urban and suburban areas.
 - b. Pennsylvania Avenue - Broadway urban area.
 - c. Mount Zoar (eastern populated) areas.
 - d. Pine City area (Bulkhead to Pine City School).

There is considerable concern registered by many people living in these areas mentioned above that this health menace is on the verge of becoming a major problem due to increasing population concentration within this basic common drainage area. Also, a centralized community sanitation disposal system is a vital consideration to any prospects for significant industrial growth in Southport.

3. Sidewalks to provide safe walking places for school children and others in the more densely settled portions of the Town, to be located on major traffic arteries and on connecting streets extending at least one block in all directions from each school, to be financed through sidewalk districts covering the natural walking distances for each school:
 - a. Maple Avenue (both sides) and Laurentian Place to Coldbrook School.
 - b. South Main Street and streets within one block of Edgeworth School (one side only).
 - c. Cedar Street (Maple Avenue to Leland Street - one side only).

- d. Pennsylvania Avenue, City line to Mountain View Road and Beckwith Road to Pine City School.
- e. Broadway, City line to Bulkhead (both sides).
- f. Leland Street (one side only).

Separate Sidewalk Districts should be formed in these areas outlined above so that the people and their children who would generally benefit from the safety aspects of said sidewalks, would also help pay for their installation. The full burden of cost should not be solely upon the property owner who happens to live near a school or on a main route used by children to go to and from school.

- 4. Town refuse disposal area to be maintained as a sanitary land fill under County Health Department standards, or in the alternative, a contract with the City of Elmira for refuse disposal service.
- 5. Street lighting installations at key Town and County road and street intersections, to be financed as a general Town charge.
- 6. Relocation of about one-quarter mile of Christian Hollow Road at its junction with State Route 14, in order to improve safety of intersection design and to avoid passage through auto junk yard. Suggested that new route be located immediately west of South Creek and join Route 14 between South Creek and Seeley Creek. (Enforcement of a recent revised Junk Yard Regulations may cancel the need of this recommendation.)
- 7. Plan for major additions to park and recreation areas serving the County's "South-side", including the following:
 - a. Chemung River County Park surrounding Rorick's Glen area.
 - b. Chapel Park expansion to eventually include hill overlooking Southport urban area and possibly to join with County River front park in Mount Zoar area.
 - c. Reservation of open space for public recreation in the westerly portion of the Town's rural area, possibly in the vicinity of Rosar Hill and Clark Hollow Road or in similar upland plateau region, suitable for outdoor activities as hiking, camping, fishing, winter sports, bridle paths, picnicking, etc.
 - d. Miller Pond area recreation development, including improved drainage and elimination of pollution, preservation of the black cherry woods, and increasing opportunities for fishing, hiking, nature study, etc., for surrounding neighborhoods; a joint project with City and County cooperation.

Town of Southport

Chemung County

1139 PENNSYLVANIA AVE.

ELMIRA, N. Y. 14904

Phone

RE 4-1548

TAKE NOTICE, that the attached map has been adopted by the Town Board of the Town of Southport as THE OFFICIAL ZONING MAP by resolution adopted by this Town Board on the 16th day of May, 1967 and as such is hereby deemed to be a part of the Zoning Ordinance of the Town of Southport, duly adopted on said date, and that such OFFICIAL ZONING MAP has been filed in the Town Clerk's Office of the Town of Southport.

TOWN OF SOUTHPORT

BY Manuel J. Carter
Supervisor

DATED: May 16, 1967.

I, ALICE M. BELLOWS, Town Clerk of the Town of Southport, Chemung County, New York, DO HEREBY ATTEST AND CERTIFY, that the attached OFFICIAL ZONING MAP herein referred to has been filed in my office on the 16th day of May, 1967.

Alice M. Bellows
Town Clerk

TOWN OF SOUTHPORT



SOURCE:
URBAN AREA FROM SOUTHPORT ZONE MAP,
TOWN MAP FROM U.S.G.S. MAP.

PREPARED BY:
STAFF OF CHEMUNG COUNTY PLANNING BOARD.

DECEMBER, 1963
SEPTEMBER, 1965

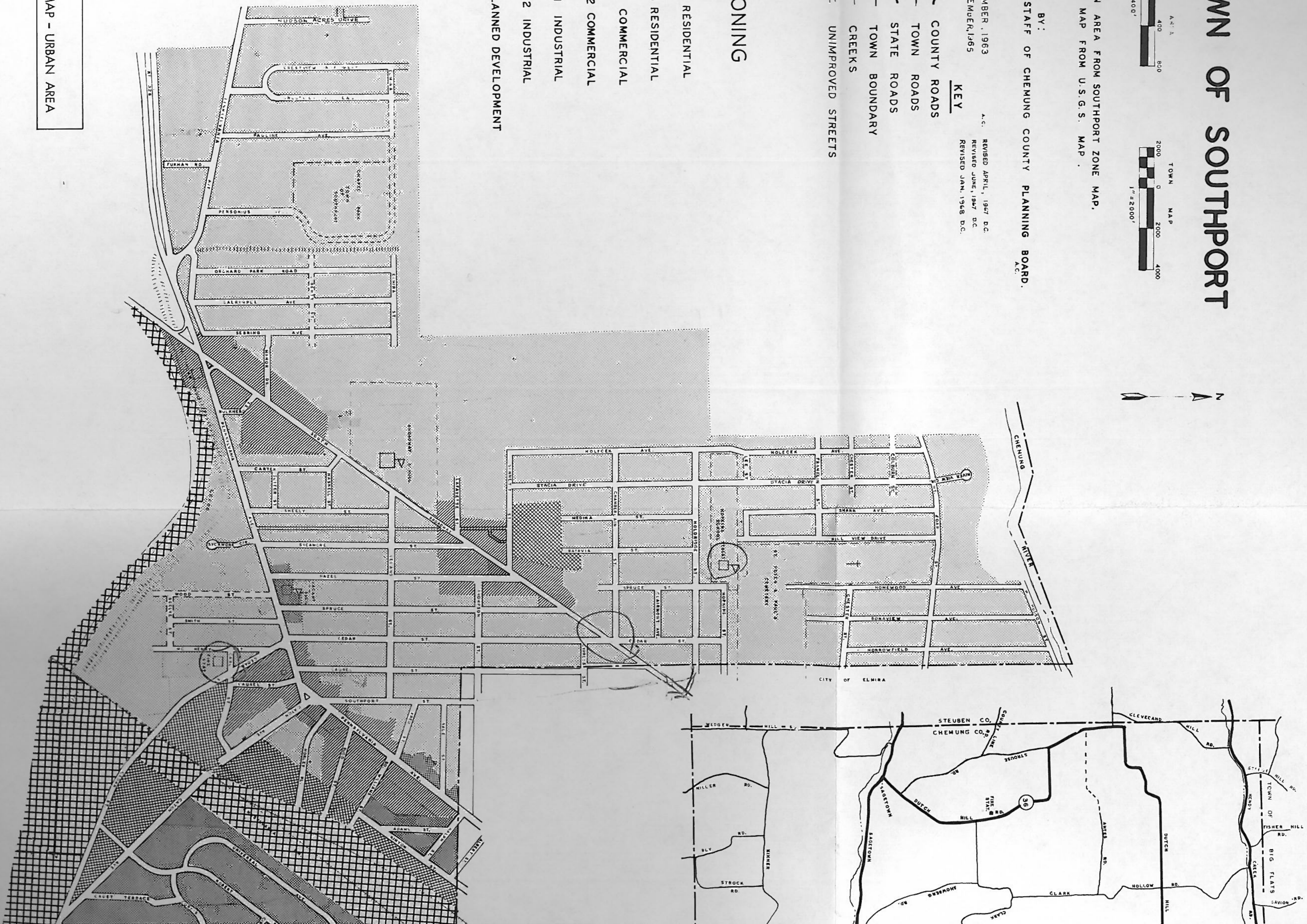
KEY

- COUNTY ROADS
- TOWN ROADS
- STATE ROADS
- TOWN BOUNDARY
- CREEKS
- UNIMPROVED STREETS

REVISED APRIL, 1967 D.C.
REVISED JUNE, 1967 D.C.
REVISED JAN, 1968 D.C.

ZONING

- R-2 RESIDENTIAL
- R-3 RESIDENTIAL
- C-1 COMMERCIAL
- C-2 COMMERCIAL
- I-1 INDUSTRIAL
- I-2 INDUSTRIAL
- PLANNED DEVELOPMENT



MAP 1
ZONING MAP - URBAN AREA

TOWN OF SOUTHPORT

CHEMUNG COUNTY NEW YORK

PREPARED BY:
STAFF OF CHEMUNG COUNTY
PLANNING BOARD

MAY, 1963

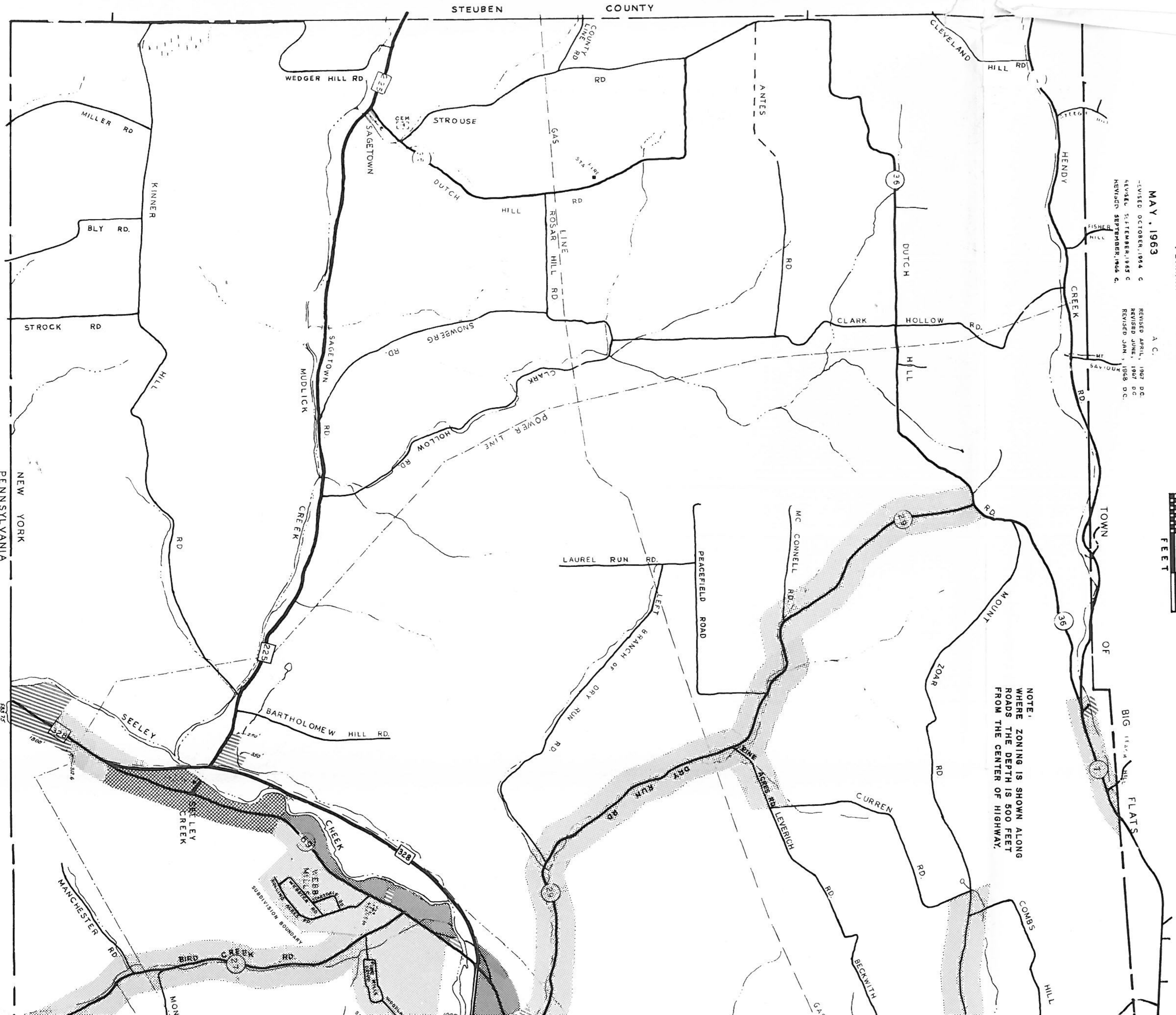
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REVISED SEPTEMBER, 1965 C
REVISED SEPTEMBER, 1966 C

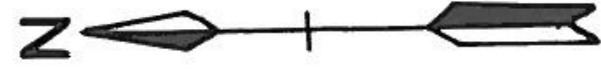
A.C.
REVISED APRIL, 1967 D.C.
REVISED JUNE, 1967 D.C.
REVISED JAN., 1968 D.C.



SOURCE:
BASE MAP FROM U.S.G.S. TOPOGRAPH

NOTE:
WHERE ZONING IS SHOWN ALONG
ROADS THE DEPTH IS 500 FEET
FROM THE CENTER OF HIGHWAY.





LEGEND

- STATE HIGHWAY
- COUNTY HIGHWAY
- TOWN ROADS
- STREAMS

ZONING

- AGRICULTURAL
- R-1 RESIDENTIAL
- R-2 RESIDENTIAL
- C-1 COMMERCIAL
- I-1 INDUSTRIAL
- I-2 INDUSTRIAL
- P-1 PLANNED INDUSTRIAL

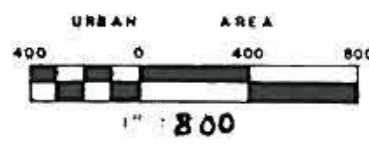
FOR URBAN AREA ZONING
SEE SEPARATE MAP



MAP 2
ZONING MAP - SUBURBAN AND RURAL AREAS

NEW YORK
PENNSYLVANIA

TOWN OF SOUTHPORT



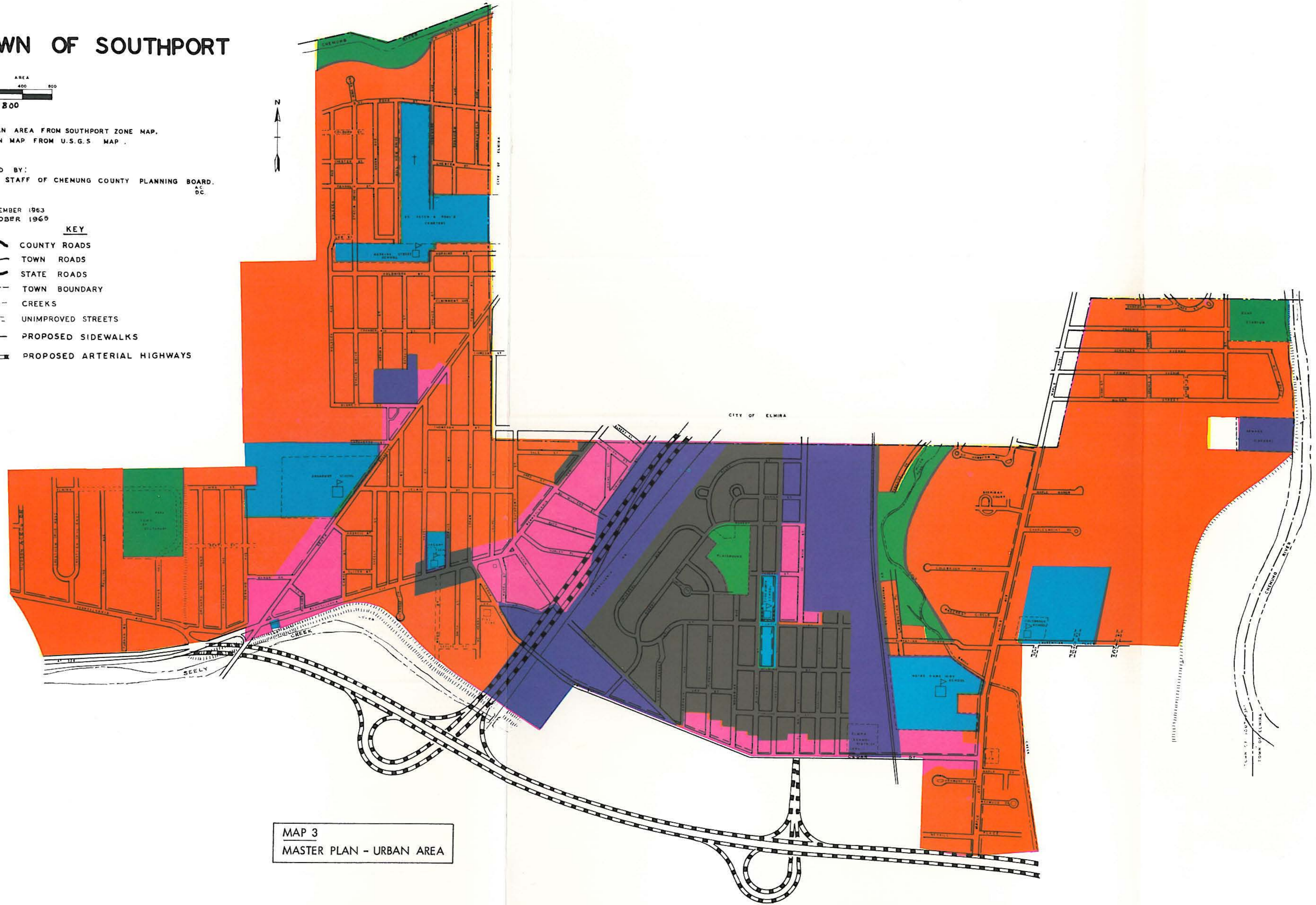
SOURCE:
 URBAN AREA FROM SOUTHPORT ZONE MAP,
 TOWN MAP FROM U.S.G.S. MAP.

PREPARED BY:
 STAFF OF CHEMUNG COUNTY PLANNING BOARD,
 A.C. DC.

DECEMBER 1963
 OCTOBER 1965

KEY

- COUNTY ROADS
- TOWN ROADS
- STATE ROADS
- TOWN BOUNDARY
- CREEKS
- UNIMPROVED STREETS
- PROPOSED SIDEWALKS
- PROPOSED ARTERIAL HIGHWAYS

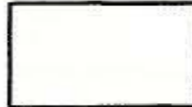


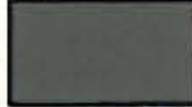






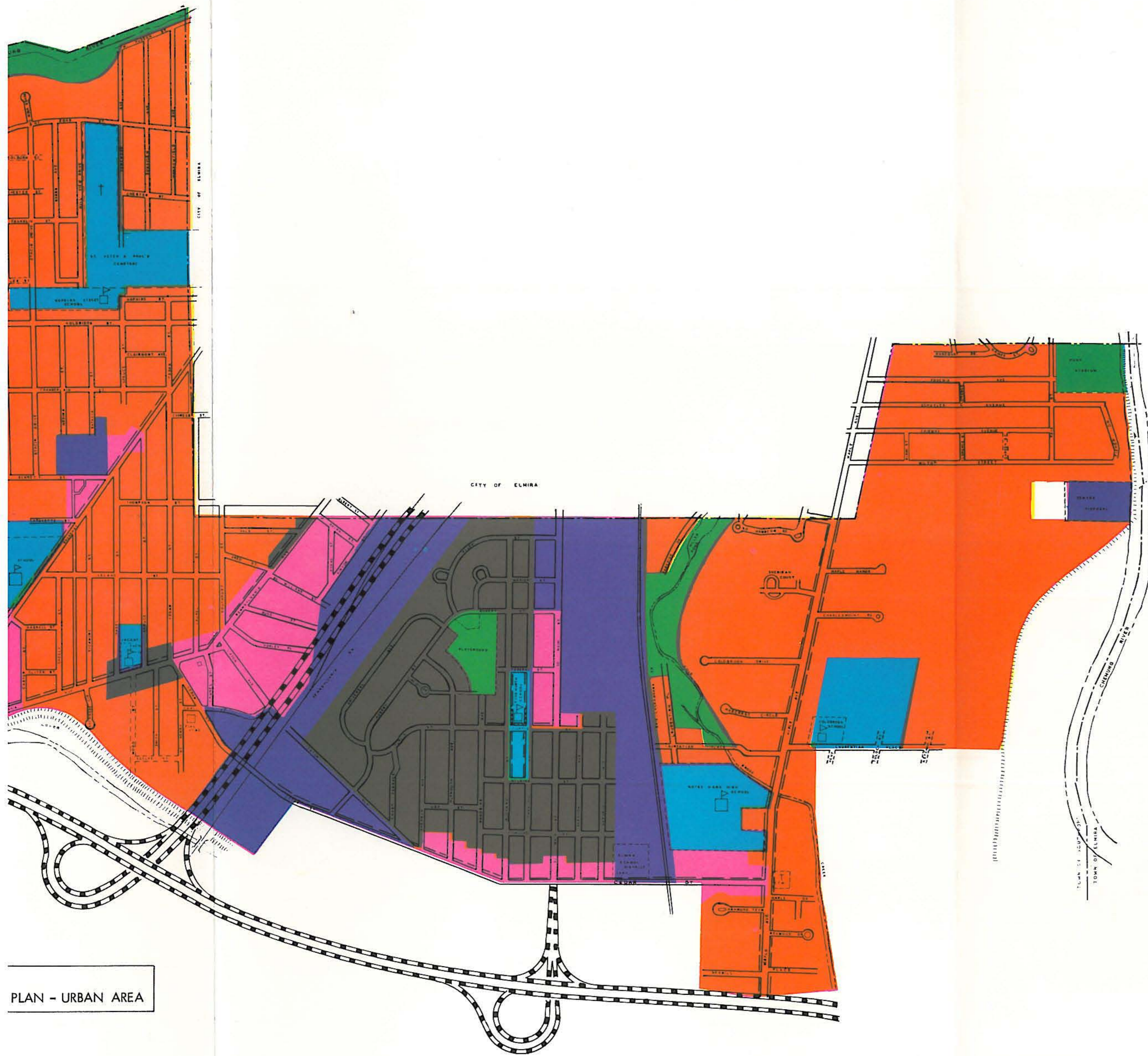
MASTE

- AGI
- RES
- RES
- RES
- BUS
- INDL
- PUB
- PAR

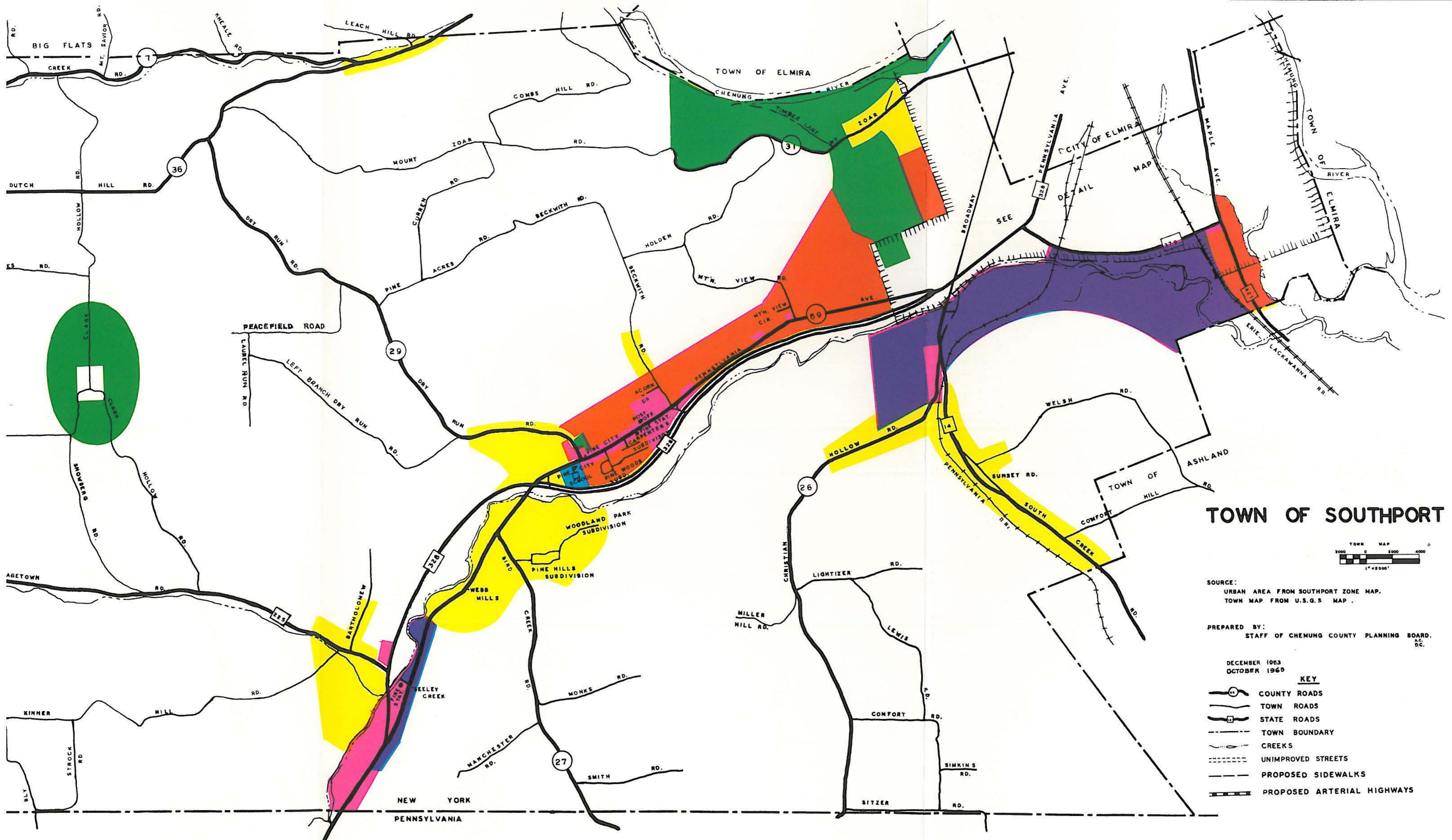
MAP 3
 MASTER PLAN - URBAN AREA

MASTER PLAN MAP — URBAN

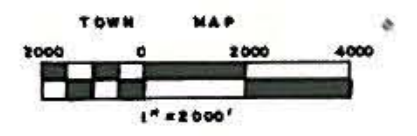
-  AGRICULTURAL
-  RESIDENTIAL LOW DENSITY
-  RESIDENTIAL MEDIUM DENSITY
-  RESIDENTIAL HIGH DENSITY
-  BUSINESS & COMMERCIAL
-  INDUSTRIAL
-  PUBLIC & INSTITUTIONAL
-  PARKS & RECREATION



PLAN - URBAN AREA



TOWN OF SOUTHPORT



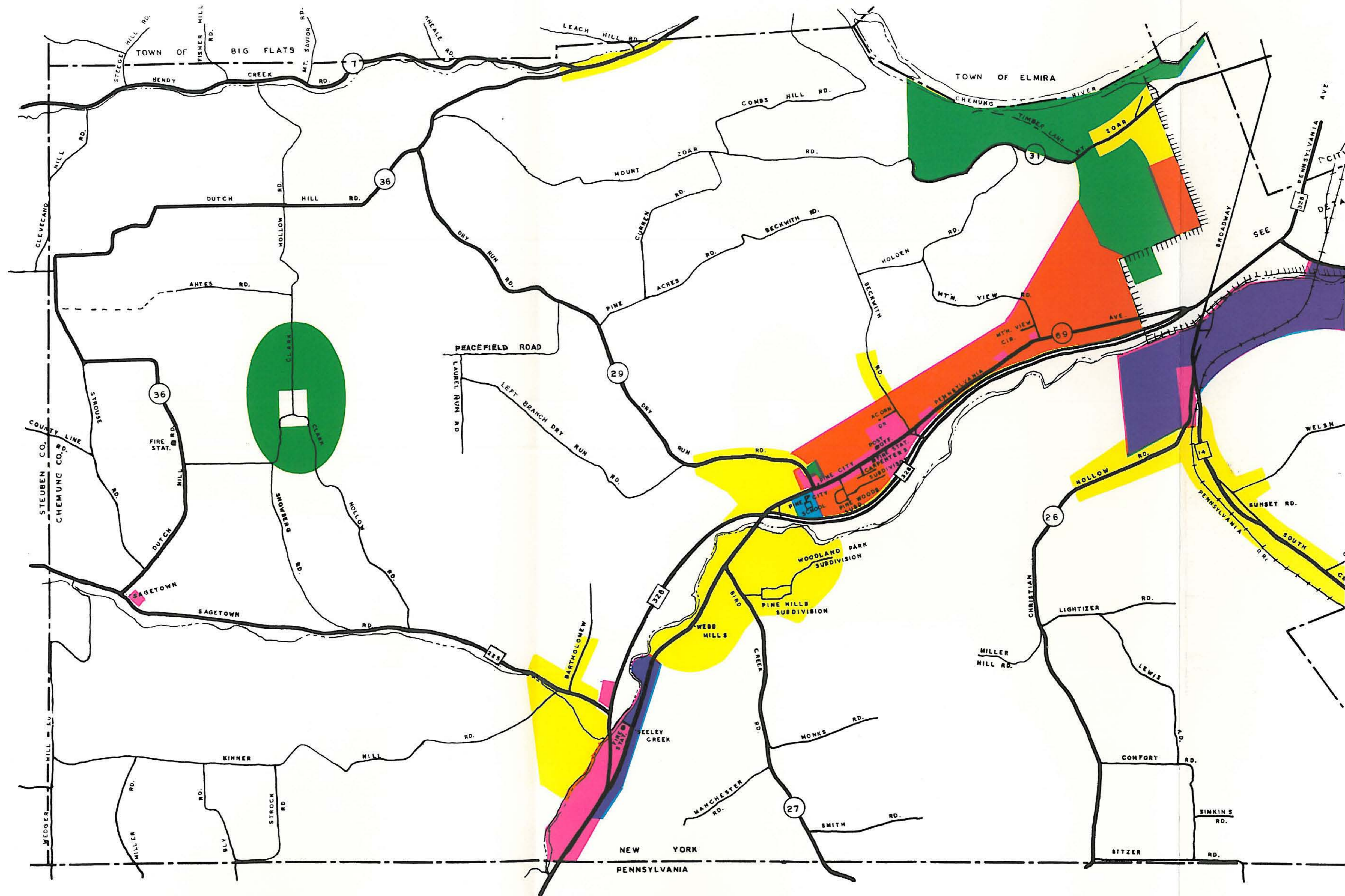
SOURCE:
 URBAN AREA FROM SOUTHPORT ZONE MAP.
 TOWN MAP FROM U.S.G.S. MAP.

PREPARED BY:
 STAFF OF CHEMUNG COUNTY PLANNING BOARD,
 A.C. DC.

DECEMBER 1963
 OCTOBER 1969

- KEY**
- COUNTY ROADS
 - TOWN ROADS
 - STATE ROADS
 - TOWN BOUNDARY
 - CREEKS
 - UNIMPROVED STREETS
 - PROPOSED SIDEWALKS
 - PROPOSED ARTERIAL HIGHWAYS





ZONING ORDINANCE

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Date of Public Hearing	May 10, 1967
Date of Adoption	May 16, 1967
Date of Publication and Posting	June 6, 1967

Adopted May 16, 1967

Published and Posted: June 6, 1967

And Became Effective: June 16, 1967

THE ZONING ORDINANCE OF THE
TOWN OF SOUTHPORT
CHEMUNG COUNTY, NEW YORK

For the purpose of promoting the health, safety, morals, or general welfare of the community; and to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sanitation systems, schools, parks, and other public requirements, under and pursuant to Article 16 of Chapter 62 of the Consolidated Laws, the size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, the density of population, and the use of buildings, structures, and land for trade, industry, residence or other purposes, are hereby restricted and regulated as hereinafter provided.

ARTICLE I: TITLE AND DEFINITIONS

Section 1. Title. This ordinance shall be known and may be cited as "The Zoning Ordinance of the Town of Southport."

Section 2. Definitions. For the purpose of this ordinance certain words and terms shall have the meaning specified in this section. Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future; the singular number includes the plural and the plural the singular. The word "lot" includes the words "plot" or "parcel". The word "building" includes the word "structure". The words "used" or "occupied" include the words "designed or intended to be used" or "designed or intended to be occupied". The word "person" includes the words "firm", "association", "organization", "partnership", "trust", "company", "corporation", and "individual". The word "shall" is intended to be mandatory.

Accessory Use or Structure - A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Airport or Airstrip - Including Heliport (public or privately owned including landing strip or runway) is an area of land or water that is used or intended to be used for the landing and take-off of aircraft, and incorporates its buildings and facilities, if any.

Alteration - Applicable as to a building or structure, a change of rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in heights, or the moving from one location or position to another.

Boarding House - Any dwelling in which more than three persons, either individually or as families, are housed or lodged with or without meals for which compensation is paid, either directly or indirectly. The term "boarding house" shall include "rooming house", "lodging house" but not "foster home".

Building - Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

Building Area - The total of floor space taken on a horizontal plane at the main grade level and at the floor levels of each story of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Camp, Private - Any area of land, or land and water, including any buildings, tents, shelters, or other accommodations suitable for temporary or seasonal living purposes, and any dwelling units occupied by the owner, caretaker, or superintendent.

- Club - An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes which are not conducted primarily for gain, providing there are not conducted any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club.
- Commercial Riding Stable - A detached accessory building used expressly for the keeping of more than four (4) horses for remuneration, hire or sale.
- Commercial Vehicle - Generally defined as any vehicle used or designed to be used as part of the normal operation of commercial enterprises including but not limited to trucks, vans and truck tractors.
- Convalescent Home - Any establishment where three or more persons suffering from, or afflicted with, or convalescing from any infirmity, disease or ailment are habitually kept or boarded or housed for remuneration. The term shall not include municipal or incorporated hospitals, but shall include establishments licensed by the State Commissioner of Mental Hygiene and maternity homes licensed by the State Commissioner of Health. The term "convalescent home" shall include "nursing home".
- Coverage - That percentage of the lot area covered by the combined area of all buildings or structures on the lot.
- Dog Kennel - A structure used for the harboring of more than three (3) dogs that are more than six months old.
- Dump - A lot of land or part thereof used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose of garbage, sewage, dump refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.
- Dwelling - A building designed or used exclusively as the living quarters for one or more families. A dwelling shall not be deemed to include automobile court, motel, hotel, boarding house, tourist home, or tent.
- Dwelling Unit - A building or portion thereof providing complete living facilities for one family.
- Dwelling, one-family - A detached building containing one dwelling unit only.
- Dwelling, two-family - A detached building containing two dwelling units.
- Dwelling, three-family and four-family - A detached building containing three dwelling units and four dwelling units respectively.
- Family - One or more persons occupying a dwelling unit and living as a single housekeeping unit in a domestic relationship, including domestic help, but not including a group occupying a boarding house, club, fraternity, tourist home, motel or hotel.
- Funeral Home - A structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
- Gasoline Service Station - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles excepting painting automobiles.
- Height of Building - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.
- Home Occupation - Any use customarily conducted entirely within a dwelling and carried on primarily by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for habitation purposes and does not change the character thereof.
- Hospital - A structure or group of structures used for the diagnosis, treatment or other care of ailments. The term "hospital" shall include "sanitarium", but shall not include "convalescent home", "nursing home" or "medical clinic".

Hotel - A building containing rooms intended or designed to be used, rented, or hired out to be occupied for sleeping purposes by guests and where only a general kitchen and dining room and other customary features are provided within the building or in an accessory building.

Junk Yard -

A. A lot, land or structure, or part thereof used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material; or primarily for the collecting, dismantling, storage, and salvaging of machinery or vehicles and for the sale of parts thereof. A lot, land or structure containing machinery or vehicles that are, or have been used in connection with a permitted use of such lot, land, or structure (e.g. farm machinery on a farm) shall not be defined as being a junk yard.

B. Shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways, are held, whether for the purpose of resale or used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing or storing of the same or for any other purpose; such term shall include any single place of storage or deposit anywhere in the Town of Southport for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles, provided, however, the term junk yard shall not be construed to mean an establishment having facilities for processing iron, steel or non-ferrous scrap and whose principal produce is scrap iron, steel or non-ferrous scrap for sale for remelting purposes only.

Lot - A parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or customarily incidental uses including such open spaces as are arranged and designed to be used in connection with such buildings.

Lot Area - The total ground space included within the property lines, excluding external streets.

Lot Lines - The legal property lines bounding a lot as defined herein.

Lot Width - The mean horizontal distance measured between the side lot lines.

Mobile Home - Any vehicle or similar portable structure with or without a foundation or wheels, jacks, skirtings, wood or masonry block supports designed or constructed to be towed, driven, or otherwise transported to its resting site and which is further designed to permit occupancy for dwelling or sleeping purposes. The term "mobile home" shall also include the term "trailer" and "house trailer".

Motel - A building or group of buildings, detached or in connected units, designed for or used as individual sleeping units and provided with automobile parking space convenient to each unit and including incidental services for a transient clientele. The term "motel" shall include "tourist court", "automobile court", and "motor lodge".

Motor Vehicle - Shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways.

Non-Conforming Use - A building, structure or use of land existing at the time of enactment of this ordinance, which did not then conform to the regulations of the district in which it is situated.

Parking Space - An off-street space on the ground or in a structure available for the parking of one motor vehicle and having an area of not less than 180 square feet exclusive of passageways and driveways appurtenant thereto, giving access thereto, and having direct usable access to a street.

Property Line - The division line between properties of different owners.

Sign - Any structure or part thereof, or any device attached to a structure or painted or represented on a structure, which shall display or include any letter, word, picture, light, or

other device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. The term "sign" shall include the terms "billboard", "identification sign", "advertising sign", and "outdoor advertising sign". Public Service Signs are signs that communicate a message intended to be for the convenience of the public telling about the location, character, size, and other pertinent information about a structural place, or facility, except those of a special commercial enterprise or product.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between any floor and the ceiling next above it. A basement shall be counted as a story if the ceiling is more than six feet above the level from which the height of the building is measured.

Structure - Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Theater - A building or part of a building devoted primarily to showing moving pictures or stage productions on a paid admission basis.

Tourist Home - A dwelling, except a hotel, motel, boarding or rooming house, in which overnight accommodations are provided or offered for transient guests for compensation.

Trailer Park - A tract of land where two or more trailers are parked, or which is used or held out for the purpose of supplying to the public a parking space for two or more trailers. The term "trailer park" shall include the term "trailer camp", and "mobile home park".

Yard - An unoccupied space open to the sky on the same lot with a building.

Yard, Front - An open unoccupied space on the same lot with a building situated between the street line and a line connecting the parts of the building setting back from and nearest to such street line, and extending to the side lines of the lot.

Yard, Rear - An open unoccupied space on the same lot with a building situated between the rear line of the lot and a line connecting the parts of the building setting back from and nearest to such rear lot line, and extending to the side lines of the lot.

Yard, Side - An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND APPLICATION OF DISTRICT REGULATIONS

Section 3. Districts Established. The Town of Southport is hereby divided into the following types of zoning districts:

A-1	Agricultural Districts	C-1	Commercial Districts
R-1	Residential Districts	C-2	Commercial Districts
R-2	Residential Districts	I-1	Industrial Districts
R-3	Residential Districts	I-2	Industrial Districts

Section 4. Zoning Map. The boundaries of the zoning districts hereby established are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Official Zoning Map shall be identified by the signature of the Supervisor attested by the Town Clerk following the words: "This is to certify that this is the Official Zoning Map referred to in Section 4 of The Zoning Ordinance of the Town of Southport." Any amendment to this ordinance which involves matter

portrayed on the Official Zoning Map shall become effective as provided by law or as may otherwise be directed by the Town Board. The Official Zoning Map shall be kept on file in the Office of the Town Clerk, or as may otherwise be directed by the Town Board.

Section 5. Planned Development Districts. Provisions are also made in this ordinance for the establishment of the following types of districts which may be created under the procedure specified in Article VII:

- P-R Planned Residential Districts
- P-C Planned Commercial Districts
- P-I Planned Industrial Districts

As the boundaries of these districts are established, the maps, drawings or surveys showing the location of such boundaries and other details of the district shall become part of this ordinance and shall be kept on file in the office of the Town Clerk. The Official Zoning Map shall be amended to show such districts.

Section 6. Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following town limits shall be construed as following town lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines and in the event of change in streams, rivers, canals, lakes or other bodies of water shall be construed as moving with the actual center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. If, after the application of the foregoing rules, uncertainty exists as to the exact location of a district boundary, the Town Board shall determine and fix the location of said line.

Section 7. Application of District Regulations. The regulations established by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this ordinance.

3. No part of a yard, or other open space, or off-street parking or loading space required or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

ARTICLE III: NON-CONFORMING USES

Section 8. Continuation. The lawful use of any building or land existing at the time of the enactment of this ordinance may be continued, except as is otherwise provided in this article.

Section 9. Non-Conforming Lots of Record. Other provisions of this ordinance notwithstanding, a single-family dwelling and customary accessory buildings may be erected, altered and extended and a building permit shall be issued therefore on any single lot of record at the effective date of adoption or amendment of this ordinance, provided that all yard requirements are met. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

Section 10. Non-Conforming Use of Land. No non-conforming use of land shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption or amendment of this ordinance. No such non-conforming use of land may be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of the adoption or amendment of this ordinance. No non-conforming use of land shall be changed to another non-conforming use.

Section 11. Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Such a structure may be enlarged or altered providing such enlarging or alteration does not increase its non-conformity.

2. Should such structure be destroyed by any means to an extent of more than 50 per cent of its replacement cost, it may be reconstructed only in conformity with the requirements governing yards, building coverage and building height.

3. Should such structure be moved for any reason it shall thereafter conform to the regulations for the district in which it is located.

Section 12. Non-Conforming Uses of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No structure devoted to a non-conforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a permitted use.

2. A non-conforming use may be extended to any parts of a building manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance.

3. If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use by permission of the Board of Appeals, provided the Board finds that the proposed use is no more inappropriate or incompatible to the district than the existing use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards to minimize the impact of such proposed use on neighboring property.

4. If a non-conforming use of a structure is superseded by a permitted use the non-conforming use may not thereafter be resumed.

5. If any structure in which any non-conforming use is conducted is hereafter removed, the subsequent use of the lot on which such building was located and the subsequent use of any building erected thereon shall be in conformity with the regulations for the district.

6. Maintenance and repair work required to keep non-conforming building in sound condition shall be permitted. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 13. Discontinuance. Whenever a non-conforming use of land or building has been discontinued, such use shall not thereafter be re-established, and any further use shall be in conformity with the provisions of this ordinance. A use shall be deemed to have been discontinued under any of the following circumstances:

1. The vacancy of a building occupied by a non-conforming use for a continuous period of one (1) year.

2. The vacancy of land occupied by a non-conforming use for a continuous period of ninety (90) days, except for farming use.

3. The manifestation of a clear intent on the part of the owner to abandon the non-conforming use.


A seasonal non-conforming use shall not be deemed abandoned because of a vacancy between seasons.

Section 14. Uses Permitted as Variances. Uses permitted by the Board of Appeals as variances shall not be deemed non-conforming uses.

Section 15. Cessation of Junk or Salvage Yards or Billboards. Other provisions of this ordi-

nance notwithstanding, any non-conforming automobile salvage yard or junk yard, or any non-conforming billboard or advertising device existing in a Residence District at the time of the adoption or amendment of this ordinance shall be discontinued within three (3) years from the time it becomes non-conforming.

ARTICLE IV: DISTRICT REGULATIONS

Section 16. Schedule of District Regulations. District regulations shall be as set forth in the Schedule of District Regulations which is hereby adopted by reference and declared to be a part of this ordinance. The regulations appearing in this Schedule are subject to the supplementary provisions of this ordinance. 

ARTICLE V: SUPPLEMENTARY DISTRICT REGULATIONS

Section 17. Height Exceptions. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, penthouses and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, and necessary mechanical appurtenances usually carried above the roof level; nor to flag poles, monuments, transmission towers and cables, radio or television antennas or towers and similar structures. Such features, however, shall be erected only to such height as is reasonably necessary to accomplish the purpose they are intended to serve.

Section 18. Visibility at Intersections. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to interfere with vision between a height of two and one-half (2-1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street from the point of the intersection.

Section 19. Projecting Architectural Features. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, provided such features shall not project more than three (3) feet into any required yard.

Section 20. Terraces, Porches, and Steps. A paved terrace shall not be considered as part of a building in the determination of yard sizes or lot coverage, provided that such terrace is unroofed and without walls, parapets, or other form of enclosure exceeding six (6) feet in height. Unenclosed entrance steps or stairways providing access to the first story of a building may extend into any required yard a distance not to exceed six (6) feet.

Section 21. Fire Escapes. An open fire escape may extend into any required yard not more than four (4) feet provided that such fire escape shall not be closer than four (4) feet at any point to any lot line.

Section 22. Walls and Fences. The yard requirements of this ordinance shall not prohibit any necessary retaining wall or prohibit any fence or wall, providing that in any residence district no fence or wall shall exceed six (6) feet in height in any front or side yard, and provided further that any fence or wall over 50 per cent solid shall be no closer to any front lot line than its height.

Section 23. Front Yard Exceptions. In residence districts where the average front yard for buildings existing immediately adjacent to a lot exceeds the minimum specified, a front yard shall be provided on the lot equal to this greater average depth, but need not exceed fifty (50) feet. Where such average front yard is less than the minimum specified, the building may be built to this lesser depth, but shall not be less than ten (10) feet from the street line. An ad-

SCHEDULE OF DISTRICT

District	Permitted Principal Uses	Permitted Accessory Uses	Uses Requiring Special Permits As Provided in Article VI
A-1	<p>Farm, farm use, dairy, stock farming, or other farm occupation; plant or tree nursery; greenhouse; truck garden; provided that no unenclosed storage of manure, or odor or dust producing substance shall be permitted within 100 feet of any residential district boundary.</p> <p>Dwelling for one or two families.</p> <p>Church or other place of worship; convent, parish house, Sunday school building.</p> <p>Public school or parochial school.</p> <p>Golf course, except a commercial miniature course or driving range.</p> <p>Public park.</p> <p>Cemetery.</p> <p>Private camp for seasonal residence.</p> <p>Fire station, public utility local service lines or other public use or structure necessary to the protection or servicing of the neighborhood or district.</p> <p>Veterinary hospital.</p>	<p>Office or studio of a physician, dentist, artist, architect, engineer, surveyor, lawyer, real estate or insurance broker, or member of some other recognized profession when conducted in a dwelling by the inhabitant thereof, and if not more than 5 non-residents are employed. Identification signs with a limit of 4 square feet.</p> <p>Customary home occupation.</p> <p>Keeping of not more than 2 non-transient roomers or boarders.</p> <p>Garage for private motor vehicles, garage for commercial vehicles used as part of a permitted use on the premises, and garage for not more than one other commercial licensed vehicle.</p> <p>Barns, silos, and other customary agricultural structures.</p> <p>Storage shed, tool house, garden house, play house, or similar structure.</p> <p>Seasonal roadside stand located on a farm for the sale of agricultural products primarily produced on the premises.</p> <p>Signs, not exceeding twenty-four (24) square feet in area, pertaining to a permitted use on the premises, including sale, lease, or rent signs, but excluding general advertising signs and devices whether free-standing or painted on a building.</p> <p>Vacation Forms.</p> <p>Outdoor recreational uses of a commercial nature requiring extensive open spaces, including: riding ranges, camp grounds, picnicking and swimming, group catering, fish and game farms, water sports, ski slopes, skeet and archery ranges.</p>	<p>Church or other place of worship, convent, church house, Sunday school building and similar church uses.</p> <p>Golf course or country club, except a commercial course or driving range.</p> <p>Private non-profit membership club.</p> <p>Cemetery.</p> <p>Utility transmission lines, other than local service utility unit substations.</p> <p>Hospital, nursing, or convalescent home.</p> <p>Temporary structures and operations in connection with the site of building or land development activities.</p>
R-1	<p>One-family dwelling.</p> <p>Public park.</p> <p>Public school, parochial school.</p> <p>Fire station or other public use or structure necessary to the protection or servicing of the neighborhood or district.</p> <p>Personal riding stable.</p>	<p>Office or studio of a physician, dentist, artist, architect, engineer, surveyor, lawyer, real estate or insurance broker, or member of some other recognized profession when conducted in a dwelling by the inhabitant thereof, and if not more than 5 non-residents are employed. Identification signs permitted of 4 square feet max. size.</p> <p>Garage, carport, tool house, garden house, play house for use by residents of the dwelling, indoor and outdoor parking of not more than one commercial vehicle having a manufacturer's specification of one ton if owned or customarily driven by the occupant of the residence. Not more than one boat and boat-trailer stored outside if owned or customarily used by the occupant of the residence.</p>	<p>Same as R-1, and, in addition: Customary golf occupations, such as dressmaking, laundering, hairdressing, antique sales, appliance repair, uses as the Planning Board may determine to be similar in character.</p> <p>Professional suites and professional laboratories</p>
R-2	<p>Same as R-1.</p>	<p>Same as R-1.</p>	<p>Same as R-1 and R-2, and in addition:</p> <p>Boarding house, rooming house, tourist home.</p> <p>Funeral home.</p> <p>School for gain.</p>
R-3	<p>Same as R-1 plus two-family, three-family, or four-family dwellings.</p>	<p>Same as R-1.</p>	<p>Same as R-1, and, in addition:</p> <p>Public Service signs.</p> <p>Gasoline Service Station.</p>
C-1	<p>Retail store, bank, restaurant, professional and business office and similar establishments.</p> <p>Service shops and studios, such as shoe repair, barber, beauty parlor, photographer, optician.</p> <p>Retail outlets for laundry, cleaning, pressing, and dyeing.</p> <p>Same as R-3</p>	<p>Any accessory buildings or use customarily incident to a permitted use.</p> <p>Outdoor advertising sign or display device, provided the commodities or services advertised are available for sale, hire, or use on the premises. Such signs shall not exceed in aggregate area 2 square feet for each linear foot of building frontage, not to exceed a max. of 100 sq. ft. Flashing and motion signs prohibited.</p> <p>Parking and loading spaces for private and commercial vehicles.</p> <p>Same as R-3.</p>	<p>Same as C-1, and in addition:</p> <p>Signs for shopping plazas and drive-in type building dimensions greater than those permitted as Heliport.</p> <p>Gasoline service station.</p> <p>Automobile sales or servicing, garage for the age of automotive vehicles.</p> <p>Dance hall, skating rink or similar places of assembly or entertainment.</p> <p>Outdoor storage of supplies and equipment in a permitted use.</p>
C-2	<p>Same as C-1, and in addition:</p> <p>Motel, hotel.</p> <p>Theater, bowling alley, billiard parlor.</p> <p>Wholesale, storage, and warehousing in roofed structures.</p> <p>Building, plumbing, electrical, and similar contractor's establishments, provided all storage of supplies and equipment is in a roofed structure.</p>	<p>Same as C-1.</p> <p>Outdoor advertising sign or display device, provided the commodities or services advertised are available for sale, hire, or use on the premises. Such signs shall not exceed in aggregate area 3 sq. ft. for each linear foot of building frontage, not to exceed a max. of 200 sq. ft.</p>	<p>Residential uses as permitted in the R-3 district.</p> <p>Heliport.</p>
I-1	<p>Any light industrial or manufacturing use, including fabrication, converting, processing, altering, assembly or other handling of products, the operation of which uses only electric power or other unobjectionable motor power, or utilizing hand labor. No use shall be permitted which normally causes or emits objectionable odors, fumes, dirt, vibration, glare, electrical interference, or noise beyond the immediate site of the building or buildings in which such uses are conducted, or which does not conform to the standards specified in Section 32.</p> <p>General billboard, sign, or other general advertising device.</p>	<p>Any accessory building or use customarily incident to a permitted use.</p>	<p>Airport.</p> <p>Junk yards.</p> <p>Dump Area - Public dump (privately or municipally owned).</p>
I-2	<p>Any lawful uses except that residential uses are prohibited and except as specifically noted as requiring a special permit.</p>	<p>Any accessory building or use customarily incident to a permitted use.</p>	<p>Not applicable.</p>
P-R	<p>Any residential use, subject to the provisions of Article VII.</p>	<p>Any accessory building or use customarily incident to a permitted use.</p>	<p>Not applicable.</p>
P-C	<p>Any commercial use, subject to the provisions of Article VII.</p>	<p>Same as P-R.</p>	<p>Not applicable.</p>
P-I	<p>Any industrial use, subject to the provisions of Article VII.</p>	<p>Same as P-R.</p>	<p>Not applicable.</p>

Minimum Lot Requirements Area in Square Feet	Minimum Lot Requirements Width in Feet	Minimum Yards Requirements (in feet)			Accessory Use Side/Rear	Maximum Building Coverage	Maximum Height of Buildings
		Principal Use Front	Side	Rear			
40,000 per family for residential uses. 40,000 for other uses.	150 for single-family dwelling. 150 for non-residential uses.	40	20	40	5	25%	3 stories, or 35 feet, which may be increased 1 foot for each 1 foot by which each front, side, and rear yards exceeds minimum required yards, but no building shall be higher than 6 stories or 75 feet.
40,000	100	40	15	40	5	25%	2 stories, or 25 feet, which may be increased 1 foot for each 1 foot by which each front, side, and rear yards exceeds minimum required yards, but no building shall be higher than 6 stories or 75 feet.
7,500	75	20	5	30	2	35%	2 stories, or 25 feet, which may be increased 1 foot for each 1 foot by which each front, side, and rear yards exceeds minimum required yards, but no building shall be higher than 6 stories or 75 feet.
5,000 for single-family dwelling. Additional 3,000 for each additional permitted family. 5,000 for other uses or as determined by Planning Board.	50 for single-family dwelling. 75 for multi-family units. 50 for other uses or as determined by Planning Board.	15	5	20	2	40%	2 stories, or 25 feet, which may be increased 1 foot for each 1 foot by which each front, side, and rear yards exceeds minimum required yards, but no building shall be higher than 6 stories or 75 feet.
No requirements for commercial uses. Same as R-3 for non-commercial uses when permitted by special permit.	No requirements for commercial uses. Same as R-3 for non-commercial uses when permitted by special permit.	No requirements for commercial uses. Same as R-3 for residential uses.			50% not to exceed a max. of 10,000 sq. ft. of gross floor area for commercial uses.	4 stories, or 50 feet.	
Same as C-1.	Same as C-1.	Same as C-1.			50%	6 stories, or 75 feet.	
Same as C-1.	Same as C-1.	Same as C-1.			35%	4 stories, or 50 feet.	
No requirements.	No requirements.	No requirements.			35%	6 stories, or 75 feet.	
40,000 or 3,000 square feet per family, whichever is larger.	150	20	10	20		35%	6 stories, or 75 feet.
200,000	200	60	20	60		35%	6 stories, or 75 feet.
200,000	200	60	20	60		35%	4 stories, or 50 feet.

adjacent vacant lot shall be considered as having the minimum front yard as required in the district for the purpose of computing such average front yard.

Section 24. Transition Yard Requirements. Where two districts abut on a street line, there shall be provided for a distance of fifty (50) feet from the district boundary line into the less restricted district a front yard equal in depth to the average of the required yard dimensions in the two districts. Where the side or rear yard of a lot abuts a side or rear yard of a lot in a more restricted district, there shall be provided along such abutting line or lines a side and/or rear yard equal in depth to that required in the more restricted district.

Section 25. Automobile Parking. Adequate off-street parking space shall be required for all uses. One (1) off-street parking space shall consist of at least one hundred and eighty (180) square feet. In addition, space necessary for aisles, maneuvering and drives shall be provided. Parking requirements for the following uses are hereby established:

<u>Use</u>	<u>Off-Street Parking Requirements</u>
Dwellings	1 space for each dwelling unit
Rooming house, tourist home, motel, hotel	1 space for each guest room
Professional office or home occupation	4 spaces for each separate home occupation or professional office suite
Church	1 space for each 5 seats in the principal auditorium
Theater, restaurant, club	1 space for each 5 seats
Hospital	1-1/2 spaces for each bed
Convalescent home or sanitarium	1 space for each bed
Retail store, bank or business office	1 space for each 200 gross square feet of floor area
Bowling alley	5 spaces for each alley
Wholesale, storage or utility use, or other use not customarily visited by the public	1 space for each 1000 square feet of floor area
Funeral home	1 space for each 50 square feet of floor area in rooms used for funeral services
Industrial or manufacturing use	1 space for each 2 employees on the maximum working shift

For uses not specified above, the Town Board shall, upon the presentation of a petition or application and after holding a public hearing, establish parking requirements in specific cases not inconsistent with those specified above. Vehicles other than private automobiles or commercial vehicles carrying a manufacturer's specification of one (1) ton (if owned by or custo-

marily driven by the occupant of the residence) shall not be parked within the front yards in any residential district. Any of the above uses in existence at the time of the adoption of this ordinance, which shall be found to be non-conforming by reason of the parking requirements herein provided, shall be deemed non-conforming and exempt from such requirements. Any such use which shall be found to be so non-conforming which is thereafter extended or enlarged will at the time of such extending or enlargement of the structures or uses thereof be deemed to be bound by the parking provisions thereof.

Section 26. Extraction of Earth Products. Except when incidental to the construction of a building, the excavation and sale in excess of 5,000 cubic yards of sand, gravel, clay, or other natural earth product, including the quarrying of any kind of rock formation is subject to the approval of the Town Board. Before issuing a permit for such use, the Town Board shall find that such excavation or quarrying will not endanger the stability of adjacent land nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic congestion, or other condition. The Town Board may specify any reasonable requirement to safeguard the public health, safety, or welfare in granting such permit, including a plan for rehabilitation and the posting of a bond or equivalent security.

Section 27. Side Yard on Corner Lot. On a corner lot in a Residence District the side yard on the street side shall be at least one-half the required front yard of the side street.

Section 28. More Than One Building on a Lot. When there is more than one principal building on a lot in any district, the space between such buildings must be at least equal to the sum of the side yards required by such buildings or the sum of the rear and the front yards as the case may be.

Section 29. Abandoned Cellar Holes. Within one year after work on any excavation for a building has begun, any excavation for a building shall be covered over or refilled by the owner to the normal grade. Any excavation or cellar hole remaining after the demolition or destruction of a building from any cause shall be covered over or filled by the owner within one year.

Section 30. Access to Business or Manufacturing Use. No driveway or other means of access for vehicles, other than a public street, shall be maintained or used in any Residence District for the servicing of a business, or manufacturing use located in a Business or Manufacturing District.

Section 31. Building Floor Area. No dwelling in any district shall be erected or altered so as to provide for less than seven hundred and sixty-eight (768) square feet of enclosed floor area. For the purposes of this ordinance an automobile house trailer or mobile home, whether on wheels or jacked off the ground, or placed on a foundation, shall be considered a dwelling. Trailers less than this size may be permitted, however, in trailer camps duly licensed by the Town Board. All trailers located in the Town at the time this ordinance takes effect must comply with the terms herein within six (6) months.

No tent may be used for residence except on permit of the Town Board.

Section 32. Performance Standards. The following performance standards and related requirements shall be met by all uses in Industrial Districts:

1. Smoke: No greater emission than that density described as No. 1 of the Ringlemann Chart.

2. Noise: No greater emission as measured at the lot line in I-1 Districts and the district boundary line in I-2 Districts than represented in the following table:

<u>Octave Band in Cycles per Second</u>	<u>Maximum Sound Pressure in Decibels</u>
0-75	69
75-150	60
150-300	56
300-600	51
600-1200	42
1200-2400	40
2400-4800	38
Above 4800	35

3. Dust and Dirt: No dust or dirt shall be permitted beyond the property line .

4. Odor: There shall be no readily detectible emission of odors as measured at the lot line in I-1 Districts and the district boundary line in I-2 Districts.

5. Toxic or Noxious Matter: No toxic or noxious matter shall be permitted beyond the property line .

6. Radiation Hazards: There shall be no emission of radiation beyond the property line or as may otherwise be stipulated by the requirements set forth by the State of New York or the Chemung County Health Department.

7. Fire and Explosive Hazards: Approval is required by the Fire Inspector for the particular Fire District in which subject is located.

8. Glare: There shall be no emission of glare from artificial sources visible at the lot line in I-1 Districts and the district boundary line in I-2 Districts.

9. Heat: There shall be no emission of heat readily detectible as measured at the lot line in I-1 Districts and the district boundary line in I-2 Districts.

10. Industrial Wastes: Treatment shall be approved by Chemung County Health Department in accord with County or State of New York requirements.

Section 33. Outside Storage of Unregistered and/or Unlicensed Motor Vehicles and Motor Vehicle Parts. In Residence Districts, Commercial Districts, and I-1 Industrial Districts there shall be no outside storage of any unregistered and/or unlicensed motor vehicle for a period longer than six (6) months in any calendar year. Such unregistered and/or unlicensed motor vehicle, notwithstanding the year in which the same shall have been manufactured, shall at all times while being so stored be kept in such condition and maintained with such equipment that it will meet the minimum requirements to pass the New York State Motor Vehicle Inspection standards as provided by the Vehicle and Traffic Law of the State of New York and all rules and regulations promulgated by the Commissioner of Motor Vehicles for the periodic inspection of motor vehicles in the State of New York and as the same may be amended from time to time. The outside storage of any other type of unregistered or unlicensed motor vehicle is prohibited, except for such unregistered and/or unlicensed motor vehicle belonging to a member of the armed forces of the United States who is serving on active military duty. There shall be no outside storage in a residence district of motor vehicle bodies or motor vehicle parts at any time.

ARTICLE VI: PROCEDURE FOR USES REQUIRING SPECIAL PERMITS

Section 34. General. All uses identified in the Schedule of District Regulations as permitted uses requiring special permit are hereby declared to possess distinctive characteristics requiring individual examination to determine their suitability for particular sites and their impact on the district in which they are located and on surrounding property.

Section 35. Required Plan and Application. Application for a special use permit and an accompanying site plan, drawn to a convenient scale, shall be submitted to the Town Board. This plan shall show the location of buildings, parking areas, traffic access and circulation, open spaces, signs, and any special features and other pertinent information. The uses of land immediately adjacent to and facing the proposed site shall be indicated.

Section 36. Referral of Application to Planning Board. Applications for such permits shall be made to the Town Board. The Planning Board shall render its report to the Town Board within sixty (60) days of receipt of the referral by the Planning Board. Until such report is received or until the expiration of the sixty (60) day period, the Town Board shall not take action on the application.

Section 37. Planning Board Consideration. The Planning Board shall consider each application and shall recommend the issuance of a permit if it finds that the following conditions have been met:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

2. The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

3. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing of lights than would be the operations of any permitted use not requiring a special permit.

4. Parking areas will be suitable in size, properly located, and suitably screened from any adjoining residential uses, and the entrance and exit drives shall be located so as to achieve maximum safety.

The Planning Board may recommend additional conditions and safeguards as are reasonably necessary to assure continual conformance to all applicable standards and regulations.

Section 38. Public Hearing by Planning Board. The Planning Board shall fix a reasonable time for a public hearing on the matter of granting the special permit and it shall give public notice thereof by the publication in the official newspaper of the Town notice of such hearing at least ten days before the date thereof.

Section 39. Requirements for Specific Uses. In addition to other provisions of this ordinance and other provisions specified by the Planning Board in reviewing applications under this Article, the following standards shall be required for the following uses:

1. Utility transmission lines (other than local service lines); and unit substations. Transmission lines shall be so constructed as not to endanger the public or surrounding property. Right-of-way of adequate width shall be provided to allow for safe construction and maintenance. Public utility substations shall be on lots of not less than 10,000 square

feet in area. Suitable fencing shall be provided for protection of the public and in Residential Districts suitable landscape screening shall also be provided. Yards required in the district shall be provided for all structures.

2. Hospitals, nursing or convalescent homes may be occupied only by patients, members of the staff, and families of the staff and owner. Buildings to be constructed for such purposes shall be on lots of eighty thousand (80,000) square feet in area. A minimum lot area of two thousand (2,000) square feet for each patient bed or intended occupant shall be provided.

3. Temporary structures and operations in connection with and on the site of building or land development. Such temporary structures shall observe the yard, coverage, and height requirements of the district in which located. Permits shall be granted for periods of six (6) months only and may be renewed for subsequent periods of the same length. Storage of equipment and supplies shall be maintained in a safe and sanitary condition. One sign not exceeding eight (8) square feet may be displayed indicating the nature of the operation and the owner, contractor, and designers.

4. Commercial riding stable, commercial dog kennel and commercial raising of fur-bearing animals other than customary farm livestock.

a. All such activities shall meet the requirements of the Chemung County Health Department.

b. Personal riding horses may be kept in a Residence District provided that any building used as a stable for such horses shall be located at least 35 feet from any residential dwelling or adjoining any residential property. Such personal riding horses shall not be pastured in such residential district, unless there be provided at least 10,000 square feet of pasture or paddock for any such horse; with an additional 20,000 square feet for each additional horse kept in such pasture or paddock. Such pasture or paddock shall be fenced so as to require the same to be set back 3 feet from any adjoining residential property line. There shall not be more than four such horses kept in such stable within a single lot area.

5. Trailer camp or park. Trailer camps or parks shall meet the requirements of the Chemung County Health Department and any applicable town ordinances and regulations.

6. Golf course or country club. A golf course or country club shall be located on a site of at least forty (40) acres. At least four (4) off-street parking spaces shall be provided for each tee, and all parking spaces shall be located at least fifty (50) feet from property lines. Buildings shall be set back at least one hundred (100) feet from property lines. Outdoor public address systems shall be so designed that sound does not carry beyond the limits of the site.

7. Gasoline service station. Repair and service work, except for the sale of fuels and lubricants, shall be conducted entirely within a building. No outdoor storage of partially dismantled or wrecked motor vehicles shall be permitted except during the insurance adjustment period. Fuel pumps shall be at least twenty (20) feet from any street line. Except for underground storage tanks, all other structures shall be at least forty (40) feet from street lines, ten (10) feet from side lot lines, and twenty (20) feet from rear lot lines. Adjoining any lot in a residence district there shall be maintained in suitable condition a landscaped area at least ten (10) feet wide or a screen fence six (6) feet high.

8. Public Service Signs. Public Service Signs shall not constitute a hazard to traffic by obstructing the view of road intersections or of traffic control signs or devices. They shall not be of the same shape or color as standard traffic control signs and shall not be lighted in such a manner that they will distract the attention of a driver from traffic lights or traffic signs. Public Service Signs shall not be placed in any location that will obstruct a scenic view. Such signs, by reason of their size, color, shape or lighting, shall not be erected so as to be a nuisance to nearby residences.

9. Junk Yards.

a. Requirement for Operation or Maintenance. No person shall operate, establish or maintain a junk yard until he (1) has obtained a license to operate a junk yard business and (2) has obtained a certificate of approval for the location of such junk yard from the Town Board.

b. Application for License and Certificate of Approval. Application for the license and the certificate of approved location shall be made in writing to the Town Board. Such application shall thereafter be referred to the Town Planning Board, which is directed to make an investigation and when the same has been completed, to make its recommendations to the Town Board, which shall include, but not be limited to, whether the proposed automobile junk yard would be contrary to the comprehensive zoning plan and map of the Town; and whether the same would have any detrimental effect upon the community; or whether it would be a hazard to the health, safety and welfare of the inhabitants of this town. The application shall contain a description of the land to be included within the junk yard.

c. Hearing. A hearing on the application shall be held by the Town Board not less than two (2) nor more than four (4) weeks from the date of the receipt of the application by the Town Board. Notice of the hearing shall be given to the applicant by mail, postage prepaid, to the address given in the application and shall be published once in a newspaper having a circulation within the town, which publication shall be not less than ten (10) days before the date of the hearing.

d. License Requirements. At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for a license to operate, establish or maintain the junk yard. In considering such application, it shall take into account the suitability of the applicant with reference to his ability to comply with the fencing requirements or other reasonable regulations concerning the proposed junk yard, to any record of convictions for any type of larceny or receiving of stolen goods, and to any other matter within the purposes of this amendment.

e. Location Requirements. At the time and place set for hearing, the Town Board shall hear the applicant and all other persons wishing to be heard on the application for certificate of approval for the location of the junk yard. In passing upon same, it shall take into account, after proof of legal ownership or right to such use of the property for the license period by the applicant, the nature and development of surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gathering; and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of other causes.

f. Aesthetic Considerations. At the hearing regarding location of the junk yard, the Town Board may also take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare of its citizens by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection the Town Board may consider collectively the type of road servicing the junk yard or from which the junk yard may be seen, the natural or artificial barriers protecting the junk yard from view, the proximity of the proposed junk yard to established residential and recreational areas or main access routes thereto, as well as the reasonable availability of other suitable sites for the junk yard.

g. Grant or Denial of Application; Appeal. After the hearing the Town Board shall, within two (2) weeks, make a finding as to whether or not the application should be granted, giving notice of their finding to the applicant by mail, postage prepaid, to the address given on the application. If approved, the license, including the certificate of approved location, shall be forthwith issued to remain in effect for a period of one (1) year. Approval shall be personal to the applicant and not assignable. Licenses shall be renewed thereafter upon payment of the annual license fee without hearing, provided all provisions of this section are complied with during the license period, the junk yard does not become a public nuisance under the common law and the applicant is not convicted of any type of larceny or the receiving of stolen goods.

h. License Fees. The annual license fee shall be twenty-five dollars (\$25.00) to be paid at the time the application is made and annually thereafter in the event of renewal. In event the application is not granted, the fee shall be returned to the applicant. The Town Board, in addition to the license fee, may assess the applicant with the costs of advertising such application and such other reasonable costs incident to the hearing as are clearly attributable thereto and may make the license conditional upon payment of same.

i. Fencing. Before use, a new junk yard shall be completely surrounded with a fence at least eight (8) feet in height or with conifer or evergreen trees properly spaced, of at least the same height, which substantially screens the open storage area and with a suitable gate which shall be closed and locked except during working hours of such junk yard or when the applicant or his agent shall be within. Such fence shall be erected not nearer than fifty (50) feet from a public highway. All motor vehicles and parts thereof stored or deposited by the applicant shall be kept within the enclosure of the junk yard except as removal shall be necessary for the transportation of same in the reasonable course of the business. All wrecking or other work on such motor vehicles and parts and all burning of same within the vicinity of the junk yard shall be accomplished within the enclosure.

Where the topography, natural growth of timber or other considerations accomplish the purposes of this section in whole or in part, the fencing requirements hereunder may be reduced by the Town Board, upon granting the license, provided, however, that such natural barrier conforms with the purposes herein stated.

j. Established Junk Yards. For the purposes of this ordinance the location of junk yards already established shall be considered approved by the Town Board if such established junk yard is legally located and is not in violation of any local ordinance, rule or regulation, or any other law or statutes applicable to the regulation of automobile junk yards, and the owner thereof deemed suitable for the issuance of a license. If such owner has a current license issued by the Town Clerk under any existing ordinance before the effective date of this ordinance, the same shall remain in full force and effect until the expiration date thereof after which time such owner may apply for renewal as herein provided. Such owner shall comply with all other provisions of this ordinance including the fencing requirements set forth in subdivision i of this section.

k. Notwithstanding any of the foregoing provisions of this ordinance, no junk yard, hereafter established, shall be licensed to operate any yard or any part thereof which shall be within five hundred (500) feet of a church, school, hospital, public building or place of public assembly.

Section 40. Issuance of Permit. The Town Board shall make and file with the Town Clerk its decision after all of the hereinbefore procedures have been fulfilled, together with any additional investigation which the Town Board deems advisable and such decision shall contain the reasons for the granting or denying of such special permit. There is reserved to the Town Board in approving and granting of such a special permit to provide therein that the same may be granted upon such conditions and to contain such safeguards as may be necessary to protect the area and the health and safety of the inhabitants thereof.

Section 41. Appeal. The determination of the Town Board may be reviewed under Article Seventy-Eight of the Civil Practice Law and Rules.

ARTICLE VII: PLANNED DEVELOPMENT DISTRICTS

Section 42. P-R Planned Residential Districts. The regulations for P-R Planned Residential Districts are intended to establish a procedure for the development of well-planned residential neighborhoods or groups of residences on sites larger than normal building lots. The Town Board hereby finds that such large-scale housing development, when properly planned, is desirable for the economic growth and general welfare of the town.

Such Planned Residential District may be established only in accordance with the procedure specified in this section.

In any P-R Planned Residential District no building shall be erected or extended and no land or building or part thereof shall be used for other than multi-family residences or for any other use permitted, either as a matter of right or on special approval in A-1, R-1, R-2, or R-3 districts. Such Planned Residential District may be established by amendment passed by the Town Board under the following procedure:

1. Application for establishment of a Planned Residential District shall be made to the Town Board. The Town Board shall refer the application to the Planning Board for consideration.

2. The Planning Board shall require the applicant to furnish such preliminary plans, drawings, sketches, elevation drawings, and supplementary information as may be required for an understanding of the proposed development.

3. The requirements for lot area, lot width, yards, building coverage, and building height, as specified in the Schedule of District Regulations, and as supplemented by the provisions of Article V, shall be observed. Such requirements are minimum specification and may be made more restrictive.

4. The Planning Board may require such changes in said plans, drawings, sketches, elevations, and specifications as are found to be necessary to meet the requirements of this ordinance. The Board may make such additional requirements as are reasonably necessary to protect established or permitted uses in the vicinity and to promote and protect the orderly growth and sound development of the municipality. In reaching its decision on the proposed development and the changes, if any, in the preliminary plans, drawings, elevations and specifications, the Planning Board shall consider, among other things, the following:

- a. The need and desirability for the proposed use in the proposed location.

- b. The existing character of the neighborhood in which the use would be located.
- c. The location of main and accessory buildings on the site and in relation to one another.
- d. The traffic circulation features within the site, and the amount, location, and access to automobile parking areas.
- e. The height and bulk of buildings and their relation to other structures in the vicinity.
- f. The proposed location of driveways, service areas, and pedestrian ways.
- g. Proposed landscape treatment of the site.
- h. The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent property and the neighborhood generally.

5. The Planning Board shall within 60 days recommend approval, approval with modifications, or disapproval of such application as submitted or amended and shall report its decision to the Town Board. The applicant may amend the application to conform to Planning Board recommendations and refile it with the Town Board, in which case the application need not again be referred to the Planning Board.

6. The Town Board shall hold a public hearing on the proposal in accordance with the application or the amended application. Public notice, as provided by law as in the case of an amendment to the zoning ordinance, shall be given.

7. The Town Board may then amend the zoning ordinance so as to define the boundaries of the Planned Residential District. Such action shall have effect only of granting permission for development of the specific proposed use in accordance with the specifications, plans, drawings, and elevations as finally filed with the Town Board prior to the public hearing.

8. In the event that substantial progress has not been made in the execution of the construction authorized by the Town Board within twelve (12) months from the date of approval, such approval may be revoked after public notice and hearing and the land in question shall be deemed subject to the same regulations and restrictions as were effective before such approval. The Town Board may extend its approval for additional periods of six (6) months.

Section 43. P-C Planned Commercial Districts. The regulations for P-C Planned Commercial Districts are intended to provide a means for the establishment of convenient and efficient shopping centers designed as planned and harmonious units and for other commercial uses requiring large areas of land. The Town Board hereby finds that such shopping centers and commercial uses will be required as the growth of the town continues and as a desirable result of the urbanization of the sparsely developed portions of the town.

In any P-C Planned Commercial District no building shall be erected or extended and no land or building or part thereof shall be used for other than any permitted, either as a matter of right or special approval, in C-1 and C-2 Commercial Districts.

Such Planned Commercial Districts may be established by amendment under the same procedure as set forth in Section 42 governing the establishment of Planned Residential Districts. The requirements for lot area, lot width, yards, building coverage and building height, as specified in the Schedule of District Regulations, and as supplemented by the provisions of Article V, shall be observed, and such minimum specifications may be made more restrictive in accordance with the standards set forth in the preceding section governing Planned Residential Districts.

Section 44. P-I Planned Industrial Districts. The regulations for P-I Planned Industrial Districts are intended to provide a means for the establishment of industrial areas planned as units, so located and designed as to harmonize with surrounding areas and to contribute to the economic growth of the town.

In any P-I Planned Industrial District no building shall be erected or extended and no land or building or part thereof shall be used for other than a use permitted in I-1 or I-2 Industrial Districts.

Such Planned Industrial Districts may be established by amendment under the same procedure as set forth in Section 42 governing the establishment of Planned Residential Districts. The requirements for lot area, lot width, yards, building coverage and building height, as specified in the Schedule of District Regulations, and as supplemented by the provisions of Article V, shall be guides and shall be indicated specifically in the application for P-I zoning.

ARTICLE VIII: AMENDMENTS

Section 45. Amendments, How Initiated. The Town Board may from time to time on its own motion or on petition amend, supplement, repeal, or change the regulations and district boundaries established by this ordinance. The Planning Board may, by resolution, propose an amendment, supplement, change, or repeal of the regulations or district boundaries to the Town Board.

Section 46. Referral of Proposed Amendments to Planning Board. All proposed amendments originating by petition or by motion of the Town Board shall be referred to the Planning Board for a report and recommendations before the Town Board acts thereon. The Planning Board shall submit its report within sixty (60) days after receiving such referral.

Section 47. Notice and Hearing on Proposed Amendments. Before any amendment, supplement, repeal, or change in the regulations or district boundaries, there shall be public notice and hearing thereon as provided by law.

Section 48. Protest Petition. If a protest against a proposed amendment, supplement, repeal, or change be presented to the Town Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the area of land immediately adjacent extending one hundred (100) feet from the street frontage of subject land being considered for zoning change, such amendment shall not become effective except by the favorable vote of at least four (4) members of the Town Board.

Section 49. Referral to County Planning Board. At least thirty (30) days prior to any required public hearing on an amendment, supplement, repeal, or change of the regulations or district boundaries, the Town Board shall comply with the provisions of Article 12-B, Sections 239-1 and 239-m of the General Municipal Law, as amended, and refer to the County Planning Board proposed amendments affecting property within a distance of five hundred (500) feet from the boundary of any city, village, or town, or from the boundary of any county or state park, or from the right-of-way of any county or state parkway, thruway, expressway or other controlled-access highway, or from the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from the boundary of any county or state owned land on which a public building or institution is located.

Section 50. Effect of Adverse Report by County Planning Board. If such County Planning Board recommends disapproval or recommends modifications in the proposed amendment, such amendment shall not become effective except by a majority vote of all the members of the Town Board and the adoption of a resolution fully setting forth the reasons for action contrary to the recommendations of the County Planning Board.

Section 51. Amendment, When Effective. Amendments shall take effect ten (10) days after proper publication and posting as provided by law, except that such amendment shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the town clerk under the corporate seal of the town and showing the date of its passage and entry in the minutes.

ARTICLE IX: MODIFICATIONS IN ZONING PROVISIONS AT THE TIME OF PLAT APPROVAL

Section 52. Authorization. The Planning Board may, as authorized by Town Board Resolution No. 128, adopted August 14, 1956, exercise the powers granted by Section 281 of the Town Law, as amended and as specified in this Article in modifying applicable provisions of the zoning ordinance for land shown on a subdivision plat at the time of subdivision plat approval.

Section 53. Procedure. The following procedure is to be followed:

1. The owner shall make written application to the Town Board for any such change proposed.
2. The Planning Board may consider the application if, in the Board's judgment, the application would benefit the town.
3. Only lands zoned for residential purposes may be considered, and the application of this procedure shall result in a permitted number of dwelling units which shall not exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning ordinance applicable to the district or districts in which such land is situated and conforming to all other applicable requirements.
4. The dwelling units permitted may be, at the discretion of the Planning Board, in detached, semi-detached, attached, or multi-story structures.
5. In the event that the application of this procedure results in a plat showing lands available for park, recreation, open space, or other municipal purposes directly related to the plat, then the Planning Board as a condition of plat approval may establish such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes.
6. The proposed site plan, including areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, and streets, driveways and all other physical features as shown on said plan or otherwise described, accompanied by a statement setting forth the nature of such modifications, changes, or supplementations of existing zoning provisions as are not shown on said site plan, shall be subject to review and public hearing by the Planning Board in the same manner as set forth in Sections 276 and 277 of the Town Law.
7. On the filing of the plat in the office of the county clerk, a copy shall be filed with the town clerk and the zoning officer who shall make appropriate notations and references thereto in the Official Zoning Map.

ARTICLE X: ADMINISTRATION

Section 54. Zoning Officer. The provisions of this ordinance, unless otherwise provided herein, shall be administered and enforced by the Zoning Officer appointed by the Town Board,

who shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

Section 55. Building Permit. No building shall be erected, moved, altered, added to, or enlarged, and no excavation for any building shall be begun unless and until a Building Permit for such work has been issued by the Zoning Officer, except buildings used for bona fide agricultural purposes and which is being conducted on a commercial basis. No Building Permit shall be issued except in compliance with the provisions of this ordinance, unless otherwise directed by the Board of Appeals. Unless there has been substantial progress in work for which a Building Permit was issued, said Building Permit shall expire one (1) year from the date of issue.

Section 56. Applications. Applications for Building Permits shall be submitted on a form or forms provided by the Zoning Officer. Each application shall set forth the purpose for which the building is intended to be used and shall be accompanied by a plot plan showing the dimensions of the lot and the building, and the dimensions of required yards. The Zoning Officer may require such additional information, other than that called for on the application form, as may reasonably be needed for him to determine if the proposed building, its use, and the use of the land are in conformity with the provisions of this ordinance.

Section 57. Certificate of Occupancy. A certificate of occupancy is required for any of the following:

1. Occupancy and use of a building hereafter erected, altered, moved, or extended.
2. Change in the use of an existing building.
3. Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil or similar customary agricultural use.

Section 58. Application and Issuance of a Certificate of Occupancy. A certificate of occupancy may be obtained, on application, from the Zoning Officer. Such certificate shall be issued only if the proposed use of the building or land conforms to the provisions of this ordinance and any other ordinance which requires a certificate of occupancy. The Zoning Officer shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within five (5) days from the date of application, Saturdays, Sundays and legal holidays excepted. Failure to make such inspection and determination within the specified period of time shall be deemed to be approval of the application for a certificate of occupancy.

Section 59. Violations and Penalties. Any person who shall violate any of the provisions of this ordinance, or who fails to comply with any order or regulation made thereunder, or who erects, alters, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this ordinance shall, upon conviction, be punishable by a fine not exceeding fifty (50) dollars or imprisonment for a period not to exceed six (6) months, or both. Violations of this ordinance shall be deemed misdemeanors. Each week's continued violation shall constitute a separate additional violation. In case any building is erected, altered, moved, or used, or land is used, in violation of the provisions of this ordinance, the proper local officer, board, or body of the town may, in addition to other remedies, institute any appropriate action to prevent such violation. If the proper local officer, board or body of the town fails to take appropriate action within a period of ten days after written request by a resident taxpayer, any three taxpayers of the town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the town is authorized to do.

ARTICLE XI: BOARD OF APPEALS

Section 60. The Board of Appeals as heretofore established is continued in accordance with the provisions of Section 267 of the Town Law. The Board of Appeals shall have such powers and perform such duties as prescribed by Section 267 of the Town Law and all other statutes, ordinances, rules or regulations as the same may exist.

The members of the Board of Appeals shall be residents of the Town of Southport and shall be appointed by a majority vote of the Town Board to serve for three years. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.

The Board of Appeals shall choose its own chairman and vice-chairman who shall preside in the absence of the Chairman. In the absence of both the chairman and the vice-chairman, the Board of Appeals shall choose one of its members as acting chairman. Such chairman, of the party acting in his stead during his absence, may administer oaths and compel the attendance of witnesses.

The presence of four members shall be necessary to constitute a quorum.

The Board of Appeals may appoint a Secretary who shall take minutes of all its meetings and keep its records.

The Board of Appeals shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this ordinance and all its resolutions and orders shall be in accordance therewith.

The Board of Appeals shall act by resolution in which at least four members must concur.

The Board of Appeals shall, in accordance with the provisions hereinafter contained in this section, hear and determine appeals from any refusal of a building permit or certificate of occupancy by the Town Board, or review any order or decision of said Town Board, where such order or decision is based upon the requirements of this ordinance.

Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the Board of Appeals shall have the power, in passing upon appeals, to vary or modify the application of any of the regulations or provisions of this ordinance so that the spirit of the ordinance shall be observed and public safety and welfare secured and substantial justice done. The Board of Appeals shall also hear and decide all matters referred to it or upon which it is required to pass by the terms of this ordinance.

ARTICLE XII: MISCELLANEOUS

Section 61. Interpretation. In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of public health, safety and general welfare. When this ordinance imposes a greater restriction on the use of buildings or land or on the heights of buildings, or requires larger open spaces, or makes any other greater requirements that are imposed or required by any other ordinance, rule, or regulation, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

Section 62. Severability. If any section, sub-section, phrase, or word of this ordinance is declared to be invalid, such invalidity shall not affect any other portion of the ordinance.

Section 63. Existing Zoning Ordinance Repealed. The existing zoning ordinance of the Town of Southport, as amended, is hereby repealed. The adoption of this ordinance, however, shall not affect any pending or prevent any future prosecution of, or action to, abate any existing violation of the ordinance which this repeals if the use so in violation is also in violation of the provisions of this ordinance. Nothing herein shall be deemed to change the status of non-conforming uses heretofore created by virtue of the existing zoning ordinance, if such uses remain non-conforming under the provisions of this ordinance.

Section 64. Effective Date. This ordinance shall be in effect upon its passage, posting and publication as provided by law.

BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
SOUTHPORT

Alice M. Bellows
Town Clerk

May 16, 1967

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LIST OF ORDINANCES

Adopted by

TOWN OF SOUTHPORT

BICYCLE ORDINANCE

BINGO ORDINANCE

DOG ORDINANCE — "An Ordinance imposing a penalty for the offense of owning or harboring an unlicensed dog in the Town of Southport."

DUMPING ORDINANCE — "Ordinance regulating disposal of garbage and rubbish—Town of Southport, Chemung County, New York."

FIRE ORDINANCE — "An Ordinance relating to fire regulations, explosives and fire works in the Town of Southport, Chemung County, New York."

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PARKING ORDINANCE

LOAD LIMITS ON TOWN STREETS & HIGHWAYS — "An Ordinance excluding certain designated vehicles from certain designated streets and highways."

AN ORDINANCE AUTHORIZING A PARTIAL EXEMPTION OF REAL PROPERTY TAX

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Adopted by

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GUIDE FOR SUBDIVISION REGULATIONS (Unofficial)

UNOFFICIAL

***SUBDIVISION
REGULATIONS***

TOWN OF SOUTHPORT

PLANNING BOARD

MARCH 7, 1955

SUBDIVISION REGULATIONS

REQUIREMENTS FOR THE APPROVAL OF SUBDIVISION PLANS IN THE TOWN OF SOUTHPORT

Section 1. By resolution #49 adopted by the Town Board on the 13th day of April, 1954 pursuant to the provisions of Article 16 of the Town Law, the Planning Board of the Town of Southport has the power and authority to approve plat for subdivisions within the Town of Southport.

Section 2. Definitions: For the purpose of these regulations certain words used herein are defined as follows:

BOARD - means the Planning Board of the Town of Southport.

ENGINEER - means the duly designated engineer of the Town of Southport or if there be no such official, the planning consultant or engineer employed by or assigned to the Town Planning Board.

SUBDIVISION - means the division of any parcel of land into two or more lots, plots, sites or other divisions of land for immediate or future sale or for building development in such a way as to create one or more new streets.

PRELIMINARY LAYOUT - means the preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

PLAT - means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Board for approval, and which, if approved, will be submitted to the county clerk or registrar for recording.

OFFICIAL MAP - means the map established by the Town Board under Section 270 of the Town Law showing streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Town Board or additions thereto resulting from approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

MASTER PLAN - means a comprehensive plan prepared by the Planning Board pursuant to Section 272a of the Town Law which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Town of Southport and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Section 3. Procedure:

A. Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell such subdivision or any part thereof is made, and before any permit for the erection of a structure shall be granted, the subdivider, or owner thereof, or his agent shall apply in writing to the board for approval of such subdivision. The application of the subdivider, owner, or agent to the Board shall conform to the specifications in Sections 4, 5, and 6 of these regulations.

B. The preliminary layout, topographic map, street profiles and formal subdivision plat and all procedure relating thereto shall in all respects be in full compliance with the provisions of Sections 276 and 277 of the Town Law and these regulations except where variation therefrom may be specifically authorized by the Board.

C. Three copies each of the preliminary layout, as described in Section 5 designated as such at the scale of not more than 100 feet to the inch, topographic map at the same scale and proposed street profiles at appropriate scales shall be filed with the Board. The layout, map and street profiles may all be shown on the same sheet. The Board shall then study the preliminary layout and proposed street profiles in connection with the topography of the area, the existing requirements of the zoning ordinance, if any, the Master Plan and the Official Map, if any, and shall take into consideration the general requirements of the community and the best use of the land to be subdivided. Particular attention shall be given to matters enumerated in Section 277 of the Town Law as well as to specific requirements for parks, playgrounds, school sites, boulevards and main thoroughfares, the adequacy of street connections and the suitability of the land for development.

D. After arriving at tentative conclusions the Board shall discuss the preliminary layout with the subdivider or his agents at a regular meeting of the Board. After such discussion the Board shall communicate in writing within 30 days to the developer, (1) the specific changes which it will require in the preliminary layout, (2) the character and extent of the required public improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare, (3) the amount of construction or improvement or the amount of the performance bond or other security which it will require as prerequisite to the approval of the formal subdivision plat to be submitted subsequently.

E. The subdivider, after official notification by the Board with respect to the preliminary layout and the changes, if any, to be made therein, shall within six months thereafter file with the Board original drawings of the formal subdivision plat and street profiles. These drawings shall be on tracing cloth in sheets 21 in. wide by 28 inches long and to a scale of not more than 100 feet to the inch except when more than one sheet is required, an additional index sheet of the same size shall be filed showing to appropriate scale the entire subdivision on one sheet with lot and block numbers. Before the Board acts on the formal subdivision plat it shall hold a formal hearing thereon in compliance with Section 276 of the Town Law. The Planning Board shall then, within 45 days from the date of submission of the formal plat, approve, modify and approve or disapprove such plat. Such approval shall, however, not be deemed final until the subdivider has complied with the provisions of the following paragraph.

F. The developer shall complete in accordance with the Board's decision, to the satisfaction of the engineer all the street and sanitary improvements specified in Section 277 of the Town Law and not specifically waived by the Board, or shall file with the Board a performance bond complying with such Section satisfactory to the Town Attorney, as to form, sufficiency, manner of execution and surety. The Board shall require a certificate from the engineer or other designated official as to the satisfactory character of improvements completed and from the Town Attorney as to adequacy of any bond which may be proffered. The subdivider shall tender offers of cession in a form certified as satisfactory by the Town Attorney of all land included in streets, highways or parks, not specifically reserved by him, but approval of the plat by the Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park or other public open space.

G. After the completion of these details and notation to that effect upon the plat, it shall be deemed final approval and within 90 days thereafter the developer must file the plat with the county clerk or registrar. Otherwise such approval shall expire as provided in Section 276 of the Town Law.

Section 4. General Requirements for the Subdivision of Land.

The subdivider shall observe the following general requirements and principles of land subdivision:

1. In general, the proposed subdivision shall conform to the Official Map, the Zoning Ordinance and the Master Plan, if such exist.

2. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets.

3. In general, main highways and secondary highways shall not be less than the width shown on the Master Plan, if such exists. Parkways and boulevards shall be such width as may be designated by the Board. As a general rule the width of minor streets shall not be less than 50 feet.

4. Dead-end or cul-de-sac streets shall not in general exceed 400 feet in length, and shall be equipped with turnarounds approved by the Town Highway Superintendent.

5. Block lengths generally shall not exceed 1,200 feet in length.

6. A pedestrian right-of-way at least 10 feet wide shall be provided near and through the center of every block over 800 feet long and shall be paved with a walk at least four feet wide.

7. Each normal block shall be planned to provide two rows of lots, but irregularly shaped blocks indented by cul-de-sac streets and containing interior parks will be acceptable when properly designed and covered by agreements as to maintenance of interior parks.

8. Curb radii at intersections shall not be less than 20 feet and property lines shall be adjusted accordingly.

9. Side lines of lots, so far as practicable, shall be at right angles or radial to street lines.

10. Care shall be exercised in the layout of lots at street intersections.

11. Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line of each street.

12. Grades of all streets shall conform in general to the terrain and shall be the reasonable minimum, but shall not be less than 0.5 percent nor more than 5 percent for main thoroughfare nor more than 10 percent for minor streets.

13. Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced, shall be provided in connection with all lots designed for commercial use.

14. In front of areas designed and zoned or where a petition for a change in zoning is contemplated for commercial use, to permit such use the street width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.

15. Land subject to flooding and land deemed by the Board to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

16. In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.

17. In general, no reserve strips controlling access to land dedicated or to be dedicated to public use shall be permitted.

18. In general, street lines within a block deflecting from each other at any one point more than 10 degrees shall be connected with a curve, the radius of which for the inner street lines shall not be less than 350 feet on main thoroughfares, 250 feet on secondary thoroughfares, and 100 feet on local streets. The outer street line in each case shall be parallel to such inner street line.

19. Areas for parks and playgrounds shall be of reasonable size for neighborhood playgrounds or other recreation uses. No arbitrary percentage of area shall be insisted upon by the Board, but, in general, developers should set aside not less than 10 percent of the area for these purposes.

20. Variations of the general requirements above outlined may be permitted by the Board on application when in their judgment special factors warrant such a variation.

Section 5. The Preliminary Layout.

Subdividers shall present to the Board a preliminary layout. Three copies shall be filed at the scale of not more than 100 feet to the inch, showing or accompanied by the following information.

1. Proposed subdivision name and identifying title and the name of the Town and county in which the subdivision is located.

2. Name and address of record owner, subdivider and designer of preliminary layout.

3. Location of property lines, existing easements, buildings, water courses and other essential features.

4. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.

5. The location of any existing sewers and water mains, culverts and drains on the property to be subdivided.

6. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces and similar facts regarding property adjacent.

7. Any changes in the use, height, area and density districts or other regulations under the zoning ordinance applicable to the area to be subdivided and any boundaries of such districts affecting the tract; all parcels of land proposed to be dedicated to public use and the conditions of such dedication.

8. The width and location of any streets or other public ways or places shown upon the Official Map or the Master Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or other public ways proposed by the developer.

9. Typical cross sections of the proposed grading and roadways or sidewalks and topographic conditions.

10. Date, true north point and scale.

11. Deed description and map of survey of tract boundary made and certified by a licensed land surveyor.

12. Connection with existing water supply or alternative means of providing water supply to subdivision as provided in Section 89 of the Public Health Law.

13. Connections with existing sanitary sewerage system or alternative means of treatment and disposal proposed as provided in the same Section 89.

14. Provisions for collecting and discharging surface drainage.

15. Preliminary designs of any bridges or culverts which may be required.

16. The proposed lot lines with approximate dimensions and suggested location of buildings.

17. The preliminary layout shall show the proposed location of and type of sidewalks, street lighting standards and species of street trees, the location of curbs, gutters, water mains, fire hydrants, sanitary sewers and storm drains and the sizes and types thereof, the character, width and depth of pavement and sub-base, the location of manholes and basins and underground conduits.

18. Where the topography is such as to make difficult the inclusion of any such facilities within the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall be not less than 10 feet in width and which shall provide satisfactory access to an existing public highway or other public open space shown upon the layout or upon the Official Map.

19. Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the unsubmitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.

All of the information set forth above is required by the Board for the purpose of complying with Sections 276 and 277 of the Town Law and the Health Law and for the information of the public at the public hearings. Due care in the preparation of this material will expedite the process of passing upon the formal subdivision plat.

Section 6. The Subdivision Plat.

A. The subdivision plat submitted for approval and subsequent recording shall be clearly and legibly drawn in ink upon tracing cloth. The size of the sheets shall be 21 inches by 28 inches, including a margin of one inch outside ruled border lines.

B. The drawing shall be at the scale of not more than 100 feet to the inch. The subdivision plat shall show:

1. Proposed subdivision name or identifying title and the name of the Town and county in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed professional engineer or land surveyor.

2. Street lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use.

3. Sufficient data acceptable to the engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practicable, these should be referenced to monuments, included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.

4. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The final plan shall show the boundaries of the property, location, graphic scale and true north point.

5. The final plan shall also show by proper designation thereon all public open spaces for which deeds of cession are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the final subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.

6. All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.

7. Before final approval of the plat, there shall be filed with the Planning Board a certificate of the engineer as to the completion of all improvements required by the Board to his satisfaction in accordance with standards and specifications prescribed by him. For any required improvements not so completed there shall be submitted with the plat a certificate of the Town Attorney as to the sufficiency of the bond offered in lieu thereof.

8. Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.

9. Permanent reference monuments shall be shown thus "X". They shall be constructed in accordance with specifications of the engineer, and when referenced to the State system of plane coordinates shall also conform to the requirements of the State Department of Public Works. They shall be placed as required by the engineer and their location noted and referenced upon the plat.

10. All lot corner markers shall be permanently located, satisfactory to the engineer, at least $\frac{3}{4}$ inches (if metal) in diameter and at least 24 inches in length, shown thus "O", and located in the ground to existing grade.

11. Monuments of a type approved by the engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the engineer.

Adopted February 16, 1965
Resolution No. 75

SPECIFICATIONS RELATING TO THE LAYING OUT AND CONSTRUCTION
OF HIGHWAYS PRIOR TO THEIR DEDICATION TO THE
TOWN OF SOUTHPORT AS PUBLIC HIGHWAYS

Section 1: The purpose of these specifications is to regulate the laying out and construction of highways prior to their dedication to the Town of Southport as public highways.

Section 2:

(a) Wherever used in these specifications the term "highway" shall be construed to include any type street or thoroughfare constructed or planned to be constructed for dedication to the Town of Southport as a public highway pursuant to law.

(b) Wherever used in these specifications, words in the singular number include the plural and words in the plural number include the singular.

(c) The word "shall" is mandatory and not directory. Words in the present tense include the future.

(d) All applications for approval of plans shall be made as heretofore specified in this regulation.

(e) All applications shall be accompanied by three (3) copies of the highway plans and profiles of each highway showing existing and proposed grades as well as all the necessary detail required by the provisions of this regulation.

(f) All applications for the dedication of a highway to the Town of Southport, shall be accompanied by a proposed warranty deed conveying said highway to the town, with all necessary releases from mortgages or other claimants. Such deed shall describe the street to be conveyed as shown on map and shall state the date on which said map was filed in the Chemung County Clerk's Office and the number thereof. Maps are to be of size acceptable to the Chemung County Clerk.

Section 3:

(a) The owner or all the owners shall have had the land comprising the highway surveyed, mapped and a map thereof shall have been filed in the Chemung County Clerk's office and adequate metal or stone boundary markers shall be inserted in a permanent manner at intervals of not less than 500 feet on tangents and at P.C. and P.T. of curves along all boundary lines of such highways. Boundary lines at street intersections shall have a minimum radius of 25 feet.

(b) If sewer, water, gas or other utility service is to be installed in such highway, they shall be installed prior to the final surfacing of such highway and all laterals and other service connections shall be installed and brought to the outer street line prior to such final surfacing.

Section 4: The minimum right-of-way width hereinafter laid out shall be fifty (50) feet. These widths shall be measured from lot line to lot line. Said widths shall be measured normal to the lot lines on tangents and on radial lines with curves. Approved turnarounds or T's are to be used on dead end streets. Recommended radius of turnarounds shall be fifty (50) feet minimum.

Section 5: There shall be no reserve strips controlling access to highways except where control of such strips is definitely placed in the Town under the offer to dedicate.

Section 6: Highway grades shall not exceed six percent (6%) nor be less than one percent (1%) at the gutter. Changes may be made with the approval of the Town Highway Superintendent.

Section 7: The highway shall be shaped and crowned so as to slope laterally in order to drain surface water off the roadway onto sides of the highway where shallow ditches or gutters shall be built to carry off said water. Recommended crown 1/4" per foot. If the grade or pitch of the road is sharp so that flow of surface water might wash out said ditches or gutters same shall be lined with stone and bound with hard topping to prevent such washing out. These ditches or gutters shall be connected at all intersections by piping of a size and length prescribed by the Superintendent of Highways of the Town of Southport and he may require the installation of catch basins or dry wells at such locations as he deems necessary to property catch and carry off such surface water as he may estimate will accumulate along the highway or at said highway or at said highway intersections. Headwalls may be required by the Town Highway Superintendent. Bridges over five (5) foot span to be approved by the County Highway Superintendent.

Proper drainage shall be installed where required. Drainage pipe is to conform to the standard usage adopted by the Town Highway Superintendent. A profile map, in duplicate, shall be filed with the Town Board, showing the grade and fall of surface water to be not less than one percent (1%) and also showing the final disposition of flow, which must be to a live stream or well established natural drainage ditch. If the grade and fall of surface water is shown to be less than the above prescribed, the Superintendent of Highways of the Town of Southport shall require the installation of a surface water drainage system consisting of piping and catch basins or dry wells of such size as he deems necessary under the circumstances. In case where access to a live stream or well established natural drainage ditch is required, easements or rights-of-way leading thereto shall be secured and conveyed to the Town of Southport as below set forth.

The developer or owner laying out said street or highway shall obtain all necessary easements or rights-of-way to take care of any surface water caused by reason of the development of said street or highway, and by reason of the installation of culverts or surface drains. No street or highway will be taken over by the Town of Southport, nor approved by the Town Superintendent of Highways before such necessary easements or rights-of-way have been obtained and the legal sufficiency thereof shall be passed upon by the attorney for the Town of Southport. Such easements or rights-of-way shall be at least twenty (20) feet in width.

Section 8: Prior to being offered for dedication to the Town, all streets shall be graded and surfaced as follows: All highways or roads offered for dedication shall be suitably and properly graded and shall meet with the approval of the Town Superintendent of Highways. Fill shall be added using suitable run of bank gravel or material acceptable to the Town Superintendent of Highways properly crowned and compacted, to be approved by the Town Superintendent of Highways. All boulder, organic material, soft clay, spongy material and any other objectionable material shall be removed and replaced with suitable material. The subgrade shall be properly shaped, rolled with a 10-ton roller and uniformly compacted to conform with the accepted cross-section and grades. There shall be a gravel base of at least twenty-eight (28) feet in width located in the center of the proposed highway and said gravel base shall be bank run gravel of the quality described below and compressed to twelve (12) inches. The top three (3) inches shall be crushed bank run gravel, maximum size of stone to be No. 2. Greater thickness where poor subsoil is encountered may be ordered by the Town Highway Superintendent.

Bank run gravel shall consist of hard durable particles of gravel and filler of sand or other finely divided mineral matter. The gravel shall be free from organic matter and lumps or balls of clay. Shale or crumbly rock will not be acceptable.

The gravel top shall be given a treatment of bituminous penetrating material applied hot at the rate of 3/4 gallon per square yard for a minimum width of twenty-eight (28) feet, followed by a second treatment of bituminous sealing material applied hot at a rate of approximately 1/2 gallon per square yard for the same width. The Town Superintendent of Highways of the Town of Southport shall be required to inspect and approve the gravel top before application of this bituminous penetrating material and shall be consulted as to the time of application, amount of bituminous material used and the interval between treatment. A proper coat of clean stone chipping shall be applied and rolled after each treatment.

Section 9: When a street has been accepted by the Town under conditions outlined in Section 277 of the Town Law pending final surfacing and approval, the responsibility and liability for maintenance of the drainage system and roadway shall rest with the owners and/or developers. The Town shall have the responsibility and liability for snow removal and ice control.

Section 10: The Chemung County Superintendent of Highways shall make the final decision on sizes and quantities of materials, methods of construction and other details outlined in Sections 6, 7, 8 and 9 if the Town Highway Superintendent and the owners and/or the developers are unable to agree.

Section 11: The use of proper names for street names is discouraged. The Town Board of the Town of Southport must by law approve street names and may change any chosen by the developer or owner to avoid duplication or for any other reason of its own.

Street signs shall be of a size to be recommended by the Town Highway Superintendent so as to conform with existing signs throughout the Town and shall be erected on iron poles three (3) inches in diameter which shall be so erected by the owner or developer in the first instance, later to be maintained by the Town of Southport after the street on which the same are erected has been accepted as a public highway.

Section 12: No street or highway shall be taken over by the Town unless it meets all of the above requirements and approval of the Town Superintendent of Highways. No special district improvements shall be placed or installed in any street or highway of the Town until such street or highway has been properly graded and drained as provided in these specifications and approved by the Town Superintendent of Highways.

Section 13: Approval in writing shall be obtained by the owners and/or developers from the New York State Department of Public Works regarding drainage where proposed streets or highways intersect State roads and its permission to connect said streets with such roads.

Approval in writing shall be obtained by the owners and/or developers from the Chemung County Superintendent of Highways regarding drainage where proposed streets or highways intersect county roads and his permission to connect said streets with such roads.

Section 14: All previous regulations or resolutions affecting the acceptance of streets by the Town are hereby rescinded.

Section 15: The Town Board may, in the exercise of its best judgment, refuse to accept title to any street, roadway or highway in said town, notwithstanding that all the foregoing rules and regulations have been performed and complied with.

Adopted: December 12, 1961

Resolution No. 219 - "Resolution Adopting New Mobile Home Park Ordinance."

Published and posted: January 12, 1962

MOBILE HOME PARK ORDINANCE

TITLE

Section 1. This ordinance shall be known as the "Mobile Home Park Ordinance of the Town of Southport, Chemung County, New York."

PURPOSE

Section 2. It is the purpose of this ordinance to promote the health, safety, morals and general welfare of the inhabitants of the Town of Southport, Chemung County by the more efficient regulations of Mobile Home Parks and the occupancy of mobile homes.

DEFINITIONS

Section 3. When used in this ordinance, unless otherwise expressly stated or unless the context or subject matter requires a different interpretation, the term:

(a) "Mobile Home Park" shall mean and is the same as house trailer camps, tourist camps or similar establishments as is described in Section 130 and 136 of the "Town Law" of the State of New York and which shall also mean any lot, piece or parcel of ground on which are located or which is offered to the public for the location of two or more occupied house trailers or mobile homes.

(b) "Park" means mobile home park.

(c) "Mobile Home Space" shall mean a plot of ground within a mobile home park designed for the accommodation of one mobile home.

(d) "Mobile Home" means any house trailer, tent, tent house, cabin or camp cottage designed for use by a single family.

(e) "House Trailer" means any vehicle designed or equipped to be used or used for living or sleeping quarters and designed to move from place to place on wheels and to be propelled by its own power or drawn or propelled by another vehicle.

(f) "Camp Cottage" or "Cabin" shall mean any building of whatsoever material constructed, designed or equipped to be used or used for living, sleeping, or eating by transient or seasonal occupants only.

(g) "Tourist Camp" shall mean any lot, piece or parcel of ground, on which are located, or which is offered to the public for the location of two or more tents, tent houses, cabins, camp cottages or other buildings designed or used for sleeping facilities other than permanent homes.

PROHIBITION AGAINST MOBILE HOME PARKS AND THE OCCUPANCY OF HOUSE TRAILERS

Section 4. No person or persons being the owner or occupant of any land or premises within the Town of Southport shall use or permit the use of such land or premises for:

(a) The establishment or maintenance of a Mobile Home Park until a license for the estab-

lishment or maintenance of such Mobile Home Park has been obtained as hereinafter provided; and after the issuance of such license, such parks shall not be maintained or operated other than in accordance with the applicable laws and terms of this ordinance .

(b) The parking of any mobile home for the purpose of the same being used for living, sleeping or eating therein, except as hereinafter provided.

Section 5. No person or persons being the owner or occupant of any mobile home shall park or otherwise locate said mobile home upon any premises within the Town of Southport for the purpose of using the same for living, sleeping or eating quarters nor shall any such person use or occupy any mobile home for living, sleeping or eating therein, except in a duly authorized mobile home park, except as hereinafter provided.

APPLICATION FOR LICENSE

Section 6. A license for the establishment and operation of a Mobile Home Park in the Town of Southport shall be issued or denied in accordance with the procedure herein specified.

The applicant, who proposes to operate or maintain the said Mobile Home Park, must file with the Southport Town Clerk a verified written application for such license in triplicate, and if such applicant or applicants are not the owners of the property upon which it is proposed to operate said Park, such application shall, also, be signed by the owner or owners of the property and shall be accompanied by a certified check for the amount of the fee required by this Ordinance.

The application must contain the following information:

(a) The name and address of the applicant, the names and addresses of the partners if a partnership, and the names and addresses of the officers if a corporation and its principal place of business.

(b) The name and address of the owner of the premises upon which the Park is to be located and the present use which is being made of the premises.

(c) The interest of the applicant in said premises if not the owner thereof.

(d) A description of the boundaries of the land or premises upon which the Park is to be located in a manner sufficient to identify the land or premises as in a deed of conveyance .

(e) A Park plan in the form of a land survey showing the direction of magnetic north and drawn to scale which plan must show the following:

(1) The locations and name of all adjacent or adjoining streets, right-of-way or highways and their existing widths and nature of construction .

(2) The names of the record title holders of all adjacent property.

(3) The exact layout and dimensions of each Mobile Home Space .

(4) The exact layout of all streets and driveways, their widths, and the specifications of proposed construction .

(5) The locations of all required services and other improvements and facilities such as playgrounds, swimming pools, or recreation areas .

(6) A complete statement showing the proposed method of sewage disposal or removal,

the water supply, electric and gas service, the design of all toilets, washrooms, laundry rooms, and all other services required by this ordinance.

ISSUANCE OF LICENSE

Section 7. Upon receipt of each application the Town Clerk shall immediately notify and send one copy of the application to the Chemung County Health Department and request that it make an investigation into the facts and circumstances whether the proposed sewage disposal or removal system, the water supply, and the proposed service buildings meet the minimum required standards prescribed by the Chemung County Health Department or that of the State of New York; after completing its investigation it shall report its findings in writing to the Town Clerk. If at the time of processing any application the Chemung County Health Department shall refuse or fail to act in conducting its investigations then in the event of such refusal or failure the Town Clerk shall immediately notify the Town Board of the Town of Southport of said matter and the Town Board shall then designate and employ such engineers and licensed physicians as the Board deems are necessary to make such investigations who shall also report their findings to the Town Clerk.

Any fee, service charge, or cost for such investigation must be paid for by the applicant, and in no event will any license be issued until proof of payment is made to the Town Clerk.

The Town Clerk also shall immediately send another copy to the Planning Board of the Town of Southport which is directed by this Ordinance to make a study of said application and make its written recommendations to the Town Clerk whether the layout of the Park Plan is suitable for the operation and maintenance of a Mobile Home Park; whether the driveways, streets and walkways are of suitable grade; whether adequate recreational facilities and area are provided in the plan and for the proper comfort, convenience, safety, health and welfare of the inhabitants of the Town of Southport.

Upon receipt of the reports from the Chemung County Health Department and from the Planning Board the Town Clerk shall immediately notify the Town Board which shall call a public hearing to consider the application and the Town Board shall give the applicant at least five days written notice of the time and place of the public hearing.

Upon approval of the application by the Town Board, the Town Clerk shall forthwith issue a license to be effective from and after the date of issuance to and including the 31st day of December next succeeding the date of issuance. If such application is not approved, the Town Board shall certify the reason for its action and such decision shall be filed with the Town Clerk who shall immediately notify the applicant of the decision of the Town Board.

ASSIGNMENT OF LICENSE

Section 8. Any license issued pursuant to the terms of this Ordinance shall be assignable only with the consent of the Town Board.

RENEWAL OF LICENSE

Section 9. The holder of any license may, between the 15th and the 31st of December of each year, apply for a renewal thereof for the following year by filing with the Town Clerk a verified application on forms provided for that purpose. If it shall appear that any change or alteration has been made in the Park Plan as filed with the Town Clerk, no renewal license shall be issued by the Town Clerk until such time as the Town Board shall approve such change or alteration of the Park Plan. The Town Board in considering such approval may follow the same procedure provided for in Section 7 for the issuance of a license.

REVOCATION OF LICENSE

Section 10. If the Building Inspector upon inspection finds that such Mobile Home Park is not being maintained in a clean and sanitary condition, or that such park is not being conducted in accordance with the regulations applicable to such park and the provisions of this Ordinance, he shall serve upon the holder of such license or the person in charge of such park an order in writing directing that the conditions therein specified be remedied within five (5) days after the service of such order. If, after the expiration of such period, such conditions remain unchanged or are not corrected in accordance with said order, the Building Inspector shall serve a notice in writing upon such park owner or the person in charge of such park requiring the holder of such license to appear before the Town Board of the Town of Southport at a time to be specified in such notice, not less than twenty-four (24) hours, and show cause why such license should not be revoked. The Town Board may, after a hearing at which the testimony and witnesses of the Building Inspector and the holder of such license shall be heard, revoke such license if the conditions described in the original order have not been corrected in accordance with the terms of such order or if the holder of such license has violated the regulations applicable to such park or has violated any of the provisions of this Ordinance, or for other sufficient cause. Upon the revocation of such license, the premises shall forthwith cease to be used for the purpose of such park and all trailers shall be removed therefrom.

The commission of any felony or misdemeanor on the licensed premises herein automatically suspends the license described herein. The Licensee shall be entitled to a hearing before the Town Board on said suspension within seven (7) days after the service of a notice of such suspension upon him, at which time evidence shall be taken and the licensee given opportunity to be heard and appear by his attorney and after hearing the evidence of the Town Board may, on the record of the hearing and all the facts brought forth, determine to suspend, revoke or restore said license. Such notice to the licensee shall be given to him personally, or in his absence, by posting the said notice of suspension in some conspicuous place upon the licensed premises.

FEEES

Section 11. The Town Clerk shall receive a fee of \$25.00 for each license or renewal license issued by him provided, that if the original license be issued on or after April 1, the fee shall be three-fourths of the fee herein provided for; and if issued on or after July 1, the fee shall be one-half of the fee herein provided for and if issued on or after October 1, the fee shall be one-fourth of the fee herein provided for.

That in addition to the aforesaid fee the applicant shall also pay for expenses, if any, for the investigation conducted pursuant to Section 7 as therein provided, and the applicant shall also pay for the cost of publication for the public hearing held pursuant to Section 7 of this Ordinance and shall provide proof of payment, all of which must be paid before any license will be issued pursuant to the terms of this Ordinance.

MOBILE HOME PARK PLAN—REGULATIONS

Section 12. The following minimum requirements shall be maintained at all times:

(a) The Park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.

(b) Mobile home spaces shall be provided consisting of a minimum of five thousand (5,000) feet for each space which shall be at least thirty-five (35) feet wide at the narrowest point. There shall be no more than an average of eight (8) spaces per acre in the Mobile Home Park.

- (c) The minimum size of any Mobile Home Park shall be at least five (5) acres.
- (d) Space for the parking of one automobile must be provided for each mobile home space adjacent to it.
- (e) All mobile home spaces shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street or highway.
- (f) Walkways of not less than two (2) feet wide shall be provided to the service buildings.
- (g) All driveways and walkways within the Park shall be of suitable grade and hard surfaced.
- (h) All driveways and walkways within the Park shall be lighted at night with electric lamps of such candle power and so situated as may be directed by the Planning Board.
- (i) It is recommended that the design of the Park not be barracks-like in nature and not designed on the gridiron pattern with identical rectangular spaces. The angling of spaces and the clustering of mobile homes around cul-de-sacs could be considered. Should this latter type of design be hampered by the minimum space size of five thousand (5,000) feet and space width of thirty-five (35) feet, the Town Board, upon the recommendation of the Planning Board, shall have the authority to waive those two requirements.
- (j) All spaces shall have a patio convenient to the entrance of each mobile home of a minimum size of one hundred and eighty (180) square feet.
- (k) It is recommended that consideration in each instance be given to the construction of all utilities underground and the Town Board, upon the recommendation of the Planning Board, may require that all utilities be underground.
- (l) Each park plan shall be provided with approved sewer and water connections to existing public sanitary sewer and water systems of the town or of any district therein if available.
- (m) Each mobile home space must be supplied with sufficient pure running water from approved water service facilities or a sufficient supply of pure water must be available in conveniently located building from approved type of water faucets or drinking fountains, and no drinking fountain shall be placed in any toilet room.
- (n) Each park plan shall be provided with service buildings in which shall be installed water closets, placed in separate compartments properly separated from any other water closet, each compartment being not less than three (3) feet wide enclosed with proper partitions in the ratio of one (1) water closet for every fifteen (15) females or less, and one (1) water closet for every twenty (20) males or less, in addition to one (1) urinal for every thirty (30) males or less. No licensee shall accommodate at any time, mobile homes occupied by persons of either sex in excess of the minimum toilet facilities for such sex in such park plan.
- (o) Each service building shall contain for each sex one (1) lavatory or wash basin and one (1) shower or tub for every twenty (20) persons or less and one (1) slop sink or basin for each sixty (60) persons or fractions thereof.
- (p) Each service building shall contain reasonable laundry facilities in a room properly separated from the toilet facilities of such building.
- (q) The requirements set forth in subdivisions (n), (o) and (p) of this section shall not apply to the occupants of mobile home spaces which are completely equipped with private toilet facilities connected directly to approved sanitary systems in making the determinations set forth in said sub-sections.

(r) No mobile home shall discharge waste liquids except that the discharge outlet is connected through a proper trap to an approved sewer, septic tank or septic well, and no flush toilets in any mobile home shall be used unless the discharge outlet is connected through to a sewer or septic tank, and no chemically treated toilet waste shall be disposed of, except directly to a sewer.

(s) Every tourist or mobile home shall be under the management of the licensee who must be of good reputation and character, and who shall manage such park plan from an office located on the premises; there shall be maintained in such office a bound book containing a record of the names of all persons accommodated at the park, their home addresses, the license number and make of their automobile or other vehicle; such record shall be available at all times for inspection by the Building Inspector and any police officer. It shall be the duty of the licensee of any park plan:

(1) To provide for the collection and removal of garbage and any other waste material and must provide metal garbage cans with tight fitting covers in quantity adequate to permit disposal of garbage and rubbish. The garbage cans shall be located not further than three hundred feet from any mobile home space. The cans shall be kept in a sanitary condition at all times and the garbage and rubbish shall be collected and disposed of at least every seven (7) days or as frequently as may be necessary to insure the garbage cans shall not overflow.

(2) To prohibit the placing or storage of unsightly material or vehicle of any kind.

(3) To provide for cleaning, painting, repairing and disinfecting all buildings.

(4) To take such other measures which shall be deemed necessary by the Health Officer to preserve the health, comfort and safety of all persons accommodated in the park plan and of the general public.

(5) To prevent the committing of any nuisance in the park premises and to report immediately to the proper authorities all acts of a disorderly character committed by any person or persons inside of the park and to that end maintain proper policing thereof.

(6) To report to the Health Officer all cases of communicable diseases or suspected cases of communicable diseases affecting any inhabitant of the park.

(7) To provide underground storage for any handling of gasoline.

(8) To comply with the National Electrical Code with respect to electric wiring and equipment.

(t) No addition is to be built, erected or maintained in connection with any mobile home other than the usual awning or similar weather protective structure.

(u) Every Park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the Park as to satisfy applicable reasonable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

(v) An electrical outlet supplying at least three wire service with two hundred and twenty (220) volts and one hundred (100) ampere capacity entrance shall be provided for each mobile home space.

REGULATIONS FOR OCCUPIED MOBILE HOMES NOT IN MOBILE PARK

Section 13. (Location) No mobile home shall be located upon any land or premises within the town other than mobile parks, unless such land or premises, has erected thereon conveniently accessible to such mobile homes, adequate sanitary facilities, and an approved water supply system.

Section 14. (Restriction on Number of Mobile Homes). Not more than one (1) such mobile home shall be permitted to park or otherwise locate on such separate lot or parcel of land other than a mobile park.

Section 15. (Duration of Stay) No mobile home shall be permitted to remain upon any premises other than in a mobile park for a longer period than four (4) weeks in every twelve (12) months except the time may be extended by action of the Town Board.

Section 16. (Location of mobile home on Lot). Each mobile home shall not be parked or otherwise located nearer than six (6) feet to the side line of any lot or parcel of land, nor within thirty (30) feet of the street line of such premises.

INSPECTION AND ENFORCEMENT

Section 17. This Ordinance shall be enforced by the Building Inspector of the Town, whose duty it shall be to enforce all the provisions of this Ordinance as prescribed herein or such provisions as may hereafter be enacted, and for the purpose of securing such enforcement the Building Inspector and his duly authorized representatives shall have the right and are hereby empowered to enter upon the premises upon which any Mobile Home, House trailers or camp cottages or cabins are located or about to be located and inspect the same and all accommodations connected therewith at any reasonable time. The individual members of the Town Board and their duly authorized representatives shall have a like power of inspection.

PENALTIES

Section 18. Any person, firm or corporation who violates any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine of not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100) or to imprisonment for a period of not less than one (1) day or more than six (6) months or to both such fine and imprisonment; and in addition, any and all persons who violate any of the provisions of this Ordinance or who shall omit, neglect or refuse to do any act required by this Ordinance shall severally, for each and every such violation and non-compliance respectively forfeit and pay a civil penalty of Fifty Dollars (\$50). The imposition of all penalties for any violation of this Ordinance shall not excuse the violation or permit it to continue. The application of the above penalty or penalties or the prosecution of the violation of the provisions of this Ordinance shall not be held to prevent the enforced removal of conditions prohibited by this Ordinance or the taking of such other action as may be authorized by law.

SEPARABILITY

Section 19. If any clause, sentence, subdivision, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-division, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

WHEN TO TAKE EFFECT

Section 20. This Ordinance is to take effect immediately after the same shall be published and posted in accordance with the provisions of law made and provided therefor.

SAVINGS CLAUSE

Section 21. This Ordinance shall be applicable in regulating mobile home parks and the use of mobile homes after the effective date as aforesaid and the "House Trailer and Tourist Camp Ordinance" heretofore duly adopted on the 20th day of March, 1950 shall remain effective in regulating the occupancy of house trailers and trailer and tourist camps within the Town of Southport which are in existence or in use before the effective date of this Ordinance.

BY ORDER OF THE SOUTHPORT TOWN BOARD
DATED: December 12, 1961

ALICE M. BELLOWS,
Town Clerk.

Adopted: July 31, 1962
By Resolution No. 165
Published and Posted: August 15, 1962

THE SIDEWALK ORDINANCE OF THE TOWN OF SOUTHPORT

ARTICLE I OBLIGATION OF ABUTTING OWNER

Section 1. Regulation by Town Board. The Town Board may, from time to time, by the adoption of orders, require the building, relaying and repairing of sidewalks, the cleaning of the same and the removal of obstructions from the same, along Town, County, State and private roads, streets, highways and parkways in the Town of Southport, Chemung County, New York, at the expense of abutting owners or otherwise pursuant to the authority and requirements of Sec. 130(4) and Sec. 200-a of the Town Law of the State of New York, as amended.

Section 2. Requirements of Construction. No sidewalk shall be built, relaid or repaired or be permitted to be built, relaid or repaired along any road, street, highway or parkway in the Town of Southport, whether or not such sidewalk is in or along a Town or a County, State or private road, street, highway or parkway unless such construction shall conform to the lines and grades furnished and the specifications established by the Town Highway Superintendent or some other qualified person designated by the Town Highway Superintendent and approved by the Town Board and in conformity with all the specifications and requirements hereinafter set forth.

Section 3. New Developments and Privately Owned Streets. All sidewalks built, relaid or repaired on any privately owned road, street, highway or parkway shall be subject to these regulations and comply in all respects with the regulations covering streets, the title of which is vested in the Town.

ARTICLE II PERMIT

Section 4. No sidewalk shall be built, relaid or repaired or work thereon commenced until the owner of the abutting premises in front of which said sidewalk is to be built, relaid or repaired or the authorized agent of the owner shall have obtained a permit therefore. Applications for such permits shall be made in writing to the Town Clerk. The application shall thereupon be referred to the Town Highway Superintendent or some other qualified person designated by the Town Highway Superintendent and approved by the Town Board, who shall fix and locate lines and grades and endorse the application that he has so acted. The Town Clerk shall thereupon issue the permit. The permit, when issued, shall have attached to it a copy of the sidewalk specifications approved by the Town Board.

If the location where sidewalks are to be built, relaid or repaired shall be upon a State or County Highway, a permit shall first be obtained by the owner from the State Department of Public Works or the Superintendent of Highways of Chemung County as the case may be, unless such permit shall have been first obtained by the Town.

The Town Clerk may require such bonds or deposits and issue such permit subject to such terms and conditions as he may consider necessary for the protection of the Town.

Section 5. Fees. Before the permit is issued by the Town Clerk, the applicant shall pay to the Town a fee which shall be equal in amount to the actual disbursements made by the Town in the fixing and locating of lines and grades. No other fees or charges shall be made by the Town as a condition to the issuing of a permit.

ARTICLE III
NOTICE FOR CONSTRUCTION OR REPAIR OF SIDEWALK

Section 6. Notice to be Served. Whenever the Town Board adopts an order or orders directing the owners of the abutting respective lots or parcels of land in front of which it directs that sidewalks be built, relaid or repaired in accordance with the provisions of this ordinance, the Town Board shall specify the place and time within which such construction shall be done. The Town Clerk shall give notice of the order thereof by registered letter addressed to each such owner at his address as it appears upon the assessment roll of the Town, or, in the alternative, by publication of a notice thereof in the official paper of the Town at least twice, the first publication of which shall be at least fifteen (15) days before the time specified for the completion of the work.

Section 7. Failure to Construct or Repair Sidewalk. If, within the time prescribed within the order and notice, the sidewalks to be built, relaid or repaired, shall not have been so built, relaid or repaired, then the Board may cause the same to be done and audit and pay the expense of doing the same and assess the expense thereof against the property benefited as a whole, or in five (5) or less installments as provided in Section 200-a of the Town Law.

Section 8. Reimbursement for Cost of Construction and Repair. If such expense be assessed in installments, there shall be assessed as part of each installment, except the first, as interest, an amount not exceeding 6% of such installment, such rate to be fixed by the Town Board in the order providing for the assessment. The provisions of law applicable to the sale of tax liens shall apply to any unpaid assessed installment with the interest thereon in the same manner as though such installment and interest had been assessed as an assessment payable as a whole. Unassessed installments shall be prepayable at any time with interest computed thereon at the aforesaid rate from the date of assessment of the first installment to the date of payment of the particular installment.

If such expense be assessed as a whole and the Town Board resolution assessing such expense against a particular piece of property shall so provide, the assessment against such property may be paid in five (5) or less annual installments on the dates fixed by such resolution with interest, not exceeding 6% of each such installment, fixed by such resolution.

ARTICLE IV
USE OF EXISTING CEMENT SIDEWALKS AND HARD SURFACED WALKWAYS

Section 9. Existing Cement Sidewalks and Hard Surfaced Walkways. Any owner of realty abutting upon a street or highway situate within a certain designated area in which the Town Board has ordered sidewalks to be constructed, pursuant to the provisions of this Ordinance, and upon whose property there is situate at the time of making such order an existing cement sidewalk or hard surfaced walkway which is then being used for pedestrian travel, which has not been constructed pursuant to any approved specifications as provided by the Town of Southport, may apply to the Town Board for permission granting to such owner an additional period of time in which to construct the sidewalk as provided in such order and if the Town Board shall find that such existing cement sidewalk or hard surfaced walkway is then suitable for pedestrian travel, the Town Board may, in its discretion, extend to such owner an additional period of time to expire when the Town Board shall find that such existing cement sidewalk or hard surfaced walkway is no longer suitable for pedestrian travel. The granting of any additional period of time shall in no manner effect the other provisions of such order.

ARTICLE V
KEEPING CLEAN AND OBSTRUCTIONS

Section 10. Cleaning Sidewalks. Every owner, occupant and lessee of lands in the Town of

Southport shall keep the sidewalks abutting such lands free from obstructions, snow, ice or icy conditions and shall at all times keep such sidewalk in good and safe repair and maintain the same, clean, free from filth, dirt and weeds. No person, owner, occupant or lessee shall place or keep or suffer to be placed or kept on such sidewalks any merchandise, display signs or other material things or in any manner obstruct or interfere with the use of any such sidewalk. Nothing herein contained shall prevent the temporary placing of merchandise or household furniture on the sidewalk while loading or unloading the same providing it be done without unnecessary delay.

Section 11. Notice of Failure to Remove Snow, Ice or Other Obstructions. Written notice of violations of the provisions of Sec. 10 of this Article shall be served by the Town Superintendent of Highways on the occupant, tenant or other adult person on the premises abutting the sidewalk on which the violation exists, describing the violation and requiring the forthwith removal of the conditions constituting the violation. In event such premises are untenanted or vacant, or if tenanted or occupied, the tenant, occupant or other adult person cannot with due diligence be found on the premises, or in event notice of violation is served and the violation is not forthwith remedied, the Town Superintendent of Highways is hereby authorized and directed to cause the same to be done at the expense of the Town, and any and all such expenses to be audited and paid by the Town.

Section 12. Reimbursement for Cost of Snow Removal, Obstructions, Etc. The Town shall be reimbursed for the complete cost for the removal of conditions constituting violations of the provisions of this Article pursuant to and in accordance with the manner hereinbefore provided in Article III, Section 8.

ARTICLE VI MISCELLANEOUS

Section 13. Inspection. The inspection of all sidewalks and the construction of the same shall be the duty of and done by the Town Highway Superintendent or some other qualified person designated by the Town Highway Superintendent and approved by the Town Board. The Town Superintendent of Highways is authorized and empowered and it shall be his duty to order the discontinuance of the building, relaying or repairing of any sidewalk in the Town of Southport, in violation of any of the provisions of this Ordinance including specifications approved by the Town Board for the building, relaying or repairing of sidewalks.

Section 14. Separability Clause. If any clause, sentence, paragraph, section or part of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE VII PENALTY

Section 15. In addition to other remedies provided by law, any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not exceeding TWENTY-FIVE DOLLARS (\$25.00) for each violation.

ARTICLE VIII SAVINGS CLAUSE

Section 16. Any sidewalk constructed under or by virtue of the provisions and specifications of the Sidewalk Ordinance of the Town of Southport duly ordained on the 12th day of March, 1957, as was in force immediately prior to the time that this Ordinance shall take effect, shall be deemed to have been constructed pursuant to the specifications of this Ordinance, all other provisions of this Ordinance shall apply to such sidewalks.

ARTICLE IX
ORDINANCE REPEALED

Section 17. The Sidewalk Ordinance of the Town of Southport duly ordained on the 12th day of March, 1957, and all acts amendatory thereof and supplemental thereto and all specifications for the construction of such are hereby repealed, except as otherwise provided herein.

ARTICLE X
TITLE OF ORDINANCE AND DATE OF EFFECT

Section 18. Title of Ordinance. This Ordinance shall be known and may be cited as "The Sidewalk Ordinance of the Town of Southport".

Section 19. Date of Effect. This Ordinance shall take effect immediately upon adoption and publication as provided by Town Law.

Adopted: July 31, 1962

Published: August 15, 1962

Resolution No. 165 "RESOLUTION ADOPTING NEW SIDEWALK ORDINANCE AND SPECIFICATIONS FOR THE CONSTRUCTION OF SIDEWALKS IN THE TOWN OF SOUTHPORT"

SPECIFICATIONS FOR THE CONSTRUCTION OF SIDEWALKS
IN THE TOWN OF SOUTHPORT

Standard Details: Sidewalks shall be constructed in accordance with the standard details using job mixed concrete conforming to the specifications for concrete for sidewalks.

Sidewalk Dimensions: Sidewalks shall be 4 feet wide, unless otherwise approved. Sidewalks 4 feet or less in width shall have a total thickness of 5 inches. Sidewalks over 4 feet in width shall have a total thickness of 5 inches. A 4 inch thickness of concrete may be used at the option of the builder, but the Town Board recommends that a 5 inch thickness of concrete be used on all sidewalks.

Line and Grade: Sidewalks shall be constructed to the line and grade established by the Town Highway Superintendent or some other qualified person designated by the Town Highway Superintendent and approved by the Town Board.

Porous Fill: To replace any unsuitable subgrade material or where necessary to raise the level of the subgrade run-of-bank gravel shall be used for such purpose. Such porous fill of bank gravel shall be thoroughly compacted to minimize future settling.

Expansion Joints: Non-extruding premoulded expansion joints, extending completely through the joint, shall be placed at intervals not greater than 60 feet in sidewalks, along both street lines in sidewalks at street corners, and in joints where private walks or driveways join sidewalks.

Dimensions: Each flag shall be, except as directed, 4 feet in width, 5 feet in length and 5 inches in thickness and shall be finished to an even upper surface.

Joints: Each joint shall extend the full depth of the flag and shall be formed by metal separating strips not less than 1/4 inch thick.

CONCRETE FOR SIDEWALKS

Sidewalks shall be constructed of concrete one (1) part Portland Cement, two (2) parts sand, and three (3) parts crushed stone or gravel, 5-1/2 gallons of water per 94 pound sack of cement.

Materials: Gravel and sand shall be screened, graded and washed free from injurious amounts of clay, loam and dirt and shall be #1 size. Sand shall be coarse natural sand and not more than 10% by weight of loam will be allowed. Cement shall be Portland Cement. Mixing water shall be suitable to drink. Mixing all materials shall be accurately measured by volume and shall be mixed for at least 1-1/2 minutes in a clean approved mechanical mixer until the color is uniform and there is a uniform distribution of materials.

Placing, Finishing and Curing: Concrete shall be handled in such a manner as to prevent the segregation of materials and intrusion of foreign matter.

Concrete shall only be placed in clean, oiled forms set true to line, grade and dimensions, and only on well compacted, damp subgrades free from loose or objectionable materials and frost. Walks shall be given a "broom" finish.

The base shall be thoroughly tamped with a heavy hand tamper to form a dense homogeneous mass.

Immediately after finishing, the work shall be covered with canvas, burlap, or other approved material, which shall be kept moistened until properly cured.

Protection: Concrete shall only be placed between April 15th and October 15th, unless specifically approved by the Town Highway Superintendent or some other qualified person designated by the Town Highway Superintendent and approved by the Town Board. Precautions shall be taken to prevent freezing and to prevent the placing of concrete on frozen ground.

Location: All sidewalks shall be located one foot inside the highway limits. In the case of where it would not be feasible to so locate such sidewalks, a sidewalk may be located at a different distance upon approval by the Town Board.

Inconsistent or Other State or County Specifications: Where a sidewalk is to be constructed upon a lot or parcel of land abutting a State or County Highway, permission shall be obtained from the County Superintendent of Highways or the State Superintendent of Public Works, as the case may be, and any inconsistent or additional specifications of such Departments shall be deemed to apply and shall be followed for the construction of such sidewalks.

AN ORDINANCE FOR THE PREVENTION OF FIRE WITHIN THE TOWN OF
SOUTHPORT, CHEMUNG COUNTY, NEW YORK

BE IT ORDAINED by the Town Board of the Town of Southport, Chemung County, New York, that the Fire Prevention Ordinance of said Town be and it hereby is amended to read as follows:

FIRE PREVENTION ORDINANCE

ARTICLE I

Section 1. Scope: This Ordinance shall be known as the Fire Prevention Ordinance, and is intended to provide for fire prevention in the Town of Southport, Chemung County, New York.

Section 2. Designation and Duties of Enforcement Officer:

(a) With the approval of the Town Board, each Board of Fire Commissioners and the Board of Directors of Southport Volunteer Firemen, Inc. shall designate a district fire inspector who shall hold office at the pleasure of the Town Board. Such inspector must be an officer or member of the fire company or a member of the Board of Fire Commissioners in his district. It shall be the duty of each such district fire inspector within his district:

(1) To determine by investigation whether all laws, rules and regulations relating to fire prevention and fire equipment are being complied with; investigate the origin of all fires and keep a record thereof; investigate complaints handed him by residents of his district, the Town Board, or the Building Inspector.

(2) If there is found what appears to be a violation of any law, rule or regulation relating to fire prevention, he shall notify the violator to immediately correct the condition; in event such correction is not made, he shall notify the Town Building Inspector.

(3) Grant written approval to any circus, carnival, show or other organization that uses tents for cover, upon receipt of a written affidavit of an official of such organization that it is provided with adequate fire exits, adequate fire protection equipment, and fire proof canvas.

(b) The Building Inspector of the Town of Southport is hereby designated as the Fire Inspector, the officer to enforce the provisions of this Ordinance. It shall be his duty to:

(1) Perform the functions of the district fire inspectors in that portion of the town outside of any fire district or fire protection district.

(2) Investigate violation reported to him by any district fire inspector and, if a violation exists, submit a report thereon to the Town Board.

Section 3. Powers of Inspector: The Fire Inspector and District Fire Inspectors are hereby authorized and empowered:

(a) At all reasonable hours, to enter any public building or premises, or any building used to store inflammable materials, for the purpose of making any investigation or inspection required by this Ordinance.

(b) To request the Town Attorney to assist them in the investigation of any fire which is of suspicious origin.

(c) To direct and require police officers to assist them in the enforcement of the provisions of this Ordinance when necessary.

Section 4. Dangerous Conditions: No owner or occupant of premises in the Town of Southport, shall permit on his premises:

(a) Accumulations of waste paper, hay, grass, straw, weeds, vines, or other growth, litter or combustible or flammable waste or rubbish of any kind which are likely to cause fires or create danger of fires. In case of a violation of this subdivision is discovered in any fire district, the district fire inspector shall perform this function; and elsewhere the fire inspector shall perform this function.

(b) Obstacles to or on fire escapes, stairs, hallways, passageways, doors or windows which could interfere with the egress of occupants or with the work of firemen in case of fire.

Section 5. Fire Drills in Schools: It shall be the duty of the person in charge of every public or private school or educational institution to hold one fire drill each month that school is in session. Any school required by the New York State Education Law to hold fire drills is exempted from this section.

Section 6. School Doors to be Kept Unlocked: All doors and exits in every educational institution, public and private, shall be kept unlocked during school hours and while the same are being used for assemblages.

Section 7. Above Ground Storage of Flammable Liquids: The storage of flammable liquids in above ground tanks exceeding 350 gallons individual capacity or 700 gallons aggregate capacity, outside of buildings is prohibited except as follows:

(a) Such tank shall be so located that the distance between any part of the tank and the nearest line of adjoining property which may be built upon shall be not less than 20 feet.

(b) The distance between such tanks shall not be less than three (3) feet. For tanks above 50,000 gallons individual capacity storing any flammable liquid, the distance between tanks shall be not less than one half the diameter of the smaller tank.

(c) Tanks shall rest directly on the ground or on foundations or supports of concrete, masonry, piling, or steel. Exposed piling or steel supports shall be protected by fire-resistive materials to provide a fire-resistance rating of not less than two hours.

(d) Each connection to an aboveground tank storing flammable liquid located below normal liquid level, shall be provided with an internal or external control valve located as close as practicable to the shell of the tank. Except for flammable liquids whose chemical characteristics are incompatible with steel, such valves, when external, and their connection to the tank shall be of steel.

(e) Any such tank or group of tanks located within 200 feet of any building used for habitation, assembly, or business, or within 200 feet of any waterway, shall be diked or the yard shall be provided with a curb or other suitable means taken to prevent the spread of liquid onto other property or waterways. Where a diked enclosure is required under this section, it shall have a net capacity not less than that of the largest tank, plus 10 per cent of the aggregate capacity of all other tanks served by the enclosure. Such dikes or retaining walls shall be of earth, concrete or masonry designed to be liquid tight and to withstand a full hydraulic head, and so constructed as to provide the required protection.

Section 8. Aisles & Passageways to be Kept Clear: All doors, aisles and passageways within

and leading into or out of theatres, churches, and all other places of public assemblage shall be kept free from any article or articles that might obstruct or delay the exit of the audience, congregation or assemblage during the entire time which any assemblage may be held, and it shall be unlawful for any person to sit or stand or remain seated or standing, or to allow any other person to so remain in any such place of public assemblage in any aisle or in any exit or passage required for the safe exit of the assemblage. Clear passage from all exits and on sidewalks must at all times be maintained outside of all theatres and other places of public assemblage. No aisle, passage, or stairway in any store shall be obstructed with tables, show cases, or other obstruction during the hours said store is open to the public.

Section 9. Fire Prohibited:

(a) No person shall kindle, maintain or authorize any bonfire or rubbish fire on any public street, alley, road or other public ground without authorization from the Fire Inspector or District Fire Inspector.

(b) No person shall kindle, maintain or authorize any bonfire or rubbish fire on any private land unless:

(1) The location is not less than 50 feet from any structure and adequate provisions be made to prevent fire from spreading to within 50 feet of any structure, or

(2) The fire is contained in a waste burner so constructed that no portion of material therein can be blown from the container while burning and so located as to be not less than 15 feet from any structure.

(c) No person shall intentionally burn or allow to be burned any structure without prior authorization from the Fire Inspector or the District Fire Inspector.

(d) The Board of Fire Commissioners in any fire district, the Board of Directors of any fire company in any fire protection district, and the Town Board as to any unprotected district, by a resolution duly passed, may prohibit any or all bonfires and outdoor rubbish fires on any private land during the period of time from one hour after sunset to one hour before sunrise or for any other definite period of time when atmospheric conditions or local circumstances make such fires hazardous.

Section 10. Circuses, Carnivals, Show, & Religious Meetings: No Circus, Carnival, Show or Religious gathering that uses tents for cover shall be permitted within the borders of the Town of Southport unless they have obtained a written permit from the Fire Inspector or the District Fire Inspector, upon proof of adequate fire-exits, fire-proof canvas, and adequate fire protection equipment.

Section 11. Violations and Penalties: Any person, firm or corporation violating any provision of this Ordinance or who shall violate or fail to comply with any order made thereunder shall, for each and every such violation and non-compliance, be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$100.00 or imprisonment for not more than one year, or both such fine or imprisonment for each such violation.

In addition, any person, firm or corporation, violating any provision of this Ordinance or failing to comply with any order made thereunder shall be liable to the Town to pay a penalty in the sum of \$50.00, such sum to be recovered in a civil action brought by the Town under Section 135 of the Town Law.

Each ten (10) days or part thereof that prohibited conditions are maintained shall constitute a separate misdemeanor and shall make such violation subject to a separate penalty.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

The penalties for violations as above provided shall be in addition to any fine provided for herein.

Section 12. Inconsistent Ordinances Repealed: All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Section 13. This Ordinance shall take effect immediately after the same shall have been published in accordance with Article 9 of the Town Law.

BY ORDER OF THE TOWN BOARD
TOWN OF SOUTHPORT, NEW YORK

DATED: July 12, 1955