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LIVONIA VILLAGE CODE

By definition, "Code" is the organized collection of local laws, ordinances and certain resolutions of the Livonia Village Board.

Residents: Just about four years ago, Kevin Masterson and I came to realize that our Village Code Book was in need of some serious TLC. We contracted with General Code, the company that specializes and provides this kind of assistance. This Local Law, 1-2017, is the culmination of four years of work involving the following people: Kevin Masterson and Adam Backus (Planning/Zoning), Lisa Bennett (Assessor), Roxanne Clark (Dog Control), the Livonia Village Board, Peter Skivington (Village Attorney), Tom Preston (Financial Officer) and staff members Rhonda Roeser, Dennis Palmer and Jo Ann Weber.

There are thirteen (13) pages of modifications to our present Code. All of these changes reflect the contributions of the previously mentioned people. Copies are available in the Village Office.

There will be a Public Hearing on LL#1-2017 Wednesday, September 13th at 7:00 p.m. in the Village Office.

Cal Lathan

**Village of Livonia
Code Adoption Local Law**

**Schedule A
Specific Revisions at Time of Adoption of Code**

Chapter 9, Boards, Commissions and Committees.

Article II, Joint Zoning Board of Appeals.

- A. Section 9-4, Appointment of Joint Zoning Board of Appeals, is amended to read as follows:

The Joint Zoning Board of Appeals is created by the Village and Town of Livonia as provided in § 155-15 of this Code.

- B. Former § 9-6 of the 1998 Code, Chairperson, is repealed.

Article III, Joint Planning Board.

- A. Section 9-8, Appointment of Joint Planning Board, is amended to read as follows:

The Joint Planning Board is created by the Village and Town of Livonia as provided in § 155-18 of this Code.

- B. Former § 9-11 of the 1998 Code, Chairperson, is repealed.

Chapter 16, Defense and Indemnification.

Section 16-3A(1) is amended as follows: "...within five 10 days after he is served with such document."

Chapter 53, Records.

Article II, Public Access.

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

**ARTICLE II
Public Access**

§ 53-3. Purpose and scope.

- A. The people's right to know the process of government decisionmaking and the documents and statistics leading to determinations is basic to our society. Access to

such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.

- B. These regulations provide information concerning the procedures by which records may be obtained.
- C. Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 53-4. Designation of records access officer.

- A. The Board of Trustees of the Village of Livonia is responsible for ensuring compliance with the regulations herein and designates the Village Clerk and, in his or her absence, the Deputy Village Clerk as records access officer, who shall be responsible for ensuring appropriate response to public requests for access to records.
- B. The records access officer is responsible for insuring appropriate response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so. The records access officer shall ensure that municipality personnel:
 - (1) Maintain an up-to-date subject matter list.
 - (2) Assist persons seeking records to identify the records sought, if necessary, and, when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
 - (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
 - (4) Upon locating the records, take on of the following actions:
 - (a) Make records available for inspection; or
 - (b) Deny access to the records in whole or in part and explain in writing the reasons therefor.
 - (5) Upon request for copies of records:
 - (a) Make a copy available upon payment or offer to pay established fees, if any, in accordance with § 53-10; or
 - (b) Permit the requester to copy those records.
 - (6) Upon request, certify that a record is a true copy; and
 - (7) Upon failure to locate records, certify that:

- (a) The Village of Livonia is not the custodian for such records; or
- (b) The records of which the Village of Livonia is a custodian cannot be found after diligent search.

§ 53-5. Location.

Records shall be available for public inspection and copying at:

Office of the Village Clerk
36 Commercial Street
Livonia, New York

§ 53-6. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

§ 53-7. Requests for public access to records.

- A. A written request may be required, but oral requests may be accepted when records are readily available.
- B. If records are maintained on the Internet, the requester shall be informed that the records are accessible via the Internet and in printed form either on paper or other information storage medium.
- C. A response shall be given within five business days of receipt of a request by:
 - (1) Informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - (2) Granting or denying access to records in whole or in part;
 - (3) Acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied, in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than 20 business days after the date of the acknowledgement, or if it is known that circumstances prevent disclosure within 20 business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted, in whole or in part; or
 - (4) If the receipt of request was acknowledged in writing and included an approximate date when the request would be granted, in whole or in part, within 20 business days of such acknowledgement, but circumstances prevent disclosure within that time, providing a statement in writing within 20 business days of such acknowledgement specifying the reason for the inability

to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.

- D. In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the municipality, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- E. A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
- (1) Fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
 - (2) Acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
 - (3) Furnishes an acknowledgement of the receipt of a request within five business days with an approximate date for granting or denying access, in whole or in part, that is unreasonable under the circumstances of the request;
 - (4) Fails to respond to a request within a reasonable time after the approximate date given or within 20 business days after the date of the acknowledgement of the receipt of a request;
 - (5) Determines to grant a request, in whole or in part, within 20 business days of the acknowledgement of the receipt of a request, but fails to do so, unless the municipality provides the reason for its inability to do so in writing and a date certain within which the request will be granted, in whole or in part;
 - (6) Does not grant a request, in whole or in part, within 20 business days of the acknowledgement of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted, in whole or in part; or
 - (7) Responds to a request, stating that more than 20 business days is needed to grant or deny the request, in whole or in part, and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

§ 53-8. Subject matter list.

- A. The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.

- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

§ 53-9. Denial of access to records.

- A. Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, who or which shall be identified by name, title, business address and business phone number.
- B. If requested records are not provided promptly, as required in § 53-7 of these regulations, such failure shall also be deemed a denial of access.
- C. The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Livonia Village Board
Trustees of the Village
36 Commercial Street
Livonia, New York

- D. Any person denied access to records may appeal within 30 days of a denial.
- E. The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - (1) The date and location of requests for records;
 - (2) A description, to the extent possible, of the records that were denied; and
 - (3) The name and return address of the person denied access.
- F. A failure to determine an appeal within 10 business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial, in writing, shall constitute a denial of the appeal.
- G. The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

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

- H. The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination, in writing, within 10

business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in Subsection F of this section.

§ 53-10. Fees.

- A. There shall be no fee charged for:
- (1) Inspection of records;
 - (2) Search for records; or
 - (3) Any certification pursuant to this article.
- B. Copies may be provided without charging a fee.
- C. Fees for copies may be charged, provided that:
- (1) The fee for copying records shall not exceed \$0.25 per page for photocopies not exceeding nine by 14 inches. This section shall not be construed to mandate the raising of fees where municipalities in the past have charged less than \$0.25 for such copies;
 - (2) The fee for photocopies of records in excess of nine inches by 14 inches shall not exceed the actual cost of reproduction; or
 - (3) A municipality has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
- D. The fee a municipality may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
- (1) An amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
 - (2) The actual cost of the storage devices or media provided to the person making the request in complying with such request; or
 - (3) The actual cost to the municipality of engaging an outside professional service to prepare a copy of a record, but only when a municipality's information technology equipment is inadequate to prepare a copy and if such service is used to prepare the copy.
- E. When a municipality has the ability to retrieve or extract a record or data maintained in a computer storage system with the reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from nonelectronic records, the municipality shall be required to retrieve or extract such record or data electronically. In such case, the municipality may charge a fee in accordance with Subsection D(1) and (2) above.

- F. A municipality shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an employee's time is needed or if it is necessary to retain an outside professional service to prepare a copy of the record.
- G. A municipality may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- H. A municipality may waive a fee, in whole or in part, when making copies of records available.

§ 53-11. Public notice.

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

§ 53-12. Severability.

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

Chapter 69, Animals.

Article I, Control of Dogs.

- A. Section 69-4, Seizure, impoundment, redemption and adoption, is amended to read as follows:
 - A. Any dog found in violation of the provisions of § 69-3 of this article may be seized pursuant to the provisions of § 118 of the Agriculture and Markets Law.
 - B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption period set forth in § 118 of the Agriculture and Markets Law.
 - C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to Article 7 of the Agriculture and Markets Law and by paying the redemption fees set forth in § 118 of said article.
 - D. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provisions of § 118 of the Agriculture and Markets Law.
 - E. All impoundment fees shall be the property of the County of Livingston and shall be used only for the controlling of dogs and the enforcement of this article.

- B. Section 69-5, Penalties for offenses, is amended to read as follows:

Except as otherwise provided in § 118 of the Agriculture and Markets Law, any person convicted of a violation of this article shall be deemed to have committed a violation and shall be subject to a fine not exceeding \$250 or imprisonment for a period not exceeding 15 days.

Chapter 76, Brush, Grass and Weeds.

Article I, General Provisions.

Section 76-3, Prohibition, is amended as follows: "No holder of any land within the Village of Livonia shall permit the accumulation of rubbish on the subject premises or permit the growth of brush, grass or weeds more than ~~nine~~ 10 inches high or the accumulation of nondecorative poisonous shrubs or weeds."

Article II, Pickup Policy.

This article is repealed.

Chapter 80, Building Construction and Fire Prevention.

Section 80-9, Unsafe buildings and structures, is amended as follows: "Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the procedures established by ~~Local Law Number 2 of 2001 & Local Law Number 2 of 2005~~ Chapter 88, Unsafe Buildings, as now in effect or as hereafter amended from time to time."

Chapter 84, Buildings, Numbering of.

Section 84-4C is amended as follows: "All numbers shall be Arabic in design only, shall measure a minimum of four inches in height with a minimum stroke width of 0.5 inches and shall sharply contrast in color from the structure or background of the post."

Chapter 88, Buildings, Unsafe.

- A. The following definition is added to § 88-3, Definitions:

UNSAFE BUILDINGS:

- A. Buildings or other structures which have any of the following defects:
- (1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

- (2) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of nonsupporting enclosing or outside walls or covering.
- (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those which have been damaged by fire, wind, snow load or other causes so as to have become dangerous to the life, safety and general welfare of the residents of the Village.
- (5) Those which have become or are so dilapidated, decayed, unsafe or unsanitary that they are unfit for occupation by humans or animals or for use for storage.
- (6) Those buildings intended or used for human occupation that are inadequate to protect the health, safety and general welfare of human residents living therein.
- (7) Those buildings that lack adequate facilities for ingress and egress in case of fire or other emergency or those having insufficient stairways, elevators, fire escapes or other means of escape.
- (8) Those which have parts thereof which are so attached that they may fall and injure persons on the property or members of the general public or cause damage to other property.
- (9) Those buildings which violate the provisions of the New York State Uniform Fire Prevention and Building Code, the Zoning Law of the Village, the Property Maintenance Code of New York State, the Building Code of New York State, the Fire Code of New York State, the Residential Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Energy Code of New York State and any other applicable laws of the State of New York, County of Livingston or the Village.
- (10) Any building which remains vacant and unattended continuously for a period of one year or longer, without adequate safeguards to prevent unauthorized entry.

B. This Code provision shall be applicable to all properties in the Village, whether existing at the time of the adoption of this provision or constructed thereafter.

B. Section 88-4, Investigation and report, is amended as follows: "When in his own opinion or upon receipt of information that a building is or may become dangerous or unsafe to the general public, is open at the doorways and windows making it accessible to and an object of attraction to people under 18 years of age, as well as to vagrants and other trespassers, is or may become a place of rodent infestation, presents any other danger to the health, safety, morals and general welfare of the public or is unfit for the purposes for which it may lawfully be used, ~~he~~ the Code Enforcement Officer or authorized representative shall cause or

make an inspection thereof and report in writing to the Board of Trustees his findings and recommendations in regard to its repair or demolition and removal.”

Chapter 130, Subdivision of Land.

Section 130-9, Cluster developments, Subsections A and B, are amended as follows:

- A. The Joint Planning Board may require a cluster development for residential uses in NR, ~~ARC-3, ARC-5~~ and ~~TD~~ MU Districts in accordance with site plan review and subdivision approval procedures, the requirements specified in Article XIII of Chapter 155, Zoning, § 278 of New York State Town Law or § 7-738 of New York State Village Law, and the following procedures.
- B. Voluntary application. An owner of property within the NR, ~~ARC-3, ARC-5~~ and ~~TD Residential or Transitional Zoning~~ or MU Districts may make application under this section at the sketch plan application, provided that the site meets the minimum requirements as established by Chapter 155, Zoning.

Chapter 136, Taxation.

Article I, Utility Tax.

- A. Section 136-3, Definitions, is amended to delete the definitions and to read as follows: “The terms used in this article shall have the definitions as set forth in Tax Law § 186-a.”
- B. Section 136-10 is amended as follows: “The tax imposed by this article shall be charged against and be paid by the utility and may ~~shall not~~ be added as a separate item to bills rendered by the utility to customers or others ~~but shall constitute a part of the operating costs of such utility.~~”

Article III, Disabled Persons Exemption.

Section 136-24, Maximum income, is amended to read as follows:

To be eligible for the exemption authorized by Real Property Tax Law § 459-c and implemented by this article, the maximum income of such person shall not exceed \$20,000. Any such person having higher income shall be eligible for an exemption in accordance with the following schedule:

Annual Income	Residential Exemption
\$0.00 to \$20,000	50%
\$20,000.01 to \$20,999.99	45%
\$21,000 to \$21,999.99	40%
\$22,000 to \$22,999.99	35%

Annual Income	Residential Exemption
\$23,000 to \$23,899.99	30%
\$23,900 to \$24,799.99	25%
\$24,800 to \$25,699.99	20%
\$25,700 to \$26,599.99	15%
\$26,600 to \$27,499.99	10%
\$27,500 to \$28,399.99	5%

Article IV, Senior Citizens Exemption.

A. Section 136-26 is amended as follows: "The amount of income to determine eligibility for tax exemption under § 467 of the Real Property Tax Law is increased to ~~\$12,500~~ \$20,000."

B. Section 136-27, Maximum income, is amended to read as follows:

To be eligible for the exemption authorized by Real Property Tax Law § 467 and implemented by this article, the maximum income of such person shall not exceed \$20,000. Any such person having higher income shall be eligible for an exemption in accordance with the following schedule:

Annual Income	Residential Exemption
\$0.00 to \$20,000	50%
\$20,000.01 to \$20,999.99	45%
\$21,000 to \$21,999.99	40%
\$22,000 to \$22,999.99	35%
\$23,000 to \$23,899.99	30%
\$23,900 to \$24,799.99	25%
\$24,800 to \$25,699.99	20%
\$25,700 to \$26,599.99	15%
\$26,600 to \$27,499.99	10%
\$27,500 to \$28,399.99	5%

Chapter 142, Vehicles and Traffic.

A. In § 142-1B, the term defined as "BUSINESS DISTRICT" is revised to "COMMERCIAL DISTRICT."

B. Section 142-4, School speed limit, is repealed.

C. Section 142-5, One-way streets, is repealed.

- D. Section 142-6, Restricted access, is repealed.
- E. Section 142-10, Parallel parking, is amended to add the following sentence:
“Vehicles should be parked in an appropriately designated parking space so marked by signage and road paint.”
- F. Section 142-12, Parking prohibited, is amended to read as follows:

§ 142-12. Parking prohibited.

The parking of vehicles is prohibited in the following locations:

Name of Street	Location
Big Tree Street	Both sides
Bowen Parkway	West side
Branch Street	West side
Church Street	North side from the Prettejohn Lot to Spring Street
Grove Street	Both sides
High Street	East side
Linden Street	East side from Main Street to North Street
School Street	Both sides from Commercial Street to Branch Street
School Street	North side from Branch Street to Spring Street
Spring Street	East side from Big Tree Street to Puppy Lane
Washington Street	West side

- G. In § 142-15, Parking time limited in designated locations:
 - (1) The entries for Commercial Street and Main Street are revised to change the limits from “In the Business District” to “In the Commercial District.”
 - (2) The entry for Washington Street is amended to change the side from “both” to “east.”
- H. Section 142-16, Handicapped parking, is amended to add the following sentence:
“Handicapped parking tags must be prominently displayed.”
- I. Section 142-17, Penalties for offenses, is amended to change the fine from \$25 to \$10.
- J. Section 142-19 is amended to add the following parking lots:

Lot Name	Limits
Keystone Lot	The lot is at the southeast corner of Main Street and Commercial Street
Patterson Lot	The lot is on Washington Street and adjacent to the Livonia Public Library

- K. Section 142-20, Long-term parking, is amended as follows: "No person shall park any vehicle for more than 36 hours in any Village parking lot or in any Village park.
- L. Section 142-23 is amended to read as follows:

§ 142-23. Parking time limited in designated locations.

- A. Parking for more than three hours is prohibited at the following locations:

Name of Lot	Side	Hours
Field Lot	Entire lot	From 6:00 a.m. to 6:00 p.m.
Keystone Lot	Entire lot	From 6:00 a.m. to 6:00 p.m.
Patterson Lot	Entire lot	From 6:00 a.m. to 6:00 p.m.

- B. Overnight parking is prohibited at the following locations for the entire lot: Brooks Lot, Didas Lot, Gazette Lot, Keystone Lot and Patterson Lot.

Chapter 155, Zoning.

- A. Section 155-5, Definitions.

- (1) The definition of HOME OCCUPATION is amended as follows:

HOME OCCUPATION — Any occupation or profession, excluding retail sales to customers or motor vehicle repairs on the premises, which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

- (2) The definition of NONCONFORMING BUILDING is amended as follows:

NONCONFORMING BUILDING — A building lawfully existing at the date of adoption of this chapter or any amendment thereto which in its design or location upon a lot does not conform to the regulations of this chapter for the zoning district in which it is located.

- B. The first sentence in § 155-12, Public hearing, is amended to change "Town Law § 274-a" to "Town Law § 274-b."
- C. Section 155-32K, Definitions, is repealed.

- D. Sections 155-54D, 155-61E, G and H, 155-69D(1)(b) and the definition of BUILDING in § 155-5 are amended to change references to “mobile homes” or “mobile home parks” to “manufactured homes” or “manufactured home parks.”
- E. Section 155-68C(8) is amended as follows: “...shall be in conformance with the regulations of the Nuclear Regulatory Commission, as set forth in Title 10, Department of Health, Chapter 1, State Sanitary Code, Part 20 16, Ionizing Radiation, as amended, and all applicable regulations of the State of New York.”
- F. Section 155-91, Definitions.
- (1) The definition of NONCONFORMING SIGN is amended as follows:
- NONCONFORMING SIGN — Any sign lawfully existing at the date of adoption of this chapter or any amendment thereto that does not meet the requirements of this article.
- (2) The definition of SIGN PERMIT is amended as follows: “No sign shall be hereafter erected, placed or maintained at any place in the Village of Livonia or the Town of Livonia except as provided by this article...”
- G. Section 155-96A(2) is repealed.
- H. Section 155-96G is amended as follows “Businesses in residential Mixed Use districts shall comply with the ~~business~~ Commercial District requirements for signs unless otherwise restricted in this article.”
- I. Section 155-111C is amended as follows: “Applicability. This authorization shall be applicable to ~~residential and Mixed-use zoning districts~~, MU and NR Districts within Livonia and shall be used only when the Joint Planning Board determines that its use will benefit the community.”
- J. In § 155-116D, the title of the US Department of Agriculture’s “Soil Conservation Service” is updated to its current title “Natural Resources Conservation Service.”