

WATER

Chapter 94

WATER

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[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward 3-30-2004 by L.L. No. 1-2004.¹ Amendments noted where applicable.]

§ 94-1. Definitions.

- A. Terms defined as used in this chapter shall have the meanings indicated:

BACKFLOW — The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources other than its intended source.

BACK-SIPHONAGE — The flowing back of used, contaminated or polluted water from a plumbing fixture or vessel into a water supply pipe due to negative pressure in such pipe.

BUILDING — A structure built, erected and framed of component structural parts designed for the housing, shelter, enclosure or support of persons, animals or property of any kind.

¹ Editor's Note: This local law supersedes former Ch. 94, Water, adopted 4-7-1986 by L.L. No. 1-1986.

BUILDING WATER SERVICE — That pipe which extends from the termination of the public water service pipe to the water distribution system of the building served.

CROSS-CONNECTION — Any connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable origin, or steam, gas or chemical, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

DWELLING UNIT or FAMILY UNIT — A building or part thereof arranged or designed to provide living and sanitary facilities for only one family.

MULTIPLE DWELLING UNIT or MULTIFAMILY RESIDENCE — A building containing two or more dwelling or family units.

OWNER — A proprietor; one who owns or has exclusive right of possession.

PERSON — Any individual, his or her heirs, executors, administrators and includes a firm, partnership, corporation, company, association, society, church, school and its successors.

PLUMBING FIXTURES — The installed receptacles, devices or appliances which are supplied with water or which receive or discharge liquids.

POLLUTED WATER — Water in which there are micro-organisms, chemical or waste materials in a concentration which renders the water harmful or objectionable.

POTABLE WATER — Water which is satisfactory for drinking, cooking and domestic purposes and meets the requirements of the health authority having jurisdiction.

PUBLIC WATER MAIN — Water supply pipe for public use controlled by the Village.

PUBLIC WATER SERVICE PIPE or PUBLIC WATER SERVICE — That part of the water service pipe to the building which is constructed by the Village from the public water main in the public way to the property line.

PUBLIC WATER SUPPLY SYSTEM or WATERWORKS — The works, structures, equipment and processes required to supply, treat and distribute water to people at large or to any considerable number of members of the public indiscriminately for domestic, commercial, industrial and fire uses.

SINGLE-FAMILY DWELLING or SINGLE FAMILY RESIDENCE — A building arranged or designed to provide living and sanitary facilities for only one family.

SUPERINTENDENT — The Superintendent of Waterworks, Street Superintendent in the Village of Fort Edward or his authorized officers or agents.

VILLAGE — The Trustees of Village of Fort Edward, a municipal corporation of the State of New York and/or its duly authorized officers or agents.

WATER MAIN or MAIN — The principal pipes of a water supply system to which water services may be connected.

WATER PLUMBING SYSTEM — The water supply and distribution pipes, plumbing fixtures and traps and water-treating or water-using equipment, including their respective connection within the property line of the premises.

WATER SERVICE PIPE or WATER SERVICE — The pipe from the water main to the building served.

WATER SUPPLY PIPING — The water-distributing pipes and necessary connecting pipes, fittings, and control valves in a building which convey water from the

water service pipe to plumbing fixtures and other water outlets.

§ 94-2. Village liability for water shutoff.

The Village will not be liable for any damage which may result to water customers from the shutting off of a water main or service for any purpose, even when no notice is given, and no deduction from bills will be made.

§ 94-3. Maintenance and repair of water fixtures.

Persons taking Village water must keep the meter and pipes in good repair and protected from freezing at their expense. Any costs incurred by the Village will be billed to the property owner.

§ 94-4. Location of water fixtures; connection.

- A. Applicants for Village water must designate the position of water fixtures to the Street Superintendent so it can be determined the location of the fixtures will prohibit the fixtures from freezing. All excavations for building water service installation shall be adequately guarded with barricades and lights to protect the public from hazard or injury. Streets, sidewalks, and other public property disturbed in the course of the work will be restored in a manner satisfactory to the Village.
- B. The applicant for the building water service permit shall notify the Village when the building water service is ready for inspection and connection to the public water service and before the water service installation is backfilled or covered. The connection will be made under the supervision of the Street Superintendent or other authorized Village representative. The applicant shall obtain the Street Superintendent's approval before backfilling or covering the water service pipe.

§ 94-5. Water for individual premises only.

No water user will be allowed to supply water to others. A violation of this section could result in termination of water service. No more than one building will be supplied by a single tap.

§ 94-6. Right to inspect property.

The Village may enter the premises of any water user at a reasonable time to examine water fixtures. If a fixture is found to be damaged or tampered with the Village will terminate water service and prosecute the water user.

§ 94-7. Leaks in pipes.

All leaks on premises must be promptly repaired by the owner or occupant. Failure to promptly repair may result in termination of service.

§ 94-8. Curb box.

Metallic curb boxes must be used. Wooden boxes are prohibited.

§ 94-9. Request for discontinuance of service.

Any water user wishing to discontinue water service must give written notice to the office of the Village Clerk.

§ 94-10. Reconnection of water service.

Whenever water service has been terminated for nonpayment of water bills or for violation of rules and regulations, the Village Board must approve the continuance of service.

§ 94-11. Payment of rents.

All bills are payable semiannually during the months of April and October at the office of the Village Clerk. A penalty of 10% will be added to all bills not paid by a specific date determined by the Village Board. In the event the bills are unpaid, the Village may terminate water service, and payment will be enforced pursuant to Chapter 507, Laws of the State of New York. In the event a meter cannot be installed at the premises, the Village Board will establish a minimum usage.

§ 94-12. Meters.

- A. The Village Board reserves the right to attach meters to any service pipe at any time, whenever it shall deem it appropriate, and charge for the quantity of water measured.
- B. Each property owner shall install a water meter for each dwelling or building connected to the Village's water system. The water meter will remain under the ownership of and will be maintained by the Village as far as ordinary wear and tear is concerned. The property owner shall be responsible for any damage to the meter not caused by the Village.
- C. The Village will determine the we and type of any water meter.
- D. It shall be unlawful for any person not specifically authorized by the Village to interfere with, remove, replace or tamper with a meter or meter seal.
- E. No connectors shall be made to any water service pipe between the water main and the meter; all water used shall pass through the meter. If an unlawful connection is found, the water wilt be shut oft and the premises fined.
- F. Where the water meter fails to register the total amount of water used, the property owner shall pay for the period estimated amount based on consumption in a

similar period. The property owner shall notify the Village of any damage to, or any cessation in registration of, the water meter as soon as it comes to knowledge. If an estimated consumption for a similar period is unavailable, a minimum usage of 25,000 gallons will be used for billing purposes.

- G. Any property owner who fails to install a water meter, which will be supplied by the Village, as required pursuant to this chapter within 30 days after such written notice to the property owner by ordinary first class mail at his address stated in the Village property tax rolls shall be liable to the Village for the following additional charge: \$150 per billing period until the water meter has been installed.
- H. If a property owner has difficulty or hardship in installing a water meter as required under this chapter, the Village may grant the property owner a variance in installation of such water meter, but subject to terms and conditions as the Village deems appropriate. Rates for properties receiving variances will be reviewed from time to time by the Village.
- I. It shall be the duty of the Village or such employee of the Village to seal all water meters, and bypass valves on waterlines of metered customers. The type and kind of seal used shall be determined and furnished by the Village. The breaking of any seal, or the authorizing thereof, or the opening of any water meter by pass valve, or the authorizing thereof by any person, firm or corporation is prohibited except by the Village or its representative.
- J. After three attempts by the Village to get access to the owners' property to check or repair the meter, the owners will be charged \$200 per billing period until the water meter is repaired.

§ 94-13. Maintenance by Village and property owners; complaints.

- A. The Village will maintain all water service from the street main to the property line.
- B. All pipes and appurtenances on private property shall be maintained by, and at the expense of, the property owner. The Village, where it shall deem such action necessary, may do maintenance or repair work on private property, in which case the cost, including overhead expenses, shall be paid by the property owner. The cost of any work outside of the property line made necessary by the neglect or through the action of a property owner or tenant shall be charged to the property owner.
- C. In the event of a complaint regarding a leak on a water service, the Village will determine if the leak is a public hazard, in which case the leak will then be repaired by the Village. If it is found that the leak is not the Village's responsibility the owner will be notified, and it shall be his responsibility to have the leak repaired at once by a plumber at the owner's expense. If the property owner fails to make such repairs within five days after written notification by the Village, the Village, in order to conserve water and protect the health of the residents, will make such repairs as are necessary and will bill the owners for the cost of such work.

§ 94-14. Use of villages water system; right to impose restrictions.

Water from the Village's system may be used for residential, business, industrial and public purposes. The Village reserves the right to impose at any time such restrictions on the use of water as, in its judgment, may be necessary.

§ 94-15. Use of fire hydrants.

- A. No person, other than an authorized employee of the Village or a member of the Fire Department acting under order of the Fire Chief or his representative in the performance of his duties, may operate a public fire hydrant, unless in possession of a permit from the Village.
- B. Public or private fire hydrants may not be used for flushing or for any other purposes except for special written permission of the Village, for the time and at the location specified. If such permission is granted, the water used shall be paid for by the user, who shall be charged for the water at the prevailing water rates.

§ 94-16. Approved water supply, plumbing fixtures and piping; inspection of systems.

- A. All buildings which are served with public water from the Village's system shall have approved water supply and plumbing fixtures and piping. Where the fixtures do not exist, or are not in good condition, in the judgment of the Village, they shall be altered or repaired, as the case may be, in such a manner as shall be required and within the time named, by notice served by the Village upon the property owner or occupant.
- B. The Village may at any time inspect existing plumbing systems and require such modifications as in its judgment may be necessary to put said plumbing in an approved, sanitary condition.

§ 94-17. Potable water supply systems, cross connections.

- A. Potable water supply systems shall be designed, installed and maintained in such manner as to prevent nonpotable liquids, solids, or gases from being introduced

into the potable water supply through cross-connections or any other piping connections to the system.

- B. Piping conveying potable water shall be constructed of nontoxic material. No chemicals or other substances that could produce either toxic conditions, taste, odor or discoloration in a potable water system shall be introduced into or used in such systems. The interior surface of a potable water tank shall not be lined, painted or repaired with any material which will affect either the taste, odor, color or potability of the water supply when the tank is placed in or returned to service.
- C. No physical connection or cross-connection shall be permitted between the public water supply and an industrial, fire or other auxiliary or emergency water supply source. This prohibition applies to all piping systems, whether inside or outside of any building or buildings.
- D. Backflow or back siphonage.
 - (1) No plumbing fixture or device shall be installed which will provide a cross-connection between the Village's water supply and a drainage or sewerage system so as to permit or make possible the backflow of sewage or waste into the Village's water supply, nor shall any plumbing fixture or device be installed which will provide a possible cross-connection between the Village's water supply system and any well, spring, cistern, river or other private source of water supply. No water closet bowl shall be supplied directly from a domestic water supply system through a flush valve unless such valve is set above the water closet bowl in a manner so as to prevent any possibility of polluting the water supply and the valve is protected by an approved air-break or backflow preventors.
 - (2) In order to prevent back-siphonage, all heating plants connected to the water system shall have a Village-approved check valve installed on the

waterline supplying the plant, and the check valve shall be installed ahead of the plant's automatic water feed or ahead of the boiler shut-off valve.

- (3) All humidifiers or similar devices having the water inlet below the overflow level shall be equipped with a Village-approved nonsiphon ball cock.
 - (4) Water which has been used for cooling or heating purpose shall not be reused for domestic purposes.
- E. For soda, bar, laboratory, dental, medical, surgical and other appliances requiring either a waste supply connection and plumbing fixtures, no such fixture may be connected to either a waste or water supply unless the fixture is approved as free of any possibility of cross-connection or back siphonage. Dental, surgical, or other aspirators shall not be of the type operated by water pressure, unless equipped with a Village-approved vacuum break device.

§ 94-18. Unlawful acts; arrest.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure or equipment which is a part of the waterworks. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct or for violation of the laws of the State of New York.

§ 94-19. Authorized Village personnel.

The Village and other duly authorized employees or representatives of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspections, observations, measurements, sampling, meter reading and repair, removing and testing water meters.

§ 94-20. Industrial process water supply.

The Village or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the interconnection of potable water supply lines with industrial process water supply systems and on the amounts of water required from the public water supply system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

§ 94-21. Deposits to cover connection charges.

The Village is authorized to require a deposit of up to 100% of the estimated cost of connecting to the Village water mains. All costs and expense incidental to the installation and connection of the building water service will be borne by the owner. The owner will indemnify the Village from any loss or damage that may directly or indirectly be the result of the installation of the building water service. No unauthorized person shall uncover, make any connectors with, use, or disturb any public water main or water service without first obtaining a written permit from the Village Board or its representatives. There shall be three classes of building water service permits: (1) residential service, (2) commercial service, (3) industrial service. In each case, the owner or his agent shall make application to the Village for a permit. When requested, the permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Village.

§ 94-22. Right to increase rates and change classifications.

The Village reserves the right to increase or decrease the rates and charges and to establish different classifications as to rates for residential, commercial or industrial use and for special use where multiple units or dwelling units are served by a single building water service or by two or more water services.

§ 94-23. Unpaid charges to become lien upon property.

All rates, charges and/or fines referred to shall constitute a lien on the real estate served and shall be collectable in the same manner as Village taxes.

§ 94-24. Penalties for offenses.

Any person committing an offense against any of the provisions of this chapter shall be punished, upon conviction, by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or both such fine and imprisonment.

§ 94-25. Liability for expenses, losses or damages.

Any person found violating any provision of this chapter shall become liable to the Village for any expense, loss or damage which occurred as a result of the violation.

§ 94-26. Modification or amendment of rules and regulations.

The Village Board reserves the right to modify or amend these rules and regulations at any time and to make additional reasonable rules as may seem best to regulate the water supply.

ZONING

Chapter 100

ZONING

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ZONING

§ 100-29. Penalties for offenses.

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Schedule of Lot and Bulk Regulations

[HISTORY: Adopted by the Board of Trustees of the Village of Fort Edward during codification 7-7-86 by L.L. No. 2-1986;¹ see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]

GENERAL REFERENCES

- Planning Board — See Ch. 11.
- Unsafe buildings — See Ch. 32.
- Uniform Fire Prevention and Building Code — See Ch. 49.
- Flood damage prevention — See Ch. 52.
- Abandoned and junked vehicles — See Ch. 85.

ARTICLE I
Title; Definitions

§ 100-1. Title.

This chapter shall be known as the "Zoning Ordinance of the Village of Fort Edward."

¹ Editor's Note: This local law also amended Ch. 59, Littering, and Ch. 64, Peddling and Soliciting.

§ 100-2. Word usage; terms defined.**A. Word usage.**

- (1) Words used in the present tense include the future tense.
- (2) The singular includes the plural.
- (3) The word "person" includes a corporation as well as an individual.
- (4) The word "lot" includes the word "plot" or "parcel."
- (5) The term "shall" is always mandatory.
- (6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

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

ACCESSORY USE/ STRUCTURE — A structure, the use of which is incidental to that of the main building, and which is attached thereto or is located on the same premises; a use, occupancy or tenancy customarily incidental to the principal use or occupancy of a building.

ADDITION — Extension or increase in area, height or equipment of a building.

ALTERATION — Any change, rearrangement or addition to a building, other than repairs; any modification in construction or in building equipment.

APARTMENT HOTEL [Repealed 4-3-89 by L.L. No. 1-1989]

APARTMENT HOUSE [Repealed 4-3-89 by L.L. No. 1-1989]

BAZAAR — Includes a group of booths for the sale or exhibit of merchandise or curiosities, and shall not include a circus, carnival, tent show, medicine show, side show, carousel or similar performance.

BERTH — The place where a vessel lies when at anchor or at wharf. [Added 1-7-1991 by L.L. No. 1-1991]

BOATHOUSE — A structure which has direct access to a body of navigable water, is used for the storage of vessels and associated equipment, does not have bathroom or kitchen facilities and is not designed or used for lodging or residency. [Added 1-7-1991 by L.L. No. 1-1991]

BOAT STORAGE — A place, site or structure used to park, house or store on any one (1) lot one (1) or more vessels. [Added 1-7-1991 by L.L. No. 1-1991]

(Cont'd on page 10005)

BUILDING — Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or property.

BUILDING SIDE LINE — A line extending along the building from front to rear, generally parallel with the side line of the lot.

CELLAR — That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

DWELLING — A building containing not more than two (2) dwelling units occupied exclusively for residential uses.

DWELLING, ONE-FAMILY — A building arranged for one (1) dwelling unit.

DWELLING, TWO-FAMILY — A building arranged for two (2) family units.

DWELLING UNITS — One (1) or more rooms with provision for living, cooking, sanitary or sleeping facilities arranged for the use of one (1) family.

FAMILY — Any number of individuals related by blood, marriage or adoption, or not more than four (4) persons who are not so related, living together as a single housekeeping unit, using rooms and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together.

FENCE — Any structure, regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a piece of land or dividing a piece of land into distinct portions.

FRONT YARD — A yard across the full width of the lot extending from the front line of the building to the front line of the lot.

GARAGE, PRIVATE — A roofed or enclosed space primarily designed or used for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein, whether detached or not.

GARAGE, PUBLIC — A building or part thereof used for the storage, hiring, selling, greasing, washing, servicing and repair of motor vehicles, operated for gain.

GASOLINE STATION — Any area of land, including structures therein, 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 include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof.

HABITABLE SPACE — Space occupied by one (1) or more persons for living, sleeping, eating or cooking. Kitchenettes shall not be deemed to be "habitable space."

HOME OCCUPATION — Any personal or professional service customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof.

HOTEL — A building used for the housing of the transient public in single rooms or suites of rooms.

JUNKYARD — A lot, land or structure or part thereof used primarily for collecting, storage and sale of wastepaper, rags, scrap, metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

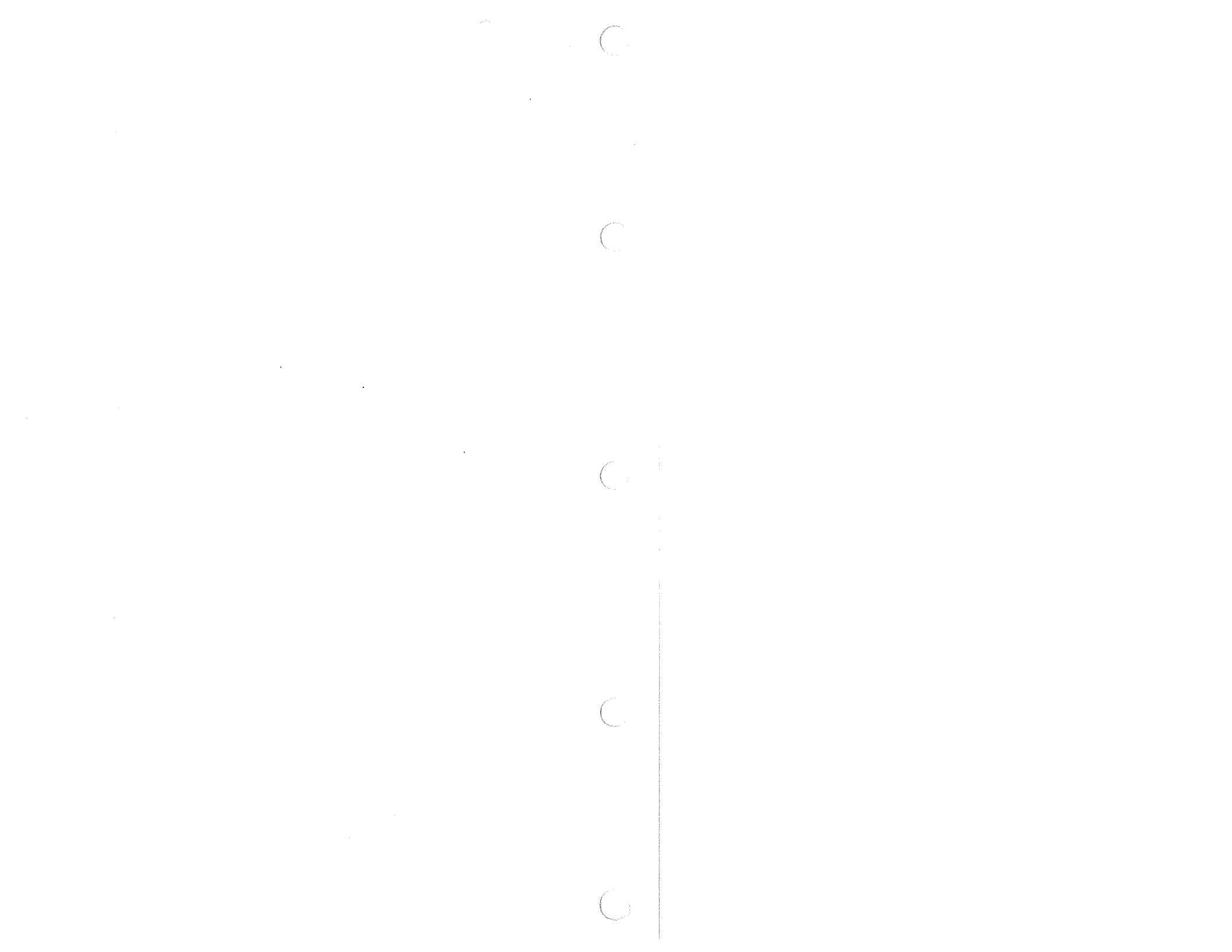
KENNEL — Any lot, building, structure or premises or any part thereof in which there is kept or harbored more than three (3) dogs and each dog is older than six (6) months of age. [Added 4-3-89 by L.L. No. 1-1989]

KITCHEN — Space, sixty (60) square feet or more in floor area, used for cooking or preparation of food.

KITCHENETTE — Space, less than sixty (60) square feet in floor area, used for the cooking or preparation of food.

LAUNDERETTE — A business premises equipped with individual clothes washing and drying machines for the use of retail customers.

(Cont'd on page 10007)



LOT — A parcel of land occupied or capable of being occupied by one (1) building or a group of buildings united by a common interest, and including accessory buildings with such open areas as are required by this chapter.

LOT AREA — The total horizontal area included within lot lines, except that no part of the area within a public or private right-of-way may be included in the computation of "lot area."

LOT, CORNER — A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

LOT DEPTH — The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

LOT LINE — Any line dividing one (1) lot from another.

MANUFACTURED HOME — A structure transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, and when erected on site is 320 or more square feet and is designed as a dwelling with a permanent foundation and which is permanently connected to the plumbing, heating, air conditioning, and electrical systems. [Added 3-3-1997 by L.L. No. 1-1997]

MARINA — Any waterfront facility which provides accommodation services for vessels by engaging in any of the following: the sale, lease, rental or any other provision of storage, wharf space or mooring for vessels not registered to the owner of said facility, a member of the owner's immediate family, the owner or lessee of the immediately adjoining upland property, members of their immediate families or an overnight guest on said property. [Amended 1-7-1991 by L.L. No. 1-1991]

MOORING — Any anchor, chain, buoy, pennant or other object by which a vessel is secured at one (1) point. [Added 1-7-1991 by L.L. No. 1-1991]

MOTEL — A multiple dwelling, intended primarily for motorists, not over two (2) stories in height, in which the exit from each dwelling unit or sleeping room is directly to the exterior, including but not limited to the terms "motor court," "motor hotel" and "tourist court."

MULTIPLE DWELLING — Any building designed, arranged or intended to be occupied for residential purposes by two (2) or more dwelling units.

NONCONFORMING BUILDING OR STRUCTURE — A building or structure, the size, dimension or location of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONHABITABLE SPACE — Space used as kitchenettes, pantries, baths, toilet, laundry, rest, dressing, locker, storage, utility, heater and boiler rooms, closets and other spaces for service and maintenance of the building and those spaces used for access and vertical travel between stories.

PARKING SPACE — A space available for one (1) motor vehicle.

PROPERTY LINE — A line establishing the boundaries of the premises.

REAR YARD — A yard across the full width of the lot extending from the rear line of the building to the rear line of the lot.

REPAIRS — Any work done to the exterior of a building which does not enlarge the ground space occupied by the building, or any work done to the interior of the building

which does not increase the number of occupancies for which the building is designed.

RESTAURANT — Any structure designed, intended as or used in whole or part for the retail sale of prepared food and/or beverages for on- and/or off-premises consumption, including what are commonly termed "diners," "lunchrooms," "lunch counters," "night clubs," "taverns," "delicatessens" and "snack bars."

RETAIL STORES — Any building or structure in which one (1) or more articles of merchandise or commerce are sold at retail, including department stores.

SEASONAL MOORING — Any vessel that is secured at a mooring that is owned, leased or rented by one (1) entity for more than a period of seven (7) consecutive days. **[Added 1-7-1991 by L.L. No. 1-1991]**

SETBACK LINES — The distance from the center of the street to the part of the structure nearest the street, measured at right angles to the street line.

SIDE YARD — A yard between the building and the adjacent side line of the lot and extending from the front yard to the rear line of the building.

SIGN — Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal and similar organization.

SIGN AREA — The area of the single smallest geometric shape which can encompass the facing of a sign, including copy, insignia, background and borders.

SOLAR ENERGY SYSTEM — An arrangement or combination of components and structures designed to provide heating, cooling, hot water or electricity through the process of collecting, converting, storing or protecting

against unnecessary dissipation and distributing solar energy.

STREET — A thoroughfare dedicated and accepted by a municipality for public use or legally existing on any map of a subdivision filed in the manner provided by law.

STREET LINE — The dividing line between the street and the premises fronting thereon.

STRUCTURE — Includes anything constructed or erected other than walks and driveways, the use of which requires temporary or permanent location on or support of the soil and which is attached to anything on the soil, other than fences.

SWIMMING POOLS — A large artificial basin for filling with water for swimming.

TRAILER — Any sort of vehicle known as a "house trailer," "mobile home," "trail mobile" or any type of vehicle in which one (1) or more persons may dwell and use or occupy for residential, business or any other purpose.

USE — Includes the purposes for which a building, structure or premises, or any part thereof, is or are occupied or, if unoccupied, the purpose for which they may be occupied.

YACHT CLUB — Any facility or facilities offering paid membership to members of the public, which facility or facilities are to be used for one (1) or more of the following purposes: marina, boat storage and any recreational activities, including but not limited to swimming, tennis, racquetball, fishing, boating, picnicking, children's playground activities, camping, etc. Said facility or facilities may be private or public, or both, in the discretion of the yacht club ownership.
[Added 1-7-1991 by L.L. No. 1-1991]

YARD — An open unoccupied space on a lot, plot or parcel of land on which the building stands, which extends the entire length of the front or rear interior lot line.

ARTICLE II

Districts Established; Zoning Map; District Boundaries.

§ 100-3. Zoning districts established. [Amended 4-3-1989 by L.L. No. 1-1989; 1-7-1991 by L.L. No. 1-1991; 3-3-1997 by L.L. No. 1-1997]

For purpose of promoting the health, safety and general welfare of the village, to regulate the size of buildings and to restrict the percentage of lot that may be occupied, structures and land for trade, industry, residence or other purposes, the Village of Fort Edward is hereby divided into the following zones:

Zone R-1	Residential
Zone R-2	Residential
Zone R-3	Residential
Zone C-1	Commercial
Zone C-2	Parks/Recreation
Zone C-3	
Zone C-4	
Zone I	Industrial
Zone N-1	Marina

§ 100-4. Zoning Map.

The locations and boundaries of the zones hereby established are shown on the Zoning Map of the Village of Fort Edward, New York. The map and all explanatory matter herein becomes an integral part of this chapter upon approval.¹

¹ Editor's Note: The Zoning Map is included in a pocket part at the end of this volume.

§ 100-5. District boundaries.

- A. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:
- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, highway right-of-way lines or lot lines, such street lines, highway right-of-way lines or lot lines shall be construed to be such boundaries.
 - (2) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on said Zoning Map.
- B. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a district boundary, the Board of Appeals shall determine the location of said line.

**ARTICLE III
Use Regulations; Exceptions**

§ 100-6. R-1 Residential Zone.

- A. In Zone R-1 no building shall be erected, altered, extended, constructed or reconstructed which is intended, designed or arranged to be used in whole or in part except for one (1) or more of the following purposes, and no land shall be used except for one (1) or more of the following purposes:
- (1) A one-family detached dwelling.

- (2) An attached or detached private garage as defined in § 100-2.
 - (3) Offices for members of the learned professions or the office of a business not conducted on the premises, provided that no goods or merchandise are sold, displayed or offered for sale therein and no manual labor is performed therein.
 - (4) Gardens, including the sale of produce raised on the premises.
- B. There shall also be permitted accessory uses customarily incident to the above uses. The term "accessory uses," however, does not include a business or any building or use not located on the same lot to which it is accessory. A "for sale" or "for rent" sign or temporary notice of construction work not exceeding four (4) square feet in area shall be permitted as an accessory use. The sign shall be removed when the building is occupied.
- C. Accessory use shall include any sign indicating the use of the premises which shall not exceed two (2) square feet in area, except that signs for existing mercantile establishments shall not exceed twelve (12) square feet in area.

§ 100-7. R-2 Residential Zone.

- A. In Zone R-2 no building shall be erected, altered, extended, constructed or reconstructed which is intended, designed or arranged to be used in whole or in part except for one (1) or more of the following purposes, and no land shall be used except for one (1) or more of the following purposes:
- (1) A one-family detached dwelling.
 - (2) An attached or detached private garage as defined in § 100-2.

- (3) Offices for members of the learned professions or the office of a business not conducted on the premises, provided that no goods or merchandise are sold, displayed or offered for sale therein and no manual labor is performed therein.
- (4) Gardens, including the sale of produce raised on the premises.
- (5) Multiple dwellings [no more than three (3) dwelling units].
- (6) Two-family dwellings.
- (7) Farming, dairying, gardening, greenhouses and nurseries, including the sale of products raised or produced on the premises.

§ 100-7.1. R-3 Residential Zone. [Added 3-3-1997 by L.L. No. 1-1997]

A. In Zone R-3 no building shall be erected, altered, extended, constructed or reconstructed which is intended, designed or arranged to be used in whole or in part except for one or more of the following purposes, and no land shall be used except for one or more of the following purposes:

- (1) A one-family detached dwelling.
- (2) An attached or detached private garage as defined in § 100-2 of this chapter.
- (3) One-family manufactured homes with the following restrictions:
 - (a) Current regulations for new lots and setbacks will apply.
 - (b) There will be a minimum of 960 square feet of living space, and the minimum width of the home will be 24 feet.

- (c) Must be positioned to have the front of the home face the street.
- (d) Must have minimum $\frac{3}{12}$ roof pitch with type of shingle commonly used in standard residential construction and shall have a minimum rating of 30 psf snow load.
- (e) Exterior siding must be similar to siding commonly used in standard residential construction.
- (f) All towing devices, wheels, axle springs and hitches must be removed within 60 days of arrival on lot.
- (g) Home must be fastened to a foundation or slab. There shall be a weatherproof access opening to the crawl space and the walls must be constructed of a masonry product (no vinyl skirting) extending from the foundation or slab to the bottom of the unit. **[Amended 5-3-1999 by L.L. No. 1-1999]**
- (h) Must be installed in accordance with ANSI Standard 225.1 regarding manufactured home installation.
- (i) Must meet or exceed New York State building codes regarding manufactured homes and Department of Housing and Urban Development standards.
- (j) All placement and installation of manufactured homes shall be approved by the Building Inspector.

§ 100-8. C-1 Commercial Zone.

- A. In Zone C-1 no building shall be erected, altered, extended, constructed or reconstructed which is intended, designed or arranged to be used in whole or in

part except for one or more of the following purposes, and no land shall be used except for one or more of the following purposes:

- (1) Multiple dwellings (no more than four dwelling units).
- (2) Two-family dwellings.
- (3) Farming, dairying, gardening, greenhouses and nurseries, including the sale of products raised or produced on the premises.
- (4) An attached or detached private garage as defined in § 100-2.

(Cont'd on page 10013)

- (5) Offices for members of the learned professions or the office of a business not conducted on the premises, provided that no goods or merchandise are sold, displayed or offered for sale therein and no manual labor is performed therein.
- (6) Gardens, including the sale of produce raised on the premises.
- (7)¹ Accessory apartments may be located in commercial buildings in a commercial area; however, no apartments may be located on the ground floor or below the ground floor. [Added 9-6-1990 by L.L. No. 2-1990]
- (8) Retail stores.
- (9) Shops for custom work or the making of articles to be sold at retail on the premises.
- (10) Offices and banking establishments.
- (11) Restaurants and grills.
- (12) Any establishment which provides goods and/or services directly to the consumer.
- (13) Theaters, bowling alleys, skating rinks, dance halls, billiard halls and similar amusement establishments.
- (14) Gas and motor oil stations and garages for storage or repairs, including automobile sales rooms.
- (15) Billboards and advertising signs as regulated by laws and ordinances.
- (16) Light manufacture of any article found by the Planning Board to be acceptable.
- (17) Any additional use which the Planning Board may find to be substantially similar to the uses permitted in this section and not injurious to property or to the uses herein specified, but no such additional use shall be permitted by the Planning Board until after an application has been filed specifying the proposed use in full and a public hearing shall have been held, after reasonable notice shall

¹ Editor's Note: Former Subsection A(7), Apartment houses, was repealed 4-3-89 by L.L. No. 1-1989.

have been given to all adjoining holders of real estate, and a decision therein shall have been made in writing.

- (18) Accessory uses customarily and necessarily incident to the foregoing uses.

§ 100-9. C-2, C-3 and C-4 Zones.

A. In Zone C-2, the following uses shall be permitted:

- (1) Recreational uses only (such as tennis, softball, baseball, basketball and children's play areas) with no camping facilities or overnight camping.

B. [Added 4-3-89 by L.L. No. 1-1989] In Zone C-3, the following uses shall be permitted:

- (1) Historical, archeological and/or cultural facilities.
(2) Government facilities.

C. [Added 4-3-89 by L.L. No. 1-1989] In Zone C-4, the following uses shall be permitted:

- (1) The study, designation, protection, restoration, rehabilitation and use of buildings, structures, districts, areas, sites or objects significant in the history, architecture, archeology or culture of this state, its communities or the nation.

§ 100-10. I Industrial Zone.

A. In Zone I, no building shall be erected, altered, extended, constructed or reconstructed which is intended, designed or arranged to be used in whole or in part except for one (1) or more of the following purposes, and also no land shall be used except for one (1) or more of the following purposes:

- (1) Multiple dwellings of three (3) or more dwelling units.
(2) Attached or detached private garages as defined in § 100-2.
(3) Any industrial use which the Planning Board may find to be not injurious to property or to the uses herein specified, but no such industrial use shall be permitted by the

Planning Board until after an application has been filed specifying the proposed use in full and a public hearing shall have been held, after reasonable notice shall have been given to all adjoining holders of real estate, and a decision thereon shall have been made in writing.

- (4) Permitted accessory uses, located on the same lot as the principal structure or use:
 - (a) Parking areas.
 - (b) Signs.
 - (c) Accessory uses customarily and necessarily incident to the principal permitted use.
- B. Buildings height limitations: three (3) stories or thirty-five (35) feet.
- C. Minimum lot area: no minimum.
- D. Maximum lot coverage: seventy-five percent (75%) with required parking.
- E. Yards.
 - (1) Front yard depth: same as C-1 Commercial Zone.
 - (2) Side yard width: twenty-five (25) feet for each side.
 - (3) Rear yard depth: twenty-five (25) feet.
- F. Junkyards. There will be no new junkyards allowed in the incorporated Village of Fort Edward. Any preexisting junkyards will conform to the following restrictions:
 - (1) Expansion. Procurement of land to extend the present boundaries of existing junkyards is expressly prohibited.
 - (2) Fence; boundary confinement of existing junkyard.
 - (a) Height: a minimum of eight (8) feet and maximum of ten (10) feet, the fence to be of consistent height.
 - (b) Maintenance: Fence shall be maintained to original specifications as to restrict entrance and view.

(Cont'd on page 10015)

- (c) Fence setback line: twenty (20) feet from adjacent property lines, roadway or highway.
- (d) Purpose: to enhance safety, restrict entrance and restrict visibility.

G. **[Added 4-3-89 by L.L. No. 1-1989]** Kennels. Any preexisting kennels or kennels coming into existence after the adoption of this subsection of the Village Code will conform to the following restrictions:

- (1) Expansion. Procurement of land to extend the present boundaries of any existing kennels is expressly prohibited.
- (2) Fence. Each kennel, either preexisting or coming into existence after the adoption of this subsection of the Village Code, shall have a fence surrounding said kennel with the following requirements:
 - (a) Each fence will be a minimum of six (6) feet in height and a maximum of eight (8) feet in height, and it is to be of consistent height.
 - (b) Each fence shall be set back at least five (5) feet from adjoining property lines, roads, sidewalks or highways.
- (3) Purpose. The purpose of this subsection is to enhance safety, restrict entrance and restrict visibility of kennels.

§ 100-10.1. N-1 Marina Zone. [Added 1-7-1991 by L.L. No. 1-1991]

A. Principal permitted uses in the N-1 Marina Zone shall be as follows:

- (1) Marinas and all uses defined therein.
- (2) Yacht club and uses defined therein.
- (3) Historical and archaeological activities, including museums, displays, artifact repositories and educational classrooms and activities.

- (4) Vessels used only for pleasure and/or educational purposes.
- B. Principal accessory uses in the N-1 Marina Zone shall be as follows:
 - (1) Public and private parking.
 - (2) Signs.
 - (3) Marina services.
 - (4) Accessories customarily and necessarily incident to the foregoing uses and to the principal permitted uses.
 - C. Building height limitation: two (2) stories or thirty (30) feet.
 - D. No marina shall be used for the importation, transportation or storage of garbage, waste products, junk or hazardous waste into the Village of Fort Edward, excepting that refuse produced at the marina in the normal course of business.
 - E. Prior to construction in the Marina Zone, the owners shall prepare an environmental impact statement, which shall review and address the potential impacts upon the historical and archaeological value of the land. The New York State Department of Parks, Recreation and Historical Preservation shall be named as an interested agency in the process of reviewing the environmental impact statement.

§ 100-11. Exceptions.

- A. Height exemptions. The height limitations of this chapter shall not apply to church spires, belfries, cupolas, penthouses, domes, chimneys, ventilators, skylights, water tanks, bulkheads, solar- and energy-producing equipment and all other similar features and necessary appurtenances usually carried above roof levels.
- B. Side and rear yards. Where commercial and industrial zones abut residential zones, the yards abutting such residential zones shall be no less than twenty-five (25) feet.

ARTICLE IV
Supplementary Use Regulations; Yards; Plats

§ 100-12. Sale of new and used cars.

- A. The sale of new and used cars shall be limited to the Commercial Zone designated as C-1.
- B. The authorization for the sale of new and used cars within the Village of Fort Edward is not intended to allow the proprietor of such new and used car business to have upon his premises what is known as a "graveyard" for old cars or to turn the premises into a junkyard.

§ 100-13. Accessory buildings in residential and commercial zones.

- A. Accessory buildings in residential zones.
 - (1) Number. There shall be not more than two (2) accessory buildings on each zone lot intended or used for residential purposes, except that dwelling groups and large scale developments shall not be subject to the provisions of this section.
 - (2) Bulk. Maximum height of accessory buildings shall be one (1) story or fifteen (15) feet, and maximum bulk shall not exceed six hundred (600) square feet.
 - (3) Location of unattached accessory buildings. When an accessory building is not attached to a principal building, it may be erected within the rear yard in accordance with the following requirements:
 - (a) Rear yard: seven and one-half (7½) feet from side line and five (5) feet from the rear line, except when abutting an alley, for which the distance shall be ten (10) feet.
 - (b) Side yard, street side or corner lot: same as for principal building.
 - (c) Not closer to a principal building than ten (10) feet.

- (4) Attached accessory building in residence districts. When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this chapter applicable to the principal building, excluding the bulk regulations set forth in Subsection B of this section.
- (5) Swimming pools. Private swimming pools, as a permanent and portable noncommercial use, shall be regulated as follows, except that these regulations shall not apply to portable swimming pools, which shall be not more than four (4) feet in height or more than fifteen (15) feet in length, width or diameter:

(Cont'd on page 10017)

- (a) May be erected only on same lot as principal structure.
- (b) May be erected only in the rear yard of such structure and shall be distant not less than ten (10) feet from the rear and side lot lines.
- (c) Such use shall not adversely affect the character of any residential neighborhood.
- (d) All in-ground private swimming pools shall be enclosed by a permanent fence of durable material at least four (4) feet in height.
- (e) Swimming pools and equipment shall not be considered as an accessory structure where restriction for one (1) accessory is maintained.

B. Accessory buildings in commercial districts. Nondwelling accessory buildings shall comply with front/side requirements for the principal building to which they are accessory and shall be not closer than ten (10) feet to any rear property line.

C. All accessory buildings shall be constructed of masonry, concrete, wood, mortar, brick, steel or aluminum. Any accessory building measuring in bulk over one hundred forty (140) square feet shall have either a concrete, asphalt, metal or treated wooden floor which shall be incorporated into the building at the time of construction. **[Added 12-5-1994 by L.L. No. 2-1994]**

§ 100-14. Front yards.

A. No building shall be erected, altered, constructed or reconstructed so as to project in any way beyond the average setback line observed by the building on the same side of the street within the block at the time of passage of this chapter, subject to the provision that any building may be erected as near the street as whichever adjoining building is nearer thereto. Where there are

existing buildings at the time of the passage of this chapter on only one (1) side of the street within the block, then the setback line on the vacant side shall be thirty (30) feet back from the property line. Where there are no existing buildings on either side of the street within the block, no new building shall be erected nearer to the front street line on either side of the street than thirty (30) feet.

- B. A block, as used in this section, shall include so much of the frontage on a street as is situated on one (1) side between the two (2) nearest intersecting and/or intercepting streets on the same side of the street and within the same zone. Notwithstanding any requirement in this section to the contrary, the depth of front yards required in a block wholly or partially improved at the time of the passage of this chapter shall in no case exceed that demanded on a lot in a vacant block.
- C. A building erected on a corner lot shall be required to comply with the full setback line on its narrow front only; on the side street the setback line shall be twenty (20) feet from the street line, subject to the provision that in no case shall it be required to be greater than the average setback line observed by the buildings on the same side of the street in the same block. Where the two (2) street frontages of a corner lot are the same length, the owner may elect which street is to be deemed the front and which is the side.
- D. A roofed-over but unenclosed projection in the nature of an entry, porch or portico, not more than six (6) feet out from the front wall of the building, shall be exempt from the requirements of this section. Such entries, porches and porticoes shall be ignored in computing the average setback line.
- E. Notwithstanding the foregoing provisions, no buildings shall hereafter be erected, constructed or reconstructed or enlarged (except at the rear) on Broadway between McCrea Street and Notre Dame Street nearer to the

center line of Broadway than forty-eight (48) feet, and also, no building shall hereafter be similarly erected, constructed reconstructed or enlarged on East Street between Broadway and the Delaware and Hudson Railroad main line tracks nearer to the center line of East Street than forty-two (42) feet.

§ 100-15. Side yards.

In Zones R-1 and R-2, no building shall be erected, constructed, reconstructed or altered so as to project or encroach nearer than seven and one-half (7¹/₂) feet from the side line of the lot, and on a corner lot none shall encroach or project nearer the side street than twenty (20) feet, but in no case shall it be required to be greater than the average setback line observed by the buildings on the same side of

(Cont'd on page 10019)



the street in the same block. Where the two (2) street frontages of a corner lot are the same length, the owner may elect which street is to be deemed the front and which is the side.

§ 100-16. Plats.

- A. In Residential Zones R-1 and R-2, applications for a building permit shall be accompanied by a plat drawn freehand or to scale, showing the location of the proposed building on the lot, all other buildings existing thereon, the setback line, the size of the lot and proposed building. Commercial C-1 and C-2 and Industrial I applications must be accompanied by a plat drawn to scale.
- B. Every such application shall also be accompanied by a copy of plans and working drawings or photostats or blueprints thereof for the building for which a permit is desired and also by a simple set of specifications showing the material of which the proposed building is to be constructed, the number and dimensions of rooms, the height of the ceiling above the floor and the water taps or other water uses and, the same must be left on file with the Village Clerk until the certificate of occupancy is issued.
- C. The property owner is responsible for establishing the property lines on plans or sketches submitted with a request for a building permit.

ARTICLE V
Nonconforming Uses

§ 100-17. Continuation.

Any nonconforming use which existed lawfully at the time of the enactment of this chapter may be continued into perpetuity subject to the regulations which follow in this Article.

§ 100-18. Registration.

All nonconforming business uses shall be registered with the Building Inspector/Zoning Enforcement Officer by the owner or agent within six (6) months of the date of adoption of this chapter.

§ 100-19. Nonconforming uses of land.

The nonconforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of the adoption of this chapter. A nonconforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of adoption of this chapter. A nonconforming use of land shall not be changed to another nonconforming use. If a nonconforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not be renewed, and any subsequent use of land shall conform to the regulations of the zone in which the land is located.

§ 100-20. Nonconforming buildings.

- A. Additions. A nonconforming building shall not be added to or changed in any manner, unless such nonconforming building and the use thereof is made to conform to all the regulations of the district in which it is located, and the expansion is held to a maximum of twenty-five percent (25%) of the bulk of the structure.
- B. Alterations and repairs. No structural alterations shall be made to any nonconforming building unless such alterations are required by law; provided, however, that such maintenance and repairs as are required to keep a nonconforming building or structure in sound condition shall be permitted.
- C. Changes. A nonconforming use of building may not be changed except to a conforming use. When so changed, the nonconforming use may not be resumed thereafter.
- D. Discontinuance. A nonconforming use of a building or structure, or a portion thereof, which is discontinued for a period of twelve (12) consecutive months shall not be reestablished, and any subsequent use shall conform to the use and regulations of the district in which the premises are located. A use shall be deemed to have been discontinued under any of the following conditions:
 - (1) Vacancy of nonconforming use or building or discontinuance of a nonconforming use, for a period of twelve (12) consecutive months.

- (2) Manifestation of a clear intent on the part of the owner to abandon the nonconforming use.
- E. Restoration. A building devoted to a nonconforming use, damaged by fire, structural failure, wind, explosion or other natural cause may be repaired or rebuilt as it previously existed and used as previously occupied, provided that the design of construction and materials used shall conform to the Uniform Fire Prevention and Building Code.¹ (NOTE: Generally, if the damage is less than 50% of assessed value at the time of damage, as adjusted to full value, based on State Board of Equalization and Assessment rates, the above is true. If the damage exceeds 50%, it cannot be repaired, except by special permit of the Village Board.)
- F. Removal. If any building in which any nonconforming use is conducted is hereafter removed, subsequent use of the land on which such building was located, and the subsequent use of any building erected thereon, shall be in conformity with the regulations for that zone.
- G. Extension. A nonconforming use may not be extended to any other part of a building not occupied by the use at the time of the adoption of this chapter.

ARTICLE VI

Administration and Enforcement; Fees

§ 100-21. Administration and enforcement. [Amended 6-27-1997 by L.L. No. 2-1997]

The provisions of this chapter pertaining to enforcement of the New York State Uniform Fire Prevention and Building Code shall be administered by the Washington County Code Enforcement Department, who shall have the power to make inspections of buildings and premises necessary to carry out the duties in the enforcement of this chapter. No building permit

¹ Editor's Note: See Ch. 49, Fire Prevention and Building Code, Uniform.

shall be approved unless it is in compliance with the provisions of this chapter or as directed by the Board of Appeals.

§ 100-22. Board of Appeals.

A Board of Appeals is hereby established, to consist of five members to be appointed by the Board of Trustees for a five-year term, the chairman of which shall be designated by the Mayor. Such Board of Appeals shall serve without compensation and shall exercise such authority as is conferred upon it by this chapter, the Village Law and acts amendatory thereof and supplemental thereto. Such Board shall have the power to adopt and change rules and regulations to carry into effect the provisions of this chapter.

- A. Variance. An appeal, from a determination of the Enforcement Officer, to grant a variance where the property owner can show his property was acquired in good faith and where the strict application of this chapter would result in practical difficulty or unnecessary hardship. The Board of Appeals shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall make a finding of fact based upon the evidence as presented to it in each specific case that:
- (1) Because of exceptional narrowness, shallowness or shape of a specific parcel, or because of extraordinary topographical conditions or other extraordinary physical condition or location of the specific parcel, the strict application of the provisions of this chapter actually prohibit or unreasonably restrict the use of the land or building for which such variance is sought, that the granting of the variance is necessary for the reasonable use of such property and that the variance granted by the Board is the minimum variance that will provide for the reasonable use of the property; or

- (2) The granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation of the property sought by the owner, which conditions are peculiar to such land or building and do not apply generally to land or buildings in the vicinity or neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this chapter; and

(Cont'd on page 10023)



(3) In any case, the granting of the variance will be in harmony with the intent and purpose of this chapter, will not constitute, in effect, an amendment of any district regulations or boundaries, and will not be injurious to the neighborhood.

B. Action or appeal. The Board of Appeals shall convene and consider all appeals no later than thirty (30) days after such appeals are filed and shall render its decision upon such appeals no later than sixty-two (62) days after the final hearing.

§ 100-23. Review and recommendations by Planning Board.

From time to time, at intervals of not more than three (3) years, the Planning Board shall reexamine the provisions of this chapter and the location of district boundary lines and shall submit a report to the Village Board recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.

§ 100-24. Certificates of occupancy.

- A. After the enactment of this chapter, no vacant land shall be occupied or used and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Enforcement Officer, stating that the building or proposed use thereof complies with the provisions of this chapter.
- B. No nonconforming use shall be maintained, renewed, changed or extended without a certificate of occupancy having first been issued by the Enforcement Officer.
- C. All certificates of occupancy shall be applied for coincident with the application for a building permit. Said certificate shall be issued within ten (10) days after the erection or alteration shall have been approved as complying with the provisions of this chapter.

- D. The Enforcement Officer shall maintain a record of all certificates, and copies shall be shown upon request to any person having a proprietary or tenancy interest in the building affected.

§ 100-25. Effect on previously issued permits.

Any building for which a permit has already been lawfully granted, and on which the construction has been started and diligently prosecuted before the effective date of this chapter may be completed.

§ 100-26. Amendments.

The Board of Trustees of the Village from time to time, on its own motion or by petition in the manner provided by statute, may amend, supplement, modify, repeal or change the regulations, restrictions, uses and district boundaries herein established.

§ 100-27. Enforcement.

It shall be the duty of the police to report any and all violations to the Mayor and Board of Trustees. The Mayor and Board of Trustees is authorized to cause any building, structure, place, premises or use to be inspected and to order in writing the remedying of any violation found to exist and to enforce this chapter by injunction.

§ 100-28. Building permits.

- A. Before the alteration or construction of any building or structure, or part of either, the owner or lessee or the agent of either shall make application to the Village Clerk for a building permit upon blanks furnished by the Clerk. If, after examination by the Enforcement Officer, such application shall be found to comply with this chapter, the Clerk shall issue a building permit within seven (7) days of the filing of such application.

- B. It shall be unlawful for any person to construct or alter any building or structure until application and plans shall have been approved by the Enforcement Officer and such permit issued by the Village Clerk. Any such permit issued hereunder by which no work is commenced within one (1) year from date of issuance, shall expire and become void.
- C. Any building or structure being altered to accommodate more than two (2) dwelling units on any floor will require certified engineer blueprints prior to issuance of a building permit.

§ 100-29. Penalties for offenses.

- A. For any and every violation of any of the provisions of this chapter, the owner, agent or contractor of a building or premises where such violation or violations have been committed or which occur and the owner, agent or contractor, lessee or tenant of any part of the building or premises in which such violations have been committed or shall exist and any person who commits, takes part in, assists, aids or abets such violation or maintains any building, structure or lands in which or upon which any such violation has occurred, been committed or shall exist, shall be guilty of a misdemeanor and liable to a fine not exceeding two hundred fifty dollars (\$250.) or to imprisonment for not exceeding fifteen (15) days, or to both such fine and imprisonment.
- B. Each thirty (30) days that such violation is permitted to exist shall constitute a separate offense.
- C. The Board of Trustees may enforce disobedience to this chapter by injunction.

§ 100-30. Powers and duties of Enforcement Officer.

The Board of Trustees shall annually appoint, and may remove at pleasure, an Enforcement Officer whose compensation shall be fixed by such Board and whose duties shall be to examine all applications for building permits and plats accompanying same, to approve such applications if found to comply with the provisions of this chapter

pertaining thereto, or if directed so to do by the Board of Appeals, and to disapprove the same if found not to comply therewith; to examine and inspect upon completion all structures and buildings erected and altered for which building permits shall have been issued and for which applications for certificates of occupancy shall have been filed; to approve and countersign all certificates of occupancy applied for, prior to their issue, where his examination and inspection reveals that erections and alterations comply with all provisions of this chapter pertaining thereto and were made in accordance with the permit issued therefor.

§ 100-31. Fees. [Amended 4-3-89 by L.L. No. 1-1989]

The following fees shall be paid at the Village Clerk's office upon approval of the building permit:

Construction Value	Fee
\$0 to \$250	None
\$251 to \$500	\$10.00
\$501 to \$1,000	\$25.00
\$1,000 and above	\$25.00 for first \$1,000 and \$1.00 for each additional thousand or fraction thereof
Appeal for variance	\$25.00
Amendment of permit	\$10.00
Rehearing of appeal	\$15.00
Certificate of occupancy	\$3.00
Solid fuel inspection	\$25.00

ARTICLE VII
Miscellaneous Provisions

§ 100-32. Trailers.

Trailers, as set forth in the definitions in Article I, shall not be allowed within the village limits of the Village of Fort Edward, either resting upon their own wheels and supports or resting upon concrete blocks or any other material with the intent to make the trailer a permanent dwelling place or place of business or a temporary dwelling place or place of business.

§ 100-33. Stripping of topsoil.

No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale, or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of building on such premises and excavation or grading incidental thereto. A permit will be required for any other disposal of topsoil.

§ 100-34. Excavating, grading and filling.

- A. The Building Inspector shall require the issuance of a permit for any excavating, grading, fill or construction in the community.
- B. The Building Inspector shall require review of each permit application to determine whether the proposed site and improvements are in a location that may have mudslide hazards. A further review must be made by persons qualified in geology and soils engineering, and the proposed new construction, substantial improvement or grading must be adequately against mudslide damage and not aggravate the existing hazard.

§ 100-35. Fences.

- A. No person, company or corporation shall use barbed wire, buckhorn wire, electric wire fence or any other type of wire that may be a part of a fence that may be a conductor of electricity in the construction or the erection of any fence, either on their property or as a division line fence or for any other purpose in the Village of Fort Edward, but does not include chain link or cyclone type of fences with barbed wire string at the top and used as a security fence for commercial or industrial properties.
- B. No fence at any point nearer the street than the rear line of the main building applicable thereto shall exceed a height of four (4) feet above the sidewalk level existing on such street at the premises on which the fence is built.

- C. A fence shall not be installed in excess of six (6) feet six (6) inches in height in the rear yard.
- D. A fence shall not extend beyond the building side of the sidewalk in the front yard. Where no sidewalk exists, the sidewalk line will be established by the Department of Public Works Supervisor or his representative.
- E. On a corner lot, any fence in excess of four (4) feet but not in excess of six (6) feet shall not be installed in width greater than the distance from the building side line to the opposite side line of the lot. The building side line shall be established by the side yard selected by the owner as required by § 100-14. In no case shall the width from the building side line and the opposite side line of the lot be required to be less than thirty-five (35) feet.
- F. All fences of man-made structures shall have supporting posts or projections on the property owner's side of the fence.
- G. Chain link or cyclone type fence used for security purposes by commercial and industrial establishments shall not exceed eight (8) feet in height.

§ 100-36. Visibility at intersections.

On corner lots, no fence, wall, hedge, structure or planting more than three (3) feet in ultimate height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points twenty (20) feet from the point of intersection, measuring along said lines.

§ 100-37. Construal of provisions; incorporation of statutory provisions.

- A. Nothing herein contained shall be construed to limit the applicability of the New York State Uniform Fire Prevention and Building Code.

- B. With the passage of this chapter, the Village of Fort Edward does incorporate the provisions of § 7-704 of the Village Law of the State of New York pursuant to provisions for the accommodation of solar energy systems and equipment and access to sunlight necessary therefor in their municipal zoning regulations, so far as local conditions may permit. Conditions are to be interpreted with the use of the Solar Access Publication provided by the New York State Energy Office.

§ 100-38. Parking. [NOTE: Include in all zones.]

- A. Multiple dwellings. Multiple dwellings shall have parking area for one (1) vehicle per dwelling unit and shall provide parking space for each additional motor vehicle per dwelling unit, not to exceed two (2) motor vehicles per dwelling unit.
- B. Location. If parking areas (spaces) are located in front yards or side yards, the driveway leading to the parking area (space) will consist of a minimum of two-inch-thick concrete or asphalt.



Village of Fort Edward
Schedule of Lot and Bulk Regulations

Zone	Permitted Principal Uses	Minimum Lot Size		Maximum Coverage (percent)
		Area (square feet)	Width (feet)	
R-1	One family	15,000	100	25
R-2	One family	15,000	100	25
	Two family	15,000	100	30
	Multiple dwelling	15,000	100	35
C-1	Multiple dwelling	15,000	100	35
	Service	15,000	100	35
	Retail	15,000	100	35
	Offices	15,000	100	35
	Clubs	15,000	100	35
	Laundries	15,000	100	35
	Undertakers	15,000	100	35
	Restaurants	15,000	100	35
	Etc.	15,000	100	35
	C-2	Parks and recreation	None	None
I	Industrial users	None	None	See § 100-10D

