Appendix

PART I

MILITARY BURIAL PLOTS—RULES AND REGULATIONS

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[HISTORY: Adopted Rye Town Board 8-21-44.]

§ 1. Title.

The burial plot shall be known as "Town of Rye Military Burial Plot at Greenwood Union Cemetery, Rye, New York."

§ 2. Control and supervision.

The direct control and supervision of said burial plot shall be vested in the Town Board of the Town of Rye, which shall work in conjunction with the Veterans' Central Committee of the Town of Rye (which Committee shall be composed of representatives of all ex-servicemen's organizations within the Town of Rye) and the owners of said Greenwood Union Cemetery.

§ 3. Burials.

All persons are entitled to burial in said plot who served in the federal forces of the United States during any war and who die after honorable discharge from such service, including service in Army; Navy; Marine Corps; Coast Guard; Coast and Geodetic Survey, who were transferred to and served with the Army and Navy by authority of the President; Public Health Service, who were detailed for duty and served with the Army and Navy by authority of the President, including Army Nurses.

§ 4. Applications for burial.

A. Application forms shall be provided by the Town Clerk of the Town of Rye and the Veterans' Central Committee.

B. Each application shall contain the following information: full name of deceased; place of residence at time of death; date of birth; date of death; married or unmarried; if married, name of wife or husband; name and last address of parents and state whether living or dead; name and address of nearest relative; branch of service in which served; date of discharge; all applications for interment to be approved by the Veterans' Central Committee; all applications to be filed with the Town Clerk of the Town of Rye.

§ 5. Evidence of right of burial.

A. In all cases the last service of the deceased must have been honorable.

B. For those who are not in the service of the United States at the time of death, it is prerequisite that they shall have been honorably discharged from the service.

C. In all cases where the honorable discharge cannot be produced or where there is reasonable doubt as to the eligibility of the deceased for interment, it shall be the duty of a representative of the Veterans' Central Committee to investigate same and immediately communicate with the Adjutant General of the United States Army for verification of service, furnishing all information it is possible to obtain concerning the service of deceased, including his full name, organization, serial number, if any, and dates of service.

D. Pension certificates will not be accepted as authority upon which to authorize interment.

E. All applications for interment must be approved by the Veterans' Central Committee. The production of the honorable discharge shall be sufficient authority for the Veterans' Central Committee to approve the interment, provided the application shall comply with all other rules and regulations.

§ 6. Town Clerk to keep all records.

The Town Clerk shall preserve and file all applications for interment and all other records and documents concerning said burial plot and shall keep a record of the full name of the person interred, date of interment, burial plot number and such other records as may be required by the Town Board of the Town of Rye and Veterans' Central Committee.

§ 7. Permits for burial.

Permits for interment in said plot shall be issued to the owners of the cemetery by the Town Clerk of the Town of Rye upon applications approved in writing by the Veterans' Central Committee and filed with the Town Clerk.

§ 8. Costs of burial.

A. The cost of each burial plot shall be fifty dollars ($50.) and payable to the Town of Rye and to be paid by the applicant to the Town Clerk on or before the interment. The applicant shall also pay the owners of the cemetery a fee of twenty dollars ($20.) for opening and closing the grave.

B. If any person entitled to interment in said burial plot at the time of his death shall be in destitute condition, said person shall be permitted to be buried in said plot free of charge and the fee of the owners of the cemetery for opening and closing the grave shall be paid by the Town of Rye, provided the Veterans' Central Committee, after investigation, shall so recommend, which recommendation shall be in writing and filed with the Town Clerk.

§ 9. Monuments.

There shall be one (1) central monument for said burial plot and all markers shall be uniform and set at the heads of the graves. Only markers authorized by the United States Government shall be permitted.

§ 10. Plants, vases, chairs, etc.

A. There shall be no vases, urns, tubs, hanging baskets or other fixtures intended for plants, no chairs, settees or other obstructions upon any plot, and no trees, shrubbery, ivy or other plants of any character or description permitted on said burial plot or grave, or at the base of the marker. Violation of this regulation will result in the removal of such article.

B. One (1) marker of a military organization of which the decedent may have been a member may be placed on the grave.

C. Cut flowers may be placed upon the grave at any time.

§ 11. Assignments.

Assignments of burial plots shall be made on the condition that the regulations and conditions will be strictly enforced.

PART II

LAND SUBDIVISION REGULATIONS

LAND SUBDIVISION REGULATIONS

ARTICLE I
Land Subdivision Procedure

ARTICLE II
Floodplain Management Regulations

[HISTORY: Adopted Rye Town Board: Article I, 8-19-52; Article II, 5-16-77, amended in its entirety 9-25-79. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building Code — See Ch. 14.
Zoning — See Ch. 66.
Minimum pavement specifications — See Appendix Part II.

ARTICLE I
Land Subdivision Procedure
[Adopted 8-19-52]

§ 1. Declaration of policy.

A. By authority of the resolution adopted by the Town Board on the 17th day of March 1938, pursuant to the provisions of Article 16 of the Town Law, the Planning Board of the Town of Rye, New York, has the power and authority to approve plats for subdivisions which show new streets or highways, within that part of the town outside the limits of any incorporated city or village.

B. It is declared to be the policy of the Town Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the town.

This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water, sewerage and other needed improvements; that the proposed streets shall compose a convenient system conforming to the Official Map and shall be properly related to the proposals shown on the town plan as it is adopted by the Planning Board and shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that in proper cases open spaces for parks and playgrounds shall be shown on the subdivision plat.

C. In order that land subdivisions may be made in accordance with this policy, these regulations are hereby adopted.

§ 2. Procedure in filing subdivision applications.

Whenever any subdivision of land is proposed to be made and before any contract for the sale of, or any offer to sell, such subdivision or any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for approval of such proposed subdivision in accordance with the following procedure:

A. Preliminary layout.

(1) The subdividing owner shall apply to the Town Planning Board, upon forms provided at the office of the Town Clerk, for the consideration of the preliminary layout for a proposed subdivision. Such application, together with three (3) copies of the preliminary layout, shall be filed with the Town Clerk at least one (1) week before a regular meeting of the Planning Board for transmittal to the Planning Board; and the application shall be accompanied by a fee of fifty dollars ($50.) plus three dollars ($3.) per

acre for each acre or part thereof that the proposed subdivision exceeds five (5) acres in area. If the subdivider subsequently elects not to file an application for approval of a subdivision plat, one-half (½) of the fee shall be returned.

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(2) The preliminary layout, as well as the final subdivision plat to be submitted later, shall conform in all respects to these regulations, except where a variation may be specifically authorized by the Planning Board as provided in § 3 of these regulations, and shall comply with the provisions of Sections 276 and 277 of the Town Law. The form of presentation of the preliminary layout shall be as described below in § 4, "Specifications for Preliminary Layouts and Subdivision Plats."

(3) Before preparing the preliminary layout, the subdivider should discuss with the Planning Board the requirements for street improvements, drainage, sewerage, water, fire protection and similar aspects, as well as the availability of existing services. The subdivider should also discuss the preliminary layout with the County Health Department which must eventually approve any subdivision plat.

(4) The applicant or his duly authorized representative should then be prepared to attend the next regular meeting of the Planning Board to discuss the preliminary layout.

(5) The Planning Board will carefully study the practicability of the layout, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the town plan and the Official Map.

(6) After discussion of the preliminary layout ,the Planning Board will advise the subdivider of the specific

changes it will require in the layout, and the character and extent of required improvements, or the amount of performance bond therefor, which it will require as prerequisite to the approval of the formal subdivision plat to be submitted subsequently.

B Subdivision plat.

(1) The applicant shall, within six (6) months after the tentative approval of the preliminary layout, file with the Planning Board an application for approval of all or part of the proposed subdivision, using the approved application blank available from the Town Clerk.

[In other words, the subdivider may develop the subdivision in progressive stages instead of in its entirety. But no subdivision or portion thereof shall be considered unless it abuts a street or streets open for vehicular travel, or an approved street for which a bond has been filed under Paragraph C(1) below.]

(2) The subdivision plat shall be considered officially submitted only when all the required surveys, plans and data, described below under § 4, "Specifications for Preliminary Layouts and Subdivision Plats," are provided with the application at a regular meeting of the Planning Board.

(3) Applicants intending to submit proposed subdivision plats for the approval of the Planning Board shall provide the Secretary of the Board with a copy of the application and required surveys, plans and data, one (1) original and at least one (1) duplicate tracing thereof, at least two (2) weeks in advance of the meeting at which it is to be submitted, and a letter of approval from the County Health Department, in order that a public hearing may be scheduled and the required five (5) days' notice may be given.

(4) Before the Planning Board will approve the subdivision plat, it will hold a public hearing thereon, in accordance with Section 276 of the Town Law.

(5) After careful study, the Planning Board will then, within forty-five (45) days from submission of the subdivision plat, approve with modifications, or disapprove, the subdivision plat. Such approval, however, shall not be deemed final and the subdivision plat shall not be signed by the authorized officer of the Board for recording until the subdivider has complied with the provisions of the following paragraphs.

(6) The authorized officers of the Board for the purpose of signing approved subdivision plats shall be the chairman and secretary, or in their absence, the vice-chairman and acting secretary, respectively.

C. Required improvements and agreements.

(1) The subdivider shall then be required to complete in accordance with the Planning Board's decision, and to the satisfaction of the town's Engineer, all the street, sanitary and other improvements specified in the Planning Board's action approving the subdivision plat, or, as an alternative, to file with the Town Board a bond in an amount estimated by the Planning Board to secure to the town the actual and satisfactory construction and installation of such required improvements as are not constructed and approved prior to the signing of the subdivision plat. The period within which required improvements shall be constructed shall be specified by the Planning Board and expressed in the bond. Such performance bond shall comply with the requirements of Section 277 of the Town Law and shall be satisfactory to the Town Board as to form, sufficiency and manner of

execution. The bond shall provide that an amount determined by the Planning Board to be adequate shall be retained for a period of one (1) year from the date of completion of the required improvements to insure the satisfactory condition of the initial improvements. The estimated cost of town inspections of required improvements shall be included in the amount of such bond.

(2) As to utilities required by the Planning Board, the Board may accept assurance in writing from each public utility company whose facilities are proposed to be installed, addressed to the Board and stating that such public utility company will make the installations necessary for the furnishing of its services within the time therein specified and satisfactory to the Board.

(3) The subdivision plan shall be endorsed with the necessary agreements in connection with required easements or other releases.

(4) Permanent monuments shall be set in all streets where required by the Planning Board.

(5) Deposit.

(a) The town will employ inspectors to insure the satisfactory completion of improvements and utilities required by the Planning Board. If the applicant elects to install such improvements before the final approval of the plat, the applicant shall notify the Town Board in writing and an inspector will be assigned thereto. In such case, the applicant shall deposit with the town, prior to approval of this procedure, an amount determined by the Town Board as sufficient to cover the cost of the inspection.

(b) If a bond is to be given to ensure completion of such improvements, the Town Board will assign an inspector to ensure such satisfactory completion. The developer shall pay the town for the cost of such inspection. The Town Board's determination of such cost of inspection shall be final.

(6) Public sanitary sewer.

(a) Where a public sanitary sewer main is reasonably accessible, the subdivider shall connect with such sanitary sewer and provide mains accessible to each lot. **[Added 12-21-54]**

(b) Where a public sanitary sewer main is not reasonably accessible, the subdivider shall install a private sanitary sewer system with a single disposal facility to serve such system, of a design approved by the Westchester County Department of Health. The design and installation of such private sanitary sewer system shall be subject to the approval of an engineer employed by the town who shall require that the installation be so designed as to connect to a projected public sanitary sewer main at some future date. **[Added 12-21-54]**

(c) New or replacement water supply systems and/or sanitary sewage systems shall be designed or minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding and, in addition, fully comply with standards set by the Westchester County Department of Public Works. **[Added 4-16-74]**

D. Filing of approved subdivision plat. Upon completion of the above requirements and notation to that effect upon the plat, it shall be deemed to have final approval and shall be filed in the office of the County Clerk. Any plat not so

filed or recorded within ninety (90) days of the date upon which such plat is taken as approved by reason of the failure of the Board to act shall become null and void. (§ 276 of the Town Law).

E. Resubdivision. In the case of a resubdivision, the same procedure, rules and regulations apply as for an original subdivision.

F. Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of an acceptance by the town of any street, or other open space shown on such subdivision plat.

§ 3. General requirements for the subdivision of land.

The Planning Board, in considering applications for subdivision of land, shall be guided by the following standards and requirements:

A. General.

(1) Land of such a character that it cannot be used without danger to health or peril from fire, flood or other menace shall not be subdivided for residential purposes nor for such other uses as may increase danger to health, life or property, or aggravate a flood hazard, but such land shall be set aside for such uses as shall not be endangered by periodic or occasional flooding or shall not produce unsatisfactory living conditions.

(2) Subdivisions shall conform to the Official Map of the town and shall be in harmony with the Town Plan, as it is developed and adopted by the Town Planning Board.

(3) **[Added 4-16-74]** Subdivision proposals and other proposed new developments shall be reviewed to assure that:

(a) All such proposals are consistent with the need to minimize flood damage.

(b) All public utilities and facilities, such as sewer, gas, electrical and water systems, are located, elevated and constructed to minimize and eliminate flood damage.

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

B. Street layout.

(1) Streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic, and to afford access of fire-fighting,

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snow-removal and other road-maintenance equipment, and shall be coordinated so as to compose a convenient system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.

(2) The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining property which is not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where topographic or other conditions make such continuance impracticable, in the opinion of the Planning Board, the above requirement may be modified.

(3) Where proposed streets do not extend to the boundaries of the tract, they shall be separated from such boundaries by a distance not less than the minimum lot depth prescribed by the Zoning Regulations for the Zoning District in which the proposed subdivision is located. Reserve strips of land must not be left between an adjacent piece of property and the end of a proposed street.

(4) Where dead-end streets are included in a subdivision, the Planning Board may require the reservation of a twenty-foot-wide easement to provide for continuation of pedestrian traffic and utilities where needed or desirable.

(5) Where a tract is proposed to be subdivided into lots averaging more than double the required size under the Zoning Regulations, the Planning Board may require that such lots be arranged so as to allow fur-

ther subdivision and the opening of future streets where they would be necessary to properly serve such potential lots.

(6) Minor or secondary street openings into a major road shall, in general, be at least five hundred (500) feet apart.

(7) Blocks shall not be excessively long, thereby causing unnecessarily circuitous travel on the streets. In long blocks, the Planning Board may require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable. In general, no block shall be less than two hundred (200) feet in width, nor more than one thousand two hundred (1,200) feet in length.

(8) The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets.

(9) Except where impracticable, all streets shall join each other so that for a distance of at least one hundred (100) feet the street is approximately at right angles to the street it joins.

(10) Cross (four-cornered) street intersections shall be avoided except where absolutely necessary.

(11) Whenever lots of a proposed subdivision are situated within a business zone, such lots shall be of sufficient size and dimensions to permit adequate provisions for off-street loading, unloading and parking.

C. Streets.

(1) Streets shall have the following widths, unless otherwise indicated on the Town Development Plan:

Major streets	80 feet
Secondary streets	60 feet
Minor streets	50 feet

(2) Streets shall be graded and improved, as required in the following paragraph, with pavement, sidewalks, drainage facilities, water, sewers and fire hydrants, except where waivers may be requested and the Planning Board may waive, subject to appropriate conditions, such improvements as it considers may be omitted without jeopardy to the public health, safety and general welfare.

(3) Such grading and improvements shall be approved as to design and specifications by the town's Engineer, and the developer shall complete such improvements to the satisfaction of said Engineer or post a sufficient performance bond to insure the satisfactory completion of such improvements, as a prerequisite to the approval of the final subdivision plat.

(4) Utilities required by the Planning Board shall be placed in the right-of-way on each side of the paved roadway to simplify location and repair of the lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

(5) Where topography is such as to make impractical the inclusion of utilities within the street lines, perpetual unobstructed easements at least fifteen (15)

feet in width shall be provided across property outside the street lines, and with satisfactory access to the street.

(6) Grades of all streets shall conform in general to the terrain, and shall not be less than one percent (1%) grade, nor more than five percent (5%) grade for main thoroughfares, nor more than eight percent (8%) grade for minor streets in residential zones.

(7) All changes in grade and all street lines deflecting from each other within a block shall be connected by curves of such length and radius as meet with approval of the town's Engineer, so that clear visibility shall be provided for a safe distance.

(8) All corners shall be rounded by curves of at least thirty (30) feet radius.

(9) A combination of steep grades and curves shall be avoided. Where the grade of a street intersecting another street exceeds five percent (5%), the land at each corner of such intersection shall be so graded as to prevent a blind corner and sufficient land shall be included in the street right-of-way at the intersection to permit permanent maintenance of visibility for safety of traffic.

(10) Dead-end and loop streets shall not be allowed where a continuation of streets is or will be needed for convenience of traffic or for ready access of fire-fighting equipment. Where dead-end streets are used, they should, in general, not exceed four hundred (400) feet in length, and shall terminate in a circular turn-around having a minimum radius of sixty-five (65) feet.

(11) Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the town's Engineer.

D. Lots.

(1) The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other natural conditions, in complying with the Zoning Regulations in order to build on each lot. Lots shall not be of unreasonable depth, encouraging the later creation of a second building lot at the rear.

(2) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variation from this rule will give a better street or lot plan.

(3) Corner lots shall be of sufficient dimensions so that any structures placed thereon shall conform to the building setback line of each street.

(4) Depth of lots shall not, in general, exceed two hundred (200) feet.

(5) Where practicable, lots shall be so laid out that the driveways have access to a local street and not to a major road carrying general traffic.

(6) Lots to be served by septic tanks shall be large enough to contain sufficient land of proper character to permit satisfactory performance of septic-tank-disposal fields, and compliance with the regulations of the County Department of Health.

(7) The minimum size of a lot shall be at least as large as that required by the Building Zone Regulations for the zone in which it is located.

(8) No building shall be located in the bed of a mapped street as shown on the Official Map unless a permit is obtained from the Zoning Board of Appeals in conformity with Section 279 of the Town Law.

E. Parks, open spaces and natural features.

(1) The Planning Board may require adequate, convenient and suitable areas for parks or playgrounds or other recreational purposes or ecological use to be set aside on a developer's subdivision plat or on the site plan, and this requirement shall include, but shall not be limited to, hotel zones or an office park complex. In no case, however, shall the area required to be set aside be more than ten percent (10%) of the gross area in single ownership. **[Amended 12-15-70]**

(2) Due regard should be shown for the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots and similar irreplaceable assets.

(3) Street trees shall be located and planted wherever required by the Planning Board, and the trees shall be of approved sizes and types.

F. Street names and signs.

(1) Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names in the Town and Village of Port Chester, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name.

(2) Streets shall have names and not numbers or letters (such as 1st or First Street).

(3) All streets shall have street signs of approved material, design and location.

G. Miscellaneous.

The owner may place restrictions on the development greater than those required by the Zoning Regulations.

The greater restrictions, however, shall be indicated on the plat submitted.

H. Variations.

The above standards shall be considered as minimum requirements, but the Planning Board may modify the specified requirements in any individual case where, in the Board's judgment, such modification is in the public interest or will avoid the imposition of unnecessary individual hardship. In making any modifications, however, the Board shall protect the town's interest, the general welfare of the community and the purpose and intent of these regulations.

§ 4. Specifications for preliminary layouts and subdivision plats.

A. Preliminary layout.

Preliminary layouts submitted to the Planning Board shall be drawn to a convenient scale, not less than one (1) inch equals one hundred (100) feet, and shall show the following information:

(1) The location of the property with respect to surrounding property and streets.

(2) The location and approximate dimensions of all existing property lines. (Include entire area proposed to be subdivided and remainder of the tract owned by the subdividing owner.)

(3) All pertinent features, such as existing structures, streets, railroads, water bodies, streams, swamps, that have a relationsship to the property. (Where ground contours are sufficiently uneven as to influence layout, the Board may require a topographic survey.)

(4) The location, width and approximate grade of all proposed streets. Approximate elevations shall be shown at the beginning and end of each street, at

street intersections and at all points where there is a decided change in the slope or direction.

(5) The approximate location, dimensions and area of all lots.

(6) The approximate location and dimensions of all property proposed to be set aside for playground or park use.

(7) The names of all adjoining property owners of record or the names of adjoining developments.

(8) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider, if other than the owner, and the name of the land surveyor.

(9) The date, approximate true north point and scale.

(10) Proposed provision of water supply, fire protection, disposal of sanitary wastes and water drainage. (Indicated on layout and generally described.)

B. Subdivision plat.

Subdivision plat submitted to the Planning Board for approval and subsequent recording shall conform to the following:

(1) Plats shall be clearly and legibly drawn on transparent linen tracing cloth with black waterproof ink to a scale of not less than one (1) inch equals one hundred (100) feet nor more than one (1) inch equals twenty (20) feet. Maps shall be on uniform-size sheets, thirty-six by forty-eight (36 x 48) inches overall, with a margin of two (2) inches on the narrow side of the sheet which shall be the left side or top of the map. Whenever any project is of such size that more than one (1) sheet is required, then an index map on the same size sheet shall accompany these sheets.

(2) Plats shall show the following information:

(a) Proposed subdivision name or identifying title, which shall not duplicate or too closely approximate that of any other development in the town.

(b) Date, approximate true north point and scale.

(c) Name and address of owner, subdivider and licensed engineer or land surveyor.

(d) Names of owners of record of abutting properties or developments.

(e) Locations, names and widths of existing streets, highways, easements, building lines, parks and other public properties.

(f) Location, widths, grades and names of all streets and sidewalks and location, dimensions and status of all easements proposed by the subdivider, and locations of all property proposed to be dedicated for park or recreational use.

(g) Location of existing and proposed fire hydrants.

(h) Lot areas and all lot lines with accurate dimensions and bearings or angles.

(i) Sufficient date to determine readily the location, bearing and length of all lines and to reproduce such lines upon the ground.

(j) Radii of all curves and lengths of arcs.

(k) Location, material and approximate size of all monuments.

(l) The accurate outline of all property which is offered or to be offered for dedication for public use with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the subdivision.

(3) Other data required.

The subdivision plat shall be accompanied by the following data, shown on separate sheets of the same standards as those used for the subdivision plat:

(a) Profiles along the center lines of streets showing existing and proposed elevations. All elevations must be referred to established U.S. Government or approved local bench marks. Present elevations of all proposed streets shall be shown at five (5) points on a line at right angles to the center line of the street every one hundred (100) feet throughout the length of such streets, and said elevation points shall be at the center line of the street, each property line and a point twenty-five (25) feet inside of each property line.

(b) Plans and profiles showing the location, size and invert elevations of existing and proposed water, sanitary sewers and storm-water drainage, and the exact location and size of all water, gas or other underground utilities or structures.

(c) Typical cross sections of proposed streets, showing width of pavement.

§ 5. Definitions.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

PLANNING BOARD — Means the Town Planning Board of the Town of Rye, New York.

SUBDIVISION — Means the division of any parcel of land into two (2) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or

future, of transfer of ownership or building development in such a way as to create one (1) or more new streets or highways, and shall include resubdivision.

SUBDIVIDER — Any person, firm, corporation, partnership or association who shall lay out for the purpose of sale or development any subdivision or part thereof, as defined herein, either for himself or for others.

TOWN DEVELOPMENT PLAN — A comprehensive plan for development of the town prepared by the Planning Board, pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various public works, places and structures and for the general physical development of the unincorporated part of the Town of Rye, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof.

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

STREET — Includes streets, roads, avenues, lanes or other ways.

MAJOR STREET — A street which serves, or is designed to serve, as a major artery and is so designated on the Town Development Plan.

SECONDARY STREET — A street which serves, or is designed to serve, as a trafficway for a neighborhood or as a feeder to a major street and is so designated on the Town Development Plan.

MINOR STREET — A street intended to serve primarily as an access to abutting properties.

DEAD-END STREET — A street or a portion of a street with only one (1) vehicular traffic outlet.

STREET WIDTH — The distance between property lines.

STREET PAVEMENT — The wearing or exposed surface of the roadway used by vehicular traffic.

EASEMENT — Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

PRELIMINARY LAYOUT — The preliminary drawing or drawings indicating the proposed manner of layout of the subdivision to be submitted to the Planning Board for its consideration.

SUBDIVISION PLAT — The final map or drawing on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

ARTICLE II
Floodplain Management Regulations
[Adopted 5-16-77, amended in its entirety 9-25-79]

§ 6. Statutory authority.

The Legislature of the State of New York has in § 64 of the Town Law, State of New York, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town Board of the Town of Rye, New York, does ordain as follows: That Article II, Floodplain Management Regulations, adopted May 16, 1977, is hereby amended and revised after a public hearing thereon, and in accordance therewith makes the following declarations of policy regarding Floodplain Management Regulations, which after adoption shall become the new Article II, Floodplain Management Regulations, affecting Land Subdivision Regulations of the Town of Rye, New York.

§ 7. Statement of findings.

A. The flood hazard areas of Town of Rye are subject to periodic inundation which results in loss of life and prop-

erty, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 8. Statement of purpose.

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

A. Protect human life and health.

B. Minimize expenditure of public money for costly flood control projects.

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

D. Minimize prolonged business interruptions.

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.

F. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas.

G. Ensure that potential buyers are notified that property is in an area of special flood hazard.

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 9. Methods for reducing flood losses.

In order to accomplish its purposes, this ordinance includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel floodwaters.

D. Controlling filling, grading, dredging and other development which may increase flood damage.

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

§ 10. Definitions.

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

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

APPEAL — A request for a review of the Town Engineer - Building Inspector's interpretation of any provisions of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving and excavation or drilling operations, located within the area of special flood hazard.

EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION — A parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed before the effective date of this ordinance.

EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed, including the installation of utilities, either final site grading or pouring of concrete or the construction of streets.

FLOOD OR FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided in which the Federal Insurance Administration

has provided flood profiles as well as the Flood Boundary - Floodway Map and the water surface elevation of the base flood.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

HABITABLE FLOOR — Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

MOBILE HOME — A structure that is transportable in one (1) or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this ordinance.

NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION — A parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this ordinance.

START OF CONSTRUCTION — The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the

property of accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads and installation of utilities) is completed.

STRUCTURE — A walled and roofed building, a mobile home or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE — A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

§ 11. Applicability of provisions.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the unincorporated area of the Town of Rye.

§ 12. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Town of Rye," dated March 29, 1979, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file in the Town Hall, 10 Pearl Street, Port Chester, New York 10673.

§ 13. Compliance required; penalties for offenses.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars ($100.) or imprisoned for not more than fifty (50) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Rye from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 14. More stringent provisions to prevail.

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant

or deed restriction conflict or overlap, deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 15. Interpretation and application of provisions.

In the interpretation and application of this ordinance, all provisions shall be:

A. Considered as minimum requirements.

B. Liberally construed in favor of the governing body.

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 16. Warning and disclaimer of liability.

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

§ 17. Development permits.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 12. Application for a development permit shall be made on forms furnished by the Town Engineer - Building Inspector and may include but not be limited to plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures,

fill, storage of materials; drainage facilities; and the location of the foregoing. Specifically the following information is required:

A. Elevation in relation to mean sea level, of the lowest floor, including basement, of all structures.

B. Elevation in relation to mean sea level to which any structure has been floodproofed.

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 25B and that a performance bond in the amount of present market value of the foundation construction cost be posted by the owner or builder, which bond is refundable when it has been determined by the Town Engineer - Building Inspector that the building has been floodproofed as proposed.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 18. Designation of local administrator; powers and duties.

A. The Town Engineer - Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

B. Duties of the Town Engineer - Building Inspector shall include but not be limited to the following:

(1) Permit review. He shall:

(a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the floodway and, if located in the floodway, assure that the encroachment provisions of § 26A are met.

(2) Use of other base flood data. When base flood elevation data has not been provided in accordance with § 12, Basis for establishing the areas of special flood hazard, the Town Engineer - Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer § 25, Specific standards, Subsection A, Residential construction, and Subsection B, Nonresidential construction.

(3) Information to be obtained and maintained. He shall:

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

(b) For all new or substantially improved floodproofed structures:

[1] Verify and record the actual elevation (in relation to mean sea level); and

[2] Maintain the floodproofing certifications required in § 17C.

(c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(4) Alteration of watercourses. He shall:

(a) Notify adjacent communities by certified mail, return receipt requested, and the New York State Department of Environmental Conservation and the Westchester County Department of Public Works, Stream Control Division, prior to any alteration or relocation of a watercourse and

submit evidence of such notification to the Federal Insurance Administration.

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

(5) Interpretation of FIRM boundaries. He shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 19.

§ 19. Variance procedure.

A. Appeal Board.

(1) The Town Board of the Town of Rye shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Town Board shall hear and decide appeals when it is alleged that there is an error in any requirements, decision or determination made by the Town Engineer - Building Inspector in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Town Board, or any taxpayer, may appeal such decision to the Supreme Court of the State of New York, Westchester County, as provided by statutory authority as contained in an Article 78 proceeding of the laws of the State of New York.

(4) In passing upon such applications, the Town Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(5) Upon consideration of the factors of Subsection A(4) and the purposes of this ordinance, the Town Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(6) The Town Engineer - Building Inspector shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in Subsection A(4)(a) through (k) have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.

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

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

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

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in

Subsection A(4) or conflict with existing local law or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 20. General standards.

In all areas of special flood hazards, the standards as set forth in Paragraph 1910.3, Floodplain Management (criteria for floodprone areas), in the Federal Register and in the manual entitled "Elevated Residential Structures," published by the Federal Insurance Administration, National Flood Insurance Program and Department of Housing and Urban Development, shall be applied and interpreted by the Town Engineer of the Town of Rye as the enforcing officer of this ordinance.

§ 21. Anchoring.

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

B. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:

(1) Over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes less than fifty (50) feet long requiring one (1) additional tie per side.

(2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet long requiring four (4) additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(4) Any additions to the mobile home be similarly anchored.

§ 22. Construction materials and methods.

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

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

§ 23. Utilities.

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

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

§ 24. Subdivision proposals.

A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and shall include flood retention facilities and erosion control facilities during the construction phase and after final completion.

D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

§ 25. Specific standards.

In all areas of special flood hazard where base flood elevation data have been provided as set forth in § 12, Basis for establishing areas of special flood hazard, or in § 18B(2), Use of other base flood data, the following standards are required:

A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either:

(1) Have the lowest floor, including basement, elevated to the level of the base flood elevation; or

(2) Together with attendant utility and sanitary facilities:

(a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered or professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in § 18B(3)(b).

C. Mobile homes.

(1) Mobile homes shall be anchored in accordance with § 21B.

(2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, it shall be required that:

(a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(b) Adequate surface drainage and access for a hauler are provided; and

(c) In the instance of elevation on pilings, that lots are large enough to permit steps, piling foundations are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for pilings more than six (6) feet above the ground level.

(3) No mobile home shall be placed in a floodway except in an existing mobile home park or an existing mobile home subdivision.

§ 26. Floodway requirements.

Located within areas of special flood hazard established in § 12 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Subsection A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 20 through 28.

C. The placement of any mobile homes except in an existing mobile home park or existing mobile home subdivision shall be prohibited.

§ 27. Amendment of prior regulations.

The floodplain management regulations previously adopted by the Town Board of the Town of Rye on the 16th day of May 1977 and commonly known as "Floodplain Management Regulations of Land Subdivisions" of the Town Code of the Town of Rye, outside the limits of any incorporated village therein, are hereby amended and revised in accordance with the statutory authorization, as contained in § 6 of this ordinance, and further, all provisions of the Zoning Ordinances of the Town of Rye as enacted and the Building Code Regulations as enacted shall remain in full force and effect so long as such rules and regulations are not inconsistent with this ordinance as enacted.

§ 28. Effective date.

This ordinance shall take effect as of this date, September 25, 1979.

PART III

MINIMUM PAVEMENT SPECIFICATIONS

MINIMUM PAVEMENT SPECIFICATIONS

[HISTORY: Adopted Rye Town Board 5-20-52.]

§ 1. Preparation of subgrade.

All topsoil and vegetation, including stumps and other deleterious matter, shall be removed from pavement areas. All wet or spongy sections shall be removed and filled with selected material thoroughly tamped or rolled. Fills shall be made in horizontal layers of not more than twelve-inch lifts, each lift being thoroughly rolled with ten-ton roller. If material is too dry to get optimum moisture, water must be added. The roadway shall be shaped to true crown and to designed grade and it must be unyielding when rolled with ten-ton roller. Any soft or spongy material must be removed and replaced with suitable material.

§ 2. Drainage.

Not covered in these specifications. Each job dictates specific drainage which must be installed because any pavement is no better than its base, and drainage is basic.

§ 3. Base or foundation course.

A decision between these alternates must be made initially. Rock must be excavated to have at least four (4) inches of base; if excavation is through good gravel naturally base

requirements will differ; if old road beds exist still different requirements will be indicated.

A. Alternate A — Five-inch trap rock asphalt penetrated.

On the prepared subgrade shall be evenly spread a layer of one and one-half (1½) inches of trap rock thoroughly rolled with ten-ton roller so that a resulting five-inch-thick layer is obtained, all to true crown, line and grade. This shall be penetrated with one and one-half (1½) gallons of asphalt, 85-100 penetration, per square yard. Fill voids with one-half-inch trap rock.

B. Alternate B —

(1) Two (2) inches crushed stone on six-inch gravel — no asphalt.

(2) Eight (8) inches stone — no asphalt.

On prepared subgrade:

(1) Six (6) inches compact thickness bank-run gravel (N. Y. State Item 42) of such sizes as will pass through a three-inch square hole and shall be well graded; that portion passing a one-fourth-inch screen shall not be more than forty-five percent (45%) by weight of the entire mass; use ten-ton roller; two (2) inches compact thickness one and one-half (1½) inches crushed stone, voids well filled with screenings or sand; ten-ton-roller — no asphalt. or

(2) Eight (8) inches compact thickness in two (2) layers rolled with ten-ton roller; crushed stone, quarry spoil or other well graded field or quarry stone; surface voids thoroughly filled with screenings or sand.

§ 4. Top course.

A. Alternate A — Penetration macadam.

On the satisfactorily completed base course shall be spread a course of one- and one-half-inch trap rock, rolled with ten-ton roller and shaped to design features such that a resulting compact three-inch thickness is obtained. Penetrate with one and three-quarter (1¾) gallons asphalt per square yard; spread three-eighths-inch trap rock filling all voids and roll with ten-ton roller adding additional three-eighths-inch trap rock and brooming about until all the voids in the one- and one-half-inch trap are entirely filled. The rolling shall continue until the course of stone is thoroughly compacted and its surface is true and even to the established grade; next sweep off all loose three-eighths-inch trap rock and apply a seal coat of five-tenths (0.5) gallon asphalt per square yard and cover with one-fourth-inch trap rock and roll. Continue rolling and adding one-fourth-inch trap rock until a smooth uniform surface is produced.

B. Alternate B — Asphaltic concrete — Two courses New York State Item 51M.

(1) On foundation course properly prepared apply in two (2) equal layers and roll with ten-ton roller any one (1) of the various mixes in New York State Item 51M. The Town of Rye reserves the right to choose a type of texture wanted.

(2) Other design features:

(a) Crown — one-fourth (¼) inch per foot.

(b) Minimum width — twenty (20) feet if uncurbed.

(c) Minimum width — twenty-six (26) feet if curbed.

(d) Curbing — Build with asphalt concrete rolled to four (4) inches high and seven (7) inches thick at pavement line. Curbing to be used where erosion would occur — definitely on grades five percent (5%) and over.

PART IV

POLICE DEPARTMENT

Rules and Regulations

PART IV

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POLICE DEPARTMENT

Rules and Regulations

[HISTORY: Adopted Rye Town Board 3-21-50.]

§ 1. Police Districts.

The authority of the Police Department of the Town of Rye, New York, extends over the territory embraced within the boundaries of said town as they now exist or may be hereafter established by law.

§ 2. Police Headquarters.

The headquarters of the Police Department are established in Police Headquarters, 348 North Main Street, Port Chester, New York.

§ 3. Order of rank within Police Department.

A. Rules.

(1) The Chief shall personally or through officers of his command detailed for that purpose make regular inspections of and visits to the various beats being patrolled by members of his command to see that such patrol duty is being properly performed.

(2) The Chief shall, under the direction of the Police Committee of the Town Board, divide the police force into reliefs and he shall district the town into posts, and number the same from time to time, designating the patrolmen who are to patrol the same. He shall make such assignments as are or may hereafter be necessary for the preservation of peace and good order in the event of an emergency, and he shall have the power to make such transfers among the members of his command as may be proper or necessary.

(3) He shall make all reports required by ordinances of the Town of Rye and by the Laws of the State of New York and he shall submit monthly reports, in writing, to the Town Board respecting the state of the police force, with such statistics and suggestions as he may deem advisable for the improvement of the police government, the discipline of the force, or such other facts as are required by the Supervisor and the Town Board.

(4) He shall keep and maintain in his office the following books and files which shall at all times be open for inspection by a proper town official:

(a) Complaint Book, in which shall be entered every complaint preferred against any member of the police force, together with the name and address of the complainant.

(b) Register of Lost, Missing or Stolen Property, for the general convenience of the public and of the police force.

(c) Records Book or File, wherein shall be entered the name of every member of the police force with the time and place of his nativity, the time and place when he became a citizen if he was born out of the United States, his age, his former occupation, number in his family and residence thereof, the date of his appointment or dismissal from office, with the cause of the latter.

(d) Account Book, for current and incidental expenses incurred in the office of the Chief of Police.

(e) Time Book, in which shall be entered the time on duty of each member of the police force, and those present or absent at roll call.

(f) A book in which shall be entered the pertinent details of all arrests made and criminal complaints disposed of, such as full name and alias, if any, of every person arrested and detained or against whom a criminal complaint shall be made, time of arrest, nature of complaint, record of court proceedings had, disposition made of the accused, name of the person making the arrest, name and residence addresses of witnesses and all pertinent circumstances surrounding the particular case.

(g) A book in which shall be entered an account (stating the time, place and circumstances) of all larcenies, burglaries and other offenses which shall come to his knowledge; of suspicious persons and places, of money and other articles of value.

(h) Summons Record, in which shall be entered a record of all summonses served in lieu of arrest by members of the police force.

(i) A record book or file wherein shall be entered or kept the daily reports of every police officer; such daily reports of each police officer shall have affixed thereto a statement by the police sergeant of the detail certifying that he has read such report and his comments thereon.

(5) It shall be his duty to take charge of and distribute to the members of the police force all articles of uniform and equipment furnished by the town. He shall from time to time inspect or cause to be inspected the dress of the policemen when about to leave headquarters for duty, and require the members of his command to be decently and cleanly attired at all times.

(6) He shall cause to be carefully read and explained to the members of his command all general orders of the Police Department, all decisions, as issued, of the Town Board, the Police Committee and/or himself relating to any general complaints entered against the police force, and such parts of these Rules and Regulations as may be proper or necessary, taking great care that they are understood by each individual to whom addressed.

(7) He shall have power to promulgate such proper orders to his subordinates as he may deem necessary, and it shall be the duty of every policeman to give him and his orders implicit obedience. And in case of any wilful disobedience to said Chief of Police or to any proper order made by him, said Chief of Police may suspend such policeman from duty, and in case of any such suspension, the Chief of Police shall immediately report the same in writing to the Chairman of the Police Committee, together with the causes thereof.

(8) When charges are filed in his office against any member of the police force, they shall be disposed of in accordance with the provisions of the Town Law, Civil Service and Laws of the State of New York.

§ 4. Patrolmen.

A. Rules.

(1) Patrolmen shall examine and make themselves perfectly acquainted with every part of their posts, and prevent the commission of assaults, breaches of the peace and all other crimes and by their vigilance render it extremely difficult for anyone to commit crime on their posts. When, on any post, offenses frequently occur, it will be considered that there is negligence or want of ability on the part of the patrolman in charge of said post.

(2) When a crime has been committed and the Chief of Police has cause to suspect that negligence is attributable to the patrolman on whose post or district the crime has been committed, such patrolman will be required to show that he was strictly attending to his duties.

(3) Patrolmen shall constantly patrol their posts unless otherwise directed by the Rules and Regulations, or by the order of their superior officers.

(4) Patrolmen shall not leave their posts until and unless regularly relieved except in cases authorized by these Rules and Regulations or pursuant to the orders of their superior officers, nor shall any patrolman enter any building while on post except in execution of police duty.

(5) Patrolmen shall come to Headquarters upon reporting sick from any such post after having been authorized to do so by the Patrol Sergeant in charge or

by the Sergeant in charge of the desk at Headquarters. In all such cases they shall, before leaving their post, notify the officer on the adjoining post. When returning to their post, they shall do so with the least practicable delay and they shall carefully inspect the same to see that no depredation has been committed during their absence.

(6) Patrolmen shall not walk together or talk with each other when they meet on the confines of their posts, unless to communicate information appertaining to their police duties; and in such cases they must make their communications as brief as possible.

(7) Patrolmen shall not engage in conversation with any person while on post except to answer questions, give information or take complaints.

(8) Patrolmen shall watch closely the conduct of all persons under suspicion or of known bad character in such manner that it will be evident to such persons that they are under police surveillance. Patrolmen shall note the premises entered by such persons and shall endeavor to ascertain the names and residence addresses of suspected persons and communicate to superior officers all information regarding such persons.

(9) Patrolmen must acquire such knowledge of inhabitants and frequenters within their posts that they at once recognize them.

(10) Patrolmen shall pay particular attention to all public houses on their posts, reporting those that remain open after hours, or are noisy or disorderly, and shall carefully watch all places suspected of being disorderly, and observe by whom they are frequented, and report their observations to their superior officers in writing in their daily reports.

(11) Patrolmen shall take particular notice of all taxis and other vehicles at night which, in any circumstances, excite suspicion.

(12) Patrolmen while inspecting their posts will note the condition of all street lamps and report those not lighted; they will also report daily: defective sidewalks, leaking hydrants or water mains, dangerous holes in or obstructions of the streets and sidewalks, unsanitary places, or anything dangerous or injurious to public safety and health. They will also report to their superior officer all complaints made to them by citizens while on posts.

(13) In all cases where patrolmen on post are required to report certain matters or occurrences to their superior officers that require immediate attention, they shall do so by communicating with Headquarters from the patrol box. If a patrol box is not available, they will use the nearest telephone or radio. Cases in which delay is allowable will be reported at completion of their tour of duty. They will also repeat all reports they made by telephone during their tour of duty.

(14) Patrolmen on post duty shall communicate from the patrol box on their post with Headquarters at least once during each hour of their tour of duty, and in such manner and at such other times as the Chief of Police shall direct.

(15) Patrolmen shall register when reporting at or leaving Headquarters after being on special duty.

(16) Patrolmen must at all times be able to furnish particulars and general information as to the state of their posts; when placed upon a new post, the officer's first duty is to make himself thoroughly familiar with the said post.

§ 5. Traffic police.

A. Rules.

(1) Traffic officers shall be such patrolmen on foot or mounted, in or upon motor vehicles, as the Chief of Police may detail for traffic duty.

(2) Traffic officers shall be responsible to the Chief of Police who may, by special order, not in conflict with the law or these regulations, so defiine their duties as will secure the best enforcement of traffic ordinances. Traffic officers shall give their special attention to enforcing the traffic ordinances and the Motor Vehicle Law of the State of New York, but they are not relieved of responsibility for any regular police duty should occasion arise demanding it.

(3) A traffic officer shall take his position in the center of the highway where he can better see and be seen and from which position he can better control vehicular traffic and pedestrians. While on duty, a a traffic officer shall use or wear such safety devices or equipment as shall be provided for him.

§ 6. Motor-vehicle police.

A. Rules.

(1) The principal duties of the motor-vehicle police shall be regulating motor-vehicle speed and enforcing the traffic ordinances and motor-vehicle laws of all kinds.

(2) They shall, when on duty, report to Headquarters by telephone or police signal service as often as required.

(3) They shall be subject to the orders of the Chief of Police or other superior officers and of the officer in charge at Headquarters, and they shall be subject at all times to the Rules and Regulations of the Police Department.

(4) When an alarm of fire is sounded, it is the duty of patrolmen assigned to motor duty to proceed to the scene of the fire and help in maintaining order and give assistance in every way possible to control traffic and see that the operations of the Fire Department are not impeded. Upon leaving the place of the fire, they will make a full report in writing at Headquarters.

(5) Officers or motor-vehicle duty shall be responsible for the condition of the motor vehicle.

(6) No member of the police force who is not assigned to motorcycle duty shall be allowed to ride a Police Department motorcycle without permission from the Chief of Police or officer in charge. In no case shall a person who is not a member of the police force be permitted to ride Police Department motor vehicles other than in the event of emergency or in the course of arrest, etc., except on direction of the Chief of Police or other superior officer.

(7) Motor-vehicle police shall be held strictly accountable for the motor vehicle and equipment entrusted to their care. Upon relief from a tour of duty, such police shall station their vehicles at the police Department garage house and they shall leave the keys to such vehicles with the officer in charge at Headquarters.

§ 7. Uniforms and equipment.

A. Rules.

(1) The style of uniform shall be that approved by the Chief of Police and adopted by the Town Board.

(2) The uniforms will be worn securely buttoned and no part will be worn with civilian clothes. A collar

handkerchief or other article that will show above the collar of the uniform coat will not be worn. Black shoes or puttees shall be worn with uniforms. Members of the police force are personally responsible for the proper and authorized use of their uniforms and equipment.

(3) Officers and patrolmen, when on duty and in uniform, shall wear the shield conspicuously on the outside of the outermost garment over the left breast, so that the entire surface of the same may be easily and distinctly seen.

(4) All officers, when on duty in their office or in the public streets, shall appear in full uniform, except when the Chief shall deem it necessary for the public interest for them to appear in citizen's dress. Every member of the police force, when entering upon duty, must be neat and clean in his personal appearance and in his dress.

(5) Umbrellas or walking canes are not to be carried by members of the force while on duty.

(6) In addition to articles of uniform clothing, the Town Board shall provide and the Chief of Police shall issue authorized items of police equipment to all officers and members of the Police Department. Authorized equipment to be issued shall include, but shall not be limited to, whistle, revolver, notebook, locker key, signal-box key and all other items of property issued by the Chief of Police. All items of equipment furnished to members of the Department as above shall be returned whenever an officer or member is retired or dismissed from the force or is under suspension for any cause.

(7) Patrolmen, whether on or off duty, shall not permit others to handle their batons, revolvers, handcuffs or

police-patrol keys. These items shall remain in the officer's personal possession at all times except that during off-duty periods such items shall be deposited in a place of safety not accessible to others.

(8) Each member of the force shall at all times have with him a small memorandum book in which he shall note all matters observed by him on his post, including full particulars regarding all arrests made by him. The entries shall be such as to be suitable for use in evidence upon a trial. The notations so made shall be in addition to the daily written report to be submitted by all police officers and patrolmen.

(9) Each member of the Police Force shall be furnished with a copy of the Rules and Regulations of the Police Department which he shall keep in his possession at all times. All members of the force shall become thoroughly familiar with their respective duties as set forth in such Rules and Regulations.

(10) It shall be deemed neglect of duty on the part of any member of the force who shall carelessly lose his shield, emblem or other insignia of office, neglect to fasten the same securely to his person, or, in the event of loss of the same, neglect to report such loss immediately thereafter to the officer in charge at Headquarters.

§ 8. Salute and drills.

A. Rules.

(1) A member of the police force in full or partial uniform, on meeting or passing the Supervisor and members of the Town Board, or any superior officer, shall salute him in the manner hereinafter specified, and it is the duty of the subordinate to offer the prescribed salutation and of the superior to return it.

(2) The salute shall be made by raising the right hand smartly until the forefinger touches the visor above the right eye (or, if uncovered, until it touches forehead above right eye), thumb and fingers extended and joined, palm to left, forearm inclined at about forty-five degrees (45°), hand and wrist straight.

(3) Men in the ranks will not salute unless ordered to do so by the officer in command. Members of the police force on duty in citizen's dress are not required to salute.

§ 9. General instructions governing officers and patrolmen.

A. Rules.

(1) The prevention of crime being the most important object in view, the exertion of every member of the force shall be constantly used to accomplish that end. He shall, to the utmost of his power, prevent the commission of assaults, breaches of the peace and all other crimes about to be committed.

(2) He shall carefully inspect every part of his beat. The regularity of inspection above enjoined shall not prevent his remaining at any particular place if his presence is required, but he must satisfy his superior officer that there was sufficient cause for so remaining.

(3) He must, whenever possible, fix in his mind such impressions as will enable him to recognize persons whom he frequently meets in the streets at night, and endeavor to ascertain their names and residences, and communicate to his commanding officer all information regarding them.

(4) He shall report to his commanding officer all information in his possession regarding known or suspected

gamblers, dealers, receivers of stolen property and premises or apparatus being used or likely to be used for illegal purposes.

(5) When any person charges another with the commission of a crime, and insists that the person charged shall be taken in custody, the policemen shall require the accuser to accompany him as a witness along with the accused to Police Headquarters; he shall then, with as little delay as possible, return to his beat and inspect the same with great care, to see that no depredations have been committed during his absence.

(6) He shall carefully watch all disorderly houses, or houses of ill fame within his beat, observe by whom they are frequented and report his observations to the commanding officer.

(7) Except as otherwise provided in these Rules and Regulations, he shall not leave his beat until regularly relieved, unless it be for the purpose of taking a prisoner to Headquarters, answering a call for assistance by a fellow police officer, or following an offender to an adjoining beat for the purpose of making an arrest.

(8) He shall give his name and shield number to all persons who may, in a respectful manner, ask for the same.

(9) He shall not use his baton except in the most urgent cases of self-defense.

(10) He shall pay particular attention to all public houses and drinking places on his beat. He shall see that all licensed places are closed during the required hours, and otherwise see that the provisions of the town ordinances, the Penal Law, the regulations of the Alcohol Beverage Control Board and other pertinent directives are enforced and observed.

(11) If he observes in the street or sidewalk and defect or anything likely to produce danger or public inconvenience, or anything which seems irregular and offensive, he shall report the same immediately on his return to the Police Headquarters, but if danger is threatened, he shall abate it immediately.

(12) Each patrolman holds his office during good behavior only, and it is therefore especially enjoined upon the members of the Department carefully to study and understand the police rules, and also to acquire a sufficient knowledge of the laws of the state and ordinances of the town to enable them to properly discharge their duties.

(13) Each police officer shall treat his superiors with respect. He shall be courteous and considerate toward his associates on the force, guarding himself against envy, jealousy or other unfriendly feeling and refraining from all communications to the discredit of a fellow member. He shall seek at all times to achieve the fullest cooperation with his associates, always keeping duty above personal feeling or sentiment.

(14) It shall be the duty of the officers and members of the police force to see that all hawkers, peddlers, carriers of passengers and other persons requiring licenses comply with the ordinance upon the subject from time to time passed by the Town Board and that they and all other persons by ordinance so required to do pay to the Town Clerk the license fee required, and that no person conduct any business requiring a license within the town limits without paying such license fee, and no person shall be passed by any patrolman unless he can exhibit such license to him.

(15) He shall not accept either directly or indirectly any reward, gratuity or gift from any person in custody, any person discharged from custody or any of his

friends. He shall not, without the written approval and permission of the Town Board, accept from any person compensation for damages sustained by him in the discharge of his duty. He may, however, receive for his own use his ordinary fee as a witness when entitled thereto pursuant to a subpoena to attend as such in an action, but, no charge for expenses shall be made against the town in such case.

(16) He shall not compound any offense committed against his person or property, or withdraw any complaint unless permitted by the Town Board.

(17) No member shall communicate to any person any information which may enable persons to escape from arrest or punishment, or enable them to dispose of or secrete any goods or other valuable things stolen or embezzled.

(18) No member of the police force shall, in Headquarters or elsewhere, while wearing a police uniform, drink any kind of intoxicating liquor.

(19) Each member of the police force in his conduct and deportment shall be quiet, civil and orderly in the performance of his duty; he shall maintain decorum, command of temper and patience and shall be discreet. Members of the Department shall be civil and respectful on all occasions. When on duty, members of the police force shall touch the peak of their caps when addressed by ladies.

(20) No member of the Police force shall arrest or assist in making an arrest under a United States warrant, except when called upon by a United States Marshal in the immediate discharge of his duties.

(21) No member of the police force shall solicit for any attorney, or advise prisoners whom to engage, nor shall any member convey communications between prisoners and attorneys without the consent of his

superior officers. When prisoners, while in custody, request that certain attorneys be called, the commanding officer shall comply with such request.

(22) All persons taken to Police Headquarters shall be thoroughly searched by arresting officers before being confined in the cells. The arresting officer is charged with this responsibility.

(23) Members of the police force are particularly directed to remove all persons found begging in the streets. If on inquiry such persons are found to be proper subjects for relief from the Public Welfare Officer they will be turned over to that official for disposal. If imposters or vagrants, they will be taken before the judge and their cases disposed of according to law.

(24) Members of the police force detailed to execute warrants shall do so promptly, and in all cases interested parties will be notified, before the opening of the court of the time the same will be called.

(25) When any member of the force shall arrest any person or persons on a charge of keeping a gaming house and shall, incident to such arrest, seize any gambling apparatus or devices or any sums of money believed to be proceeds of gambling, he shall promptly place such property and/or money in the custody of the desk officer. All such property and money shall be properly marked for identification in such manner as to be suitable for use in the prosecution of offenders. The arresting officer in such case shall prepare a complete and accurate report, to include photographs where appropriate, of the premises and apparatus involved and of all the pertinent circumstances, for the use of the trial court.

(26) The right of every member of the police force to entertain religious, political or partisan opinions shall

be deemed sacred and inviolate. But no member of the police force shall be permitted to be a delegate or representative to, or member of, any political or partisan convention or primary whose purpose is the nomination of any candidate or candidates to any political office. Upon the days of elections for public officers, held under the laws of the state, he shall, whether specially assigned to attend the polls or otherwise, do all within his power to preserve the peace, protect integrity of the ballot box, enforce the right of lawful voters and prevent illegal and fraudulent voting.

(27) No member of the police force is liable to jury duty, and no person connected with the police force shall be a member of any military corps or political organization.

(28) No member of the Police Department shall communicate, except to such persons as directed by his superiors, any police information, nor any information respecting orders he may have received, nor any regulation that may be made for the government of the Police Department, nor in regard to any arrest that may have been made. A violation of this rule shall be deemed sufficient cause for dismissal from the Department.

(29) A member of the Department shall treat as confidential the official business of the Department. He shall not impart it to anyone, except those for whom it is intended, or as directed by the Chief of Police, or under due process of law; he shall not talk for publication, nor be interviewed, nor make public speeches on police business, except by permission of the Chief of Police; except that:

(a) An employee of the State Civil Service Commission, upon displaying his official shield, may be furnished with such information as in the opinion

of the commanding officer may be necessary and proper to aid the work of that commission.

(b) Information about persons arrested may be given by members of the force to properly identified representatives of the Parole Commissioners, the Chief Parole Officer or the Secretary of the commission.

(30) No member of the force shall absent himself from duty or from the town, except when disabled by sickness or on vacation leave, without first having obtained the permission of the officer in charge. In any case, where absence from duty for a period in excess of two (2) weeks is contemplated, the officer in charge shall not grant permission for such absence without the prior consent of the Police Committee of the Town Board.

(31) All members leaving the police force shall return their shields and all other property belonging to the town to their superior officer, and all pay or compensation due shall be withheld until this rule is complied with; and it shall be the duty of the members of the police force, when suspended from duty, and upon a demand from their superior officer, to deliver to him all property belonging to the town.

(32) Vacations shall be taken by the members of the police force of each rank in the order of seniority. A member is not entitled to a vacation until after he has served one (1) year. Vacation lists will be prepared not later than April 1 of each year. No changes shall be permitted except with the approval of the Chief of Police. The authorized annual vacation permits will be governed by orders issued by the Chief of Police. A member, prior to absenting himself on vacation, shall leave his vacation address with the Chief of Police.

(33) Punctual attendance, prompt obedience to orders and absolute conformity to the Rules and Regulations shall be exacted and rigidly enforced.

(34) Policemen, whether on duty or not, shall take notice of offenses coming under their observation.

(35) It shall be the duty of all members of the police force to cooperate with the Chief and with each other in the prevention and detection of crime and for the arrest of criminals. In order to secure cooperation and unity of action in the police force, each member is required to report daily, in writing, to the Chief, such information as he may in any way obtain or possess relative to suspicious persons or places, or any occurrence or curcumstances in any way bearing upon any crime that may have been committed, or tending to throw light thereupon, or that may be of any assistance to the Department by leading to the arrest of any criminal; and any member of the force intentionally keeping back such information or failing to report the same shall be deemed guilty of a gross neglect of duty.

(36) No patrolman shall receive directly any warrant from the officer of a court (except in case of emergency); all such warrants shall be delivered daily to the Chief of Police, who shall receive the same, make a record thereof, and deliver the same to the officers for service without favoritism. The officer receiving the same shall report thereon to the Chief of Police and, in case of his inability to execute the same, file such warrant with the Chief of Police, or do as he may instruct in relation thereto. The Chief of Police shall report to the judge issuing the warrant, the result of executing all warrants forthwith, upon receiving report thereon.

(37) Whenever any person shall come into the charge of the police by reason of illness or injury such as

to require aid or assistance and removal to a hospital, such person shall be so removed to a hospital on the direction of the officer in charge at Headquarters, and the family or next of kin of such person shall be promptly advised of such removal.

(38) Members of the police force shall carry upon their person at all times, except when on vacation, a revolver of the pattern and calibre approved by the Chief of Police. They are forbidden to carry revolvers loaded with blank cartridges; the revolver is placed in the officer's hands for his protection and to enforce his authority in extreme cases, and shall always be in proper condition to be relied upon in cases of emergency.

(39) Any officer having Police Department property which has become unserviceable and requires replacement shall make a written inventory, in duplicate, of the same and submit such inventory to the Chief of Police with a request that the property be replaced. The Chief of Police shall make or cause to be made a thorough inspection of the property so inventoried, upon the basis of which inspection he shall prepare and submit to the chairman of the Police Committee, a full report of the results of the same. The report shall set forth the exact condition of the property so inventoried and shall include recommendations as to the disposition to be made thereof, such as sale, salvage, destruction or repair. Final disposition of condemned property shall be made only after and in accordance with the direction of the Police Committee following report to the Town Board.

(40) Smoking while on duty is prohibited. No member of the Police Force shall smoke in the public offices of Police Headquarters, except that smoking is permitted in the lounging room at Headquarters, nor

shall any member of the force smoke at any time in a public place while in uniform.

(41) All property or money alleged or supposed to have been stolen or embezzled and found in possession of persons arrested shall be taken with the persons arrested to the court, and all such property or money which the judge does not immediately deliver to the lawful owners shall be deposited with the Clerk of the Court, and be subject to the order of the court.

(42) All property or other articles which are held as evidence shall be carefully marked and secured by the arresting officer before being delivered to the desk officer. The property will be so marked and secured as to enable the officer to positively identify it thereafter.

(43) Property coming into the possession of members of the police force during the hours the court is not in session shall be taken to Headquarters and delivered to the desk officer who shall retain the same until taken to the court.

(44) All lost property coming into possession of members of the Police Department shall be delivered to the property clerk as soon as practicable, so that it may be advertised for the benefit of the owners.

(45) A member of the force receiving property which has been found and delivered to him shall give the finder a receipt with his name, shield number and command, and a description of the property.

(46) All members of the police force shall devote their whole time and attention to the business of the Department, and they are expressly prohibited from following any other calling or being employed or di-

rectly or indirectly engaged in any other business, except where permitted by law or where express permission is granted by the Chief of Police, with approval of Police Committee.

(47) A member of the police force shall be fit for, and subject to, duty at all times, except when on sick report. The Chief of Police, with the approval of the Police Committee of the Town Board, shall determine such fitness by an annual medical examination to be conducted by the police surgeon or such other medical doctor as shall be decided upon by the said Police Committee.

(48) All members of the police force shall be deemed to be always on duty, subject to such relief therefrom as shall be allowed by proper authority, and the same responsibility as to the suppression of disturbances and the arrest of offenders rests upon them when not in uniform as when on post duty.

(49) Members of the force shall not render any assistance in civil cases, except to prevent an immediate breach of the peace or to quell a disturbance actually commenced.

(50) The Chief or Acting Chief of the Department shall have the power and authority to suspend temporarily any member of the force who shall violate any of the Rules and Regulations of the Police Department, the ordinances of the Town of Rye, or the laws of the State of New York.

(51) When leaving Headquarters to go on duty, patrolmen shall proceed at once by the shortest route to their respective beats.

(52) No member of the police force will be permitted to solicit any contribution in money or thing on any

pretext from any person, committee or association for any political purposes whatever, nor be obliged to make any contribution for any such purpose.

§ 10. Sickness and injury.

A. Rules.

(1) No pay shall be allowed for time lost through sickness or disability when such sickness or disability is feigned or simulated, when it arises from carelessness or from improper, vicious, illegal or immoral conduct or practices, including excessive indulgence of appetite, or from other bad habits, or when it results from any cause occurring during a period of absence from duty. Nor shall any pay be allowed for time lost in any case where the sick or disabled member of the police force shall fraudulently seek by concealment, false statement or otherwise to deceive or mislead the surgeon with regard to his case, or where such member shall not remain at his residence so as to be available for medical attendance and treatment, or where such member shall refuse or neglect to conform to the instructions of the police surgeon. Conduct of the sort herein described on the part of any member of the police force shall be grounds for the bringing of charges against such member for neglect of duty of misconduct. When a member of the force shall be duly certified as sick for a period of two (2) weeks, the Chief of Police shall report the same to the Town Board in writing. The Town Board shall take action thereon as may be proper in the premises.

(2) When it is necessary to report sick, a member of the force shall do so to his commanding officer either in person or by competent messenger; or, if that is impossible, either in person or by competent messenger

through the desk officer; or, if both are impossible, then by telephone to the desk officer. In the latter case, the desk officer receiving such report shall immediately verify it through a visit to such officer by the police surgeon of the Department.

§ 11. Charges, trials, suspensions and dismissals.

A. Rules.

(1) Any member of the police force may be put on trial for the commission of any of the following offenses and, if proven guilty, punished therefor in accordance with the provisions of the Town Law, and no violations by a police officer of the Rules and Regulations of the Police Department or of the laws of the state shall be disposed of in any other manner:

(a) Refusing or neglecting to pay a debt.

(b) Fraudulently contracting and refusing to pay a debt.

(c) Acts of oppression or tyranny over subordinates.

(d) Neglect of duty.

(e) Violation of any of the rules of the Department.

(f) Neglect or disobedience of orders.

(g) Absence without leave.

(h) Immoral conduct or conduct unbecoming an officer and a gentleman.

(i) Intoxication.

(j) Entering liquor saloons or gambling houses while in uniform, except when it be in discharge of duty.

(k) Conduct injurious to the public peace or welfare.

(l) Indecent, profane or harsh language.

(m) Unnecessary violence to prisoners.

(n) Untruthfulness, whether or not under oath.

(o) Leaving post without just cause or authority.

(p) Immorality, indecency or lewdness.

(q) Incompetency, lack of energy or incapacity, whether mental or physical, or both.

(r) Violation of any criminal law.

(s) Unauthorized disclosure of any proposed action or movement of the police force or of the provisions of any orders to persons outside the police force.

(t) Conduct subversive of good order and proper discipline of the police force.

(u) Failure to properly patrol a post.

(v) Making public comment on the official action of a superior officer.

(w) Violation of any rule or order of the Chief of Police.

(2) Members of the Department who may wilfully maltreat or use unnecessary violence toward a prisoner or citizen may, on competent testimony, be immediately dismissed from office, or otherwise punished at the discretion of the Town Board.

§ 12. Absences.

A. Rules.

(1) Leave of absence shall be granted in terms of whole days from the time of beginning the tour of duty.

It carries with it permission to leave the county on personal business. It is terminable at the discretion of the Chief of Police.

(2) A member of the force, on application to his commanding officer, will be granted four (4) days' leave of absence, with full pay, in case of death of wife, husband, child, father, mother, brother or sister.

(3) A commanding officer may grant leave of absence without pay for one (1) day, to any member of his command, in the case of serious illness in his immediate family, or other extraordinary emergency, when application has been made and formal approval cannot be obtained in time.

(4) The authorized annual vacation periods will be governed by orders issued by the Chief of Police.

§ 13. Arrests.

A. Rules.

(1) A person shall not be arrested nor detained except as provided by law.

(a) Arrests under a warrant. If the crime charged be a felony, the arrest may be made on any day and at any time of the day or night; if a misdemeanor, the arrest cannot be made on Sunday or at night, unless by direction of the magistrate's endorsement upon the warrant. The defendant must be informed that he is arrested under authority and shown the warrant, if required.

(b) Arrests without a warrant. A person may be arrested without a warrant: for a crime committed or attempted in the presence of the officer, except in cases where a summons should be

served; when the person arrested has committed a felony, although not in the presence of the officer; when a felony has in fact been committed and there is reasonable cause to believe the person to be arrested to have committed it. An officer may break open an outer or inner door or window of a building if, after notice that he is an officer, he be refused admittance.

(c) Where there is a reasonable cause to believe that a person has committed a felony, an arrest may be made at night, without a warrant, and the arrest is justified, though it afterward appears that a felony has been committed, but that the person arrested did not commit it.

(d) In arresting a person without a warrant, such person must be informed of the authority of the officer and the cause of the arrest, except when the person arrested is actually committing a crime or is pursued immediately after an escape.

(2) Members of the force shall make known the arrest of any person by taking such person to the station house for search and record. The arresting officer may, when the court that issued the warrant is in session, take the prisoner direct to court; in which case the arresting officer shall, immediately after the arraignment of the prisoner in court, transmit to the desk officer the particulars regarding such arrest for entry in the Arrest Record. Intoxicated prisoners shall be taken directly from the place of arrest to the station house.

(a) An arresting officer who takes a prisoner to the station house for search or detention shall promptly advise the desk officer. If the arresting officer is compelled to go to court immediately, the desk officer receiving the prisoner shall make the notification.

(b) If a prisoner is unable to walk, or in a condition that is an offense to public decency, or when the distance is considerable, a patrol wagon shall be called to convey the prisoner to the station house.

(c) An arresting officer shall assist in lodging his prisoner in a cell.

(d) A male prisoner shall be searched by the arresting officer in the presence of the desk officer. A female prisoner shall be searched by a matron with all the privacy that circumstances permit.

(e) If the court is in session the desk officer shall, without delay, dispatch the prisoner to the court. He shall send the prisoner in charge of the arresting officer unless otherwise directed by the commanding officer.

(f) If court is not in session, and the prisoner is not bailed, the desk officer shall deliver the prisoner, if a male, into the custody of the cell department, or, if a female, into the custody of the matron.

(3) In the case of a person killed or seriously injured by a railroad train, car, truck or other vehicle, or by accident in any way, members of the force shall make thorough inquiry, examination and investigation into the circumstances of the accident. If there is clear evidence of negligence, an arrest shall be made without a warrant. If the evidence of negligence is conflicting, the facts shall be presented to a magistrate and a warrant requested, except that in all cases where a motor vehicle is driven by a person residing and doing business outside of the County of Westchester, or living in another state, the driver or chauffeur shall be summarily arrested and taken before a magistrate.

(4) If an arrest is made as the result of an accident caused by a vehicle, particularly a motor vehicle, and

it is apparent the accident was caused by a defect in mechanism, the member of the force who makes the arrest may detain the vehicle and cause an examination to be made by a competent member of the force designated for that purpose. If it is found that no defect in the mechanism exists, the vehicle shall be delivered to the owner forthwith; otherwise, members of the force shall take possession of and hold it as evidence.

(5) When a person charges another with a misdemeanor, not committed in the presence of a member of the force, the latter shall inform the complainant of his right to arrest the person charged, and shall advise him that he, the member of the force, will accompany complainant and the prisoner to the station house. The member of the force, upon arriving at the station house, shall request the desk officer to record the complainant as having made the arrest, and shall also require the complainant to sign the complaint in court.

(6) A person charged with the operation of a mechanical apparatus, which, if left unguarded, might result in injury to persons or damage to property, shall not, if arrested, be removed until such mechanical apparatus has been safeguarded beyond such possibility.