Chapter 48

PROPERTY MAINTENANCE, DUMPING AND LITTERING

ARTICLE I
Property Maintenance

ARTICLE II
Bill Posting

[HISTORY: Adopted Rye Town Board; Article I, 6-19-62; Article II, 8-18-70. Amendments noted where applicable.]

ARTICLE I

Property Maintenance

[Adopted 6-19-62]

§ 48-1. Grass, weeds, brush, rubbish as hazards.

A. Every owner, tenant, occupant or person legally in possession of land in the Town of Rye shall have (1) the grass, hedges, vines, shrubs and brush reasonably cut or trimmed, and the trimmings or clippings removed therefrom; (2) all poisonous weeds or growth, ragweed and other noxious weeds eradicated; and (3) all rubbish, litter, unsightly or objectionable materials, which are or might tend to become health or fire hazards, removed from such land.

B. In the event that such owner or other aforementioned person fails or refuses to comply herewith, the Town Board shall have the necessary work performed and total expense or charge may be assessed upon the real property concerned and it shall constitute a lien thereon until paid, and may be collected in the same manner and at the same time as other town charges.

C. Ten (10) days before undertaking the aforesaid work, the town shall mail a notice of its intention to perform said work to such owner or aforesaid person.

§ 48-2. Dumping on private and public lands.

No owner, tenant, occupant or person legally in possession of real property in the Town of Rye shall permit or allow any grass, hedge clippings, or similar trimmings, weeds, rub-

bish, litter, refuse, garbage, cinders, bottles, broken glassware, waste building or discarded construction materials, or other debris of any kind whatsoever, to be dumped or deposited on any lands in his ownership, or possession, or subject to his control, nor on any other private lands; nor may any person dump or deposit any such material on public land without permission from the Town Superintendent of Highways or the Town Board.

§ 48-3. Parking of highway machinery, trucks or storing of construction material.

No owner, tenant, occupant or person legally in possession of real property in the Town of Rye may park, store or keep upon any of his or any real property in any residential district, any highway or grading machinery or equipment, truck, commercial vehicle or construction material, except as provided in the Zoning Ordinance of the Town of Rye,[1] or during a reasonable period of time that the construction project requires.

§ 48-4. Littering.

No person shall throw, discard, place or drop any article, litter or material of any kind on any public highway or street, which includes the roadway, sidewalk or pedestrian walkway, or abutting property, in the Town of Rye, without permission from the Town Superintendent of Highways or the Town Board. Nor may any person willfully cause or negligently permit any article, litter or material to fall upon or to be blown to any roadway, either from his person or from any vehicle using the roadway or any portion of street, irrespective of whether or not such person be the owner, operator or passenger of such vehicle.

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[1] **Editor's Note: See Ch. 66, Zoning.**

§ 48-5. Violations and penalties.

Any person violating the provisions of §§ 48-2, 3 or 4 of this ordinance, upon conviction thereof, and in addition to the penalties provided by law, shall be subject to a fine not exceeding twenty-five dollars ($25.) for each offense.

§ 48-6. Definitions.

TOWN — Used in this ordinance shall be deemed to include the Town of Rye outside any incorporated village.

PERSON — Wherever used in this ordinance shall be construed to include any person, persons, firm, corporation, partnership or other joint venture or association.

§ 48-7. When effective.

This ordinance shall take effect immediately upon its adoption, publication and posting as provided by law.

ARTICLE II
Bill Posting
[Adopted 8-18-70]

§ 48-8. Bill posting restricted; violations and penalties.

The posting of any advertisement, election poster, campaign material, notice or bill within the limits of any street or highway or upon any public property within the unincorporated area of the Town of Rye, without the consent of the Town

Council, is hereby prohibited, provided that this section shall not apply to the posting of any notice which is required by law to be posted. A violation of this ordinance shall be punishable by not more than a one-hundred-dollar ($100.) fine. The Superintendent of Highways shall be empowered to remove any such bill, poster, election poster, campaign material or advertisement covered by this ordinance, and the Town Council shall be authorized to charge the violator with the cost of removing same in addition to the fine imposed for the violation of this ordinance.

§ 48-9. When effective.

This ordinance shall become effective ten (10) days after publication and posting thereof.

Chapter 49

SALARIES AND COMPENSATION

ARTICLE I
Town Attorney

[HISTORY: Adopted Rye Town Board: Art. I, 1-20-81 as L.L. No. 1-1981. Amendments noted where applicable.]

ARTICLE I
Town Attorney
[Adopted 1-20-81 as L.L. No. 1-1981]

§ 49-1. Compensation in addition to salary.

A. In addition to the annual fixed salary paid to the Town Attorney of the Town of Rye for all his regular performed duties, the Town Attorney shall receive additional compensation at the rate of seventy-five dollars ($75.) per hour, plus expenses and disbursements, for the following legal services performed on behalf of the Town of Rye:

(1) All litigation or proceedings brought by or against the Town of Rye in courts or agencies other than the Rye Town Justice's Court.

(2) All court appearances and appearances before agencies except for the Rye Town Justice's Court.

(3) All negotiations in bringing about settlements in connection with Subsection A(1) and (2) above.

(4) All certiorari matters brought about by litigation or negotiated settlement except for the trials and proceedings forwarded to outside counsel.

(5) Appeals brought about or defended by the Town of Rye.

B. The hourly fees for the legal services performed shall not exceed thirty thousand dollars ($30,000.), and this local law shall expire on December 31, 1981.

Chapter 50

SOLICITING

[HISTORY: Adopted Rye Town Board 3-17-70. Amendments noted where applicable.]

§ 50-1. Registration required; penalties for offenses. [Amended 3-16-71; 10-23-79]

A. No person shall enter upon private residential property in the Town of Rye for the purpose of vending, peddling or soliciting orders for any merchandise, device, book, periodical or printed matter whatsoever; nor for the purpose of soliciting alms or for a subscription or contribution to any church, charitable or public institution whatsoever; nor for the purpose of conducting consumer or other surveys whatsoever; nor for the purpose of distributing any handbill, pamphlet, tract, notice or advertising matter; nor for the purpose of selling or distributing any ticket or chance whatsoever, without compliance with the following registration requirements.

B. Any person who intends to solicit or perform an act above described shall, at least ten (10) days before the performance of said solicitation and/or act, register with the Police Department of the Town of Rye and provide the following information, together with proof of identity:

(1) Name of individual soliciting.

(2) Name of firm.

(3) Location of solicitation.

(4) Date of solicitation and approximate times.

(5) Nature of solicitation.

C. This ordinance is enacted pursuant to the police power of the Town of Rye and in order to protect the citizens of the town against crime and preserve the private property, peace and comfort of the occupants or private residences in the town.

D. A person who violates any of the provisions of this section, upon conviction thereof, shall be guilty of a violation as defined in the Penal Law of the State of New York and shall be punished by a sentence to pay a fine in an amount fixed by the Court in accordance with the fines as allowed by the Penal Law of the State of New York and for such punishment as is permitted under the Penal Law of the State of New York.

§ 50-2. Application procedures.

An applicant for permission to solicit orders hereunder shall complete an application blank provided by such Police Department, which application blank shall contain the following information:

A. The name, home address and local address, if any, of the applicant.

B. A physical description of the applicant, setting forth the applicant's age, height, weight and color of hair and eyes.

C. The name and address of the person, firm or corporation for whom or through whom orders are to be solicited or cleared.

D. The nature of the foods, wares or merchandise for which orders are to be solicited.

E. A statement as to whether the applicant has been convicted of any crime and, if so, the nature of the crime.

F. A statement as to the period during which the applicant intends to solicit orders.

G. Each applicant shall provide the Town of Rye with a surety bond in the amount of one thousand dollars ($1,000.), and said bond shall actually be filed with the Town Clerk of the Town of Rye prior to the issuance of the license.

H. A statement that the applicant is a citizen of the United States and a bona fide resident of the Town of Rye for a period of at least six (6) consecutive months last past or has maintained a place of business in the Town of Rye for a period of at least six (6) consecutive months prior thereto,

(Cont'd on page 5003)

repealed by Court action

or his duly authorized representative who shall also meet the aforementioned resident requirements and has never been convicted of any crime or misdemeanor involving moral turpitude or any violation of this ordinance. **[Added 3-16-71]**

The applicant, at the time of executing such application blank, shall also submit identification satisfactory to the Police Department which shall contain a specimen of the applicant's signature and a photograph which shall be of head and shoulders and a minimum of two by two (2 x 2) inches and having been taken within eighteen (18) months of the date of application.

Applicant shall also have his fingerprints taken by the Police Department of the Town of Rye, and the Police Department shall forward these prints to state and federal authorities. No permit shall be issued until the prints are returned and found to be satisfactory by the Police Chief.

§ 50-3. Granting of credentials.

A. Upon compliance by the applicant with the provisions of § 50-2 hereof, the Police Department shall thereupon stamp the credentials, shall set forth the name and address of the applicant and of his employer, if any, the nature of the goods, wares or merchandise for which orders are to be solicited, and the period during which the applicant may solicit orders, which shall not exceed one (1) year; provided, however, that the Police Department shall not be required to grant such permission to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of the ordinance.

B. **[Added 3-16-71]** Soliciting within the Town of Rye, outside the Incorporated Village of Port Chester or Incorpo-

rated Village of Mamaroneck, County of Westchester and State of New York, hereinbefore referred to, shall be permitted only after the issuance by the Town Clerk upon payment of the following license fee applicable:

(1) For each vehicle used — $25.

(2) For each individual license — $25.

§ 50-4. Credentials to be in possession of holder.

Stamped credentials, which shall include applicant's photograph to be carried on his person, shall be nontransferable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit orders within the unincorporated area of the Town of Rye for the purchase of the goods, wares or merchandise specified in his application, provided that the holder shall have his stamped credentials in his possession at all times while soliciting orders and shall exhibit the same at any time upon request by any police officer of the Town of Rye or any purchaser or prospective purchaser.

§ 50-5. Regulations to be followed.

Any person soliciting within the unincorporated area of the Town of Rye, whether or not required to register under the provisions of this ordinance, shall conform to the following regulations:

A. The solicitor shall conduct himself at all times in an orderly and lawful manner.

B. The solicitor shall give a written receipt for all orders taken within the unincorporated area of the Town of Rye, which receipt shall be signed by the solicitor and shall set forth a brief description of goods, wares or

merchandise ordered, the total purchase price thereof, and the amount of the down payment received by the solicitor from the purchaser.

§ 50-6. Exceptions to application of ordinance.

This ordinance shall not apply to salesmen selling goods to retail or wholesale stores for resale. Any person who has, and has had for the preceding twelve (12) months, a regular place of business within the unincorporated area of the Town of Rye, and any person employed by or soliciting for any person, firm or corporation that has, and has had for the preceding twelve (12) months, a regular place of business within the unincorporated area of the Town of Rye, shall not be required to register before soliciting orders, but all other provisions of this ordinance shall apply to such persons.

§ 50-7. Chief of Police may designate clerical agents.

The Chief of Police may appoint any person or persons as agent or agents of the Police Department to perform the clerical functions of registering solicitors under this ordinance, provided, however, that such agent or agents shall not receive any compensation from the town and shall not refuse to stamp the credentials of any solicitor except upon the direction of the Chief of Police or some member of the Police Department designated by him, and the cancellation of the Department's stamp shall be effected only by the Chief of Police or by some member of the Police Department designated by him.

§ 50-8. Repeal of prior ordinances.

All ordinances, or parts of ordinances, heretofore adopted by the Councilmen of the Town of Rye, conflicting with or inconsistent with the provisions of this ordinance, are hereby repealed.

§ 50-9. Penalties for offenses. [Amended 3-16-71]

The violation of any of the provisions of this ordinance, or the making of any false statements or misrepresentations of facts for the purpose of obtaining permission to solicit orders, is hereby declared to be disorderly conduct, and any person violating this ordinance, or any provision thereof, shall be and is hereby declared a disorderly person.

Any person violating any of the provisions of this ordinance or making any false statements or misrepresentations of fact for the purpose of obtaining permission to solicit orders shall, upon conviction thereof, and in addition to other penalties provided by law, be subject to a fine not to exceed one hundred dollars ($100.), each solicitation or sale being deemed a separate offense, and pending trial therefor the Police Department may suspend such permission to solicit. Upon any registered person being convicted of any crime under this ordinance or involving moral turpitude, the stamped credentials of such person shall be delivered to the Police Department and said Department's stamp thereon shall be canceled, and such person shall not thereafter solicit orders in the unincorporated area of the Town of Rye without registering.

§ 50-10. When effective.

This ordinance shall become effective ten (10) days after publication and posting thereof as required by law.

Chapter 51

STREETS AND SIDEWALKS

ARTICLE I
Liability of Town

[HISTORY: Adopted Rye Town Board: Article I, 11-20-73. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations — Highways — See Ch. 25.
Vehicle and traffic — See Ch. 61.
Minimum pavement specifications — See Appendix, Part III.

ARTICLE I
Liability of Town
[Adopted 11-20-73]

§ 51-1. Liability for streets and sidewalks in disrepair.

No civil action shall be brought or maintained against the Town of Rye for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of the existence of such condition, relating to the particular place, had theretofore actually been given to the Town Board of the Town of Rye and there had been a failure or neglect on the part of said town to cause such condition to be corrected, or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice.

§ 51-2. Construction of provisions.

Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by an existing requirement or statute of limitations nor to waive any existing limitation now applicable to any claim or cause of action against the Town of Rye.

§ 51-3. Liability for damages due to snow or ice on streets and sidewalks.

No action shall be maintained for damages or injuries to the person sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk or street, in said town, unless written notice thereof relating to the particular place in such sidewalk or street in which such snow or ice is claimed to exist, was previously actually given to the Town Board of such town and there has been a failure or neglect to cause such snow or ice to be removed, or such place to be otherwise made reasonably safe within a reasonable time after the receipt of such notice as herein directed. Such notice shall be served on the Clerk or Supervisor of the town who shall forthwith send a copy thereof to the Superintendent of Highways to cause such snow or ice to be removed or such place to be otherwise made reasonably safe within a reasonable time after the receipt of such copy of such notice.

§ 51-4. When effective.

This resolution shall take effect ten (10) days after its adoption, publication and posting as provided by law.

Chapter 52

(RESERVED)

This Reserve chapter page is part of your Code. It has been inserted here to allow for the integration of future enactments, the subject of which will fall alphabetically into this part of the Code.

Chapter 53

SWIMMING POOLS

[HISTORY: Adopted Rye Town Board 11-18-58. Amendments noted where applicable.]

§ 53-1. Definition.

PRIVATE SWIMMING POOL — Any pool designed, used and maintained for swimming purposes by an individual for use by himself, his household and guests, and located on a lot as an accessory use to a residence.

§ 53-2. Wading and portable pools.

A. This ordinance does not govern portable wading or swimming pools; provided, however, that all the parts are wholly portable, and the water content thereof does not exceed three thousand seven hundred and sixty (3,760) gallons.

B. Wholly portable pools having a water content of seven thousand (7,000) gallons and not more than nine thousand five hundred (9,500) gallons shall conform to the requirements of this ordinance for private swimming pools in respect to permits, cleanliness and maintenance, water supply, filtering, bacterial standard, drainage, location on property and overhead lighting.

§ 53-3. Permits.

A. Each application shall be accompanied by the required fee, which shall be five dollars ($5.) for any undertaking, and two dollars ($2.) for each one thousand dollars ($1,000.), or portion thereof, of the estimated value up to and including ten thousand dollars ($10,000.), and three dollars ($3.) for each one thousand dollars ($1,000.), or portion thereof, of the estimated value above ten thousand dollars ($10,000.). **[Amended 1-18-72]**

B. The term ESTIMATED COST means the value of all services, excavations, labor, materials, equipment and

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and other devices entering into and necessary for the completion of the work.

C. Application for the construction and maintenance of a private swimming pool shall be made to the Building Inspector by an owner of the property, a registered architect or licensed engineer.

D. The application shall be accompanied by duplicate sets of plans and specifications and plot plans. The plans shall show construction details, whether constructed of masonry materials, precast or prefabricated masonry materials, steel or other combination of materials insuring structural stability, including complete water supply, drainage, filtration and lighting layouts. The specifications shall describe materials and equipment intended to be used, and further augment the plans. The plot plan shall show the entire lot on which the pool is proposed to be constructed, indicating the exact size and shape of the pool and the distance of the pool from all lot lines, pool fencing and screening, existing and comtemplated structures, and septic tanks and fields, if any.

E. In the case of wholly portable pools having a water content of seven thousand (7,000) to nine thousand five hundred (9,500) gallons, construction plans and specifications are not required. In lieu thereof, catalog data shall be submitted, together with a plot plan indicating the location of the pool in accordance with the requirements of § 53-11.

§ 53-4. Construction and maintenance.

All private swimming pools shall be waterproof, easily cleaned, maintained and operated as to be clean and sanitary at all times. Exposed sand or earth bottoms will not be permitted. Masonry, asphalt or earth aprons around the pool shall be pitched to drain water away from the pool.

§ 53-5. Water supply.

Physical connections between potable water systems and pool circulating systems will not be permitted. The fill pipe shall be located at least two (2) fill-pipe diameters above the rim of the pool.

§ 53-6. Filtering.

A. Private swimming-pool water must be filtered and chemically treated. One (1) complete recirculation of entire volume of pool water through the filter system is required daily during the swimming season. Every private swimming pool shall be equipped with a sand filter, a diatomaceous filter or an approved equal.

B. Filters and pumps shall be located underground or in existing or new structures (sound-proof if required so as not to be disturbing to the neighbors) located no closer than five (5) feet to a property line.

§ 53-7. Disinfection.

It is recommended that all pool water be treated with chlorine or its compounds in sufficient quantity so that there will be present in the water at all times when the pool is in use a residual of excess chlorine of not less than thirty one hundredths (0.30) parts per million (1,000,000) of available free chlorine.

§ 53-8. Bacteriological standard.

A. Not more than fifteen percent (15%) of the samples of water taken from any private swimming or wading pool, of a series of seven (7) or more samples collected, shall show the presence of bacteria of the coliform group in any of the five (5) 10 ml. portions examined; and no

single sample shall show the presence of bacteria of the coliform group in all five (5) 10 ml. portions and also in any one (1) ml. portions thereof. The local Board of Health is hereby authorized to take samples to insure compliance with these requirements.

B. To assure himself of the quality and chemical property of the water in a private swimming pool, the owner shall procure an approved water test set and use it as directed by the manufacturer.

§ 53-9. Drainage.

Private swimming pools shall be provided with one (1) drainage outlet for drainage of the pool and for backwash water disposal. The drain pipe shall be connected to a storm sewer only. Upon inspection of the property by the Building Inspector, approval may be issued by him to discharge the pool water onto a lawn, in fields or woods or to a dry well or series of dry wells provided the water does not overflow onto adjoining property. Pool water discharged into a brook must have a minimum of .1 ppm chlorine residual.

§ 53-10. Piping.

Installation and materials used to make connections to the water supply and storm-water sewer shall conform to the requirements of the Plumbing Code[1] of the Town of Rye.

§ 53-11. Size and location.

A. No private swimming pool shall have a surface area of water larger than fifty percent (50%) of the rear yard or side yard area from front lot line setback to rear lot line.

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[1] **Editor's Note: Chapter 45, pp. 4501 ff.**

B. No private swimming pool shall be constructed or erected nearer than ten (10) feet to side or rear lot lines and a similar distance from existing and contemplated structures, and a distance no less than the required setback from the front line in the district in which the pool is located.

C. On a corner lot, no private swimming pool shall be erected nearer to the street side lot line than the distance required from the front lot line in the district in which the pool is located.

D. No private swimming pool shall be located nearer than twenty-five (25) feet to a septic tank or its fields.

§ 53-12. Accessory building.

Bathhouse, cabana or similar structures in connection with a private swimming pool shall be constructed and set back from all property lines as required by the Building Code[1] and the Zoning Ordinance[2] of the Town of Rye.

§ 53-13. Lights.

A. All outside lights for illumination of a private swimming pool shall be so installed and maintained that the source of light is not visible from a public street or neighboring property.

B. Private swimming pools shall have at least one (1) or more fully grounded, National Board of Fire Underwritters-approved underwater lights, located in deep-diving areas of the pool.

§ 53-14. Screening.

Where planting as a screen does not exist, dense shrubs no less than three (3) feet high shall be planted between the pool rim alongside, front and rear lot lines.

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1 Editor's Note: Chapter 14.
2 Editor's Note: Chapter 66.

§ 53-15. Fencng.

The pool area shall be completely enclosed with a chain-link or other approved wire mesh or woven fence with self-closing gates. The fence shall be no less than four (4) feet high, and the gate or gates shall be securely locked at all times when the pool is not in use. Any structure adjacent to the pool may serve as a portion of the fence.

§ 53-16. Violations.

Any person constructing, using or maintaining any private swimming or wading pool in violation of any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars ($200.) or by imprisonment not exceeding ninety (90) days, or both.

§ 53-17. Validity.

If any Article, section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to this Article, section, paragraph, subdivision, clause or provision so adjudged, and the rest of the ordinance shall be and remain valid and effective.

§ 53-18. Effective date.

This ordinance shall take effect after publication and posting thereof as required by law.

Chapter 53A

TAXATION

ARTICLE I
Senior Citizens Tax Exemption

[HISTORY: Adoption Rye Town Board: Art. I, 9-23-80 as L.L. No. 1-1980. Amendments noted where applicable.]

ARTICLE I
Senior Citizens Tax Exemption
[Adopted 9-23-80 as L.L. No. 1-1980]

§ 53A-1. Purpose.

Pursuant to the provisions of § 467 of the Real Property Tax Law, as amended by the New York State Legislature and which amendment is part of Chapter 816 of the Session Laws of 1980, effective July 1, 1980, the purpose of this local law is to grant a partial exemption from taxation to the extent of fifty per centum (50%) of the assessed valuation of the real property which is owned by a husband and/or wife with limited income and one (1) of whom is sixty-five (65) years of age or over, meeting the requirements set forth in said § 467 of the Real Property Tax Law, as amended July 1, 1980, and contained in Chapter 816 of the Session Laws of 1980.

§ 53A-2. Exemption established; conditions.

Real property owned by persons sixty-five (65) years of age or over shall be exempt from town taxes, except district taxes, to the extent of fifty per centum (50%) of the assessed valuation, subject to the following conditions:

A. The owner or all of the owners must file an application annually in the Assessor's office of the town in which real property is located on or before the taxable status date which, under New York State Town Law, is June 1 or such other time as may be hereafter fixed by law.

B. The income of the owner or the combined income of the owners must not exceed nine thousand dollars ($9,000.) from all sources as set forth in such § 467, as amended July 1, 1980, and all requirements therein, stated and properly documented and as evidenced by the federal income tax return of the owner of the real property for the year immediately prior to the date that the application is filed. Where title is vested in either the husband or wife, the combined income may not exceed such sum.

C. Title to the property must be vested in the owner or, if more than one (1), in all the owners for at least twenty-four (24) consecutive months prior to the date that the application is filed.

D. The property must be used exclusively for residential purposes, be occupied, in whole or in part, by the owners and constitute the legal residence of the owners.

§ 53A-3. When effective; applicability; annual application required.

This local law shall take effect as required by law and shall be applicable to the town taxes, except district taxes, for the assessment roll of 1981, for the collection of taxes in 1982 and for subsequent years; provided, however, that the owner or owners file an application annually in accordance with § 53A-2A of this local law.

Chapter 54

TAXICABS

[HISTORY: Adopted Rye Town Board 5-31-66. Amendments noted where applicable.]

§ 54-1. License required.

No person, partnership or corporation shall operate or permit to be operated in the Town of Rye, outside the limits of the

incorporated Village of Port Chester and the limits of the incorporated Village of Mamaroneck a taxicab which is not licensed under the provisions of this ordinance.

§ 54-2. License regulated.

No person shall operate a taxicab in the Town of Rye without first securing a license under the provisions of this ordinance.

§ 54-3. Application.

Taxicab licenses and taxicab drivers' licenses shall be issued by the Town Clerk upon receipt of the license fee as hereinafter provided, upon written application in the form required by the Town Board, and which said application shall have annexed thereto a photograph and fingerprints of the applicant. Each application for taxicab license shall have endorsed thereon a certificate of the Police Committee, that the vehicle sought to be licensed is in good mechanical condition and that the applicant for such license is a person of good moral character and in the opinion of said Police Committee capable of rendering efficient service. Every vehicle so licensed shall have prominently displayed thereon a metal tag, certificate or medallion or other device as may be determined by the Town Board. Each application for a taxicab driver's license shall have endorsed thereon a certificate of the Chief of Police of the Town of Rye that such applicant is a person of good moral character and in the opinion of such Chief of Police a competent driver.

§ 54-4. Expiration date.

Any license issued shall expire on the first day of January next succeeding its issuance.

§ 54-5. Financial responsibility required.

No application for a taxicab license shall be issued unless proof of financial responsibiilty as provided by Article 6-A of the Vehicle and Traffic Law is first given. No taxicab license or taxicab driver's license shall be isued to a person, partnership or corporation where any person, partner, officer or officers have been convicted of a felony.

§ 54-6. Taxicab inspection.

Every taxicab licensed hereunder shall be inspected by the Chief of Police of the Town of Rye or by a member of the Town Police designated by the said Chief of Police for that purpose at least once in each six (6) month's period and a certificate or a notation of such inspection shall be endorsed on the license.

§ 54-7. Parking restrictions.

No vehicle licensed as a taxicab shall be parked upon any street or highway in the unincorporated area in the town, except in such areas as may be previously designated by the Chief of Police for that purpose.

§ 54-8. Soliciting restrictions.

No taxicab owner or driver, while awaiting hire by passengers, shall cruise or solicit while driving upon the public streets. Every such owner or driver while soliciting pasengers for hire for a taxicab parked or standing upon any public street shall remain inside said vehicle or upon that portion of such public street lying directly along the side, front or rear of such vehicle, or such other place or places as may from time to time be designated.

§ 54-9. Fees.

The fee for a taxicab license shall be twenty-five dollars ($25.) for each taxicab and the fee for a taxicab driver's license shall be ten dollars ($10.).

§ 54-10. Limitations on number of taxicabs.

The Town Board may by resolution limit the number of taxicab licenses and taxicab driver's licenses to be issued by the Town Clerk and also may by resolution provide that the holders of licenses shall be preferred or have priority in the issuing of licenses.

§ 54-11. Revocation and suspension.

Any taxicab license or taxicab driver's license may be suspended or revoked at any time for cause by the Town Board. Upon any such suspension or revocation the holder of such license shall immediately surrender the same to the Town Clerk. The suspension or revocation of such licenses for cause shall include but shall not be limited to the use of any licensed vehicle for immoral or illegal purposes, the violation of any ordinance or state law governing the operation of a motor vehicle and the conviction of any licensee of a felony. No order of suspension or revocation shall be made by the Town Board except upon at least ten (10) days' notice in writing delivered either personally to the licensee or by registered mail addressed to the licensee at the address designated by the licensee in his application, which said notice shall provide for a hearing at which the said licensee shall be entitled to be present and to be represented by counsel.

§ 54-12. Transfer of license prohibited.

No taxicab license may be transferred.

§ 54-13. Exceptions.

This ordinance shall not apply to taxicabs and drivers of such taxicabs actually engaged in transporting a passenger or passengers for hire within or through the Town of Rye, provided such transportation originated outside the unincorporated limits of the Town of Rye, nor upon returning from such trips; nor shall this ordinance apply to any taxicab or the driver of any such taxicab entering the unincorporated limits of the Town of Rye for the purpose of transporting a passenger or passengers provided transportation of such passenger or passengers is not wholly confined to the unincorporated limits of the Town of Rye.

§ 54-14. Penalties.

A. Each and every violation of any of the provisions of this ordinance of the Town of Rye shall be punishable by a fine not to exceed one hundred dollars ($100.) or by imprisonment for not more than six (6) months, or by both, unless a lesser penalty is provided by statute.

B. In the case of continuing violation of this ordinance of the Town of Rye, each day that such violation exists, shall constitute a separate and distinct violation.

§ 54-15. Repeal of inconsistent ordinances.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed except that such repeal shall not affect the validity of any criminal prosecution or civil action commenced or pending.

§ 54-16. Separability.

If any section, paragraph, subdivision or provision of this ordinance shall be invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudged invalid and the rest of this ordinance shall remain valid and effective.

§ 54-17. Effective date.

This ordinance shall become effective immediately upon publishing and posting or upon personal service as provided in Paragraph 133 of the Town Law.

§ 54-18. Taxi rates. [Added 3-16-71]

A. Taxi rates shall be established and approved by the Rye Town Board and said rates shall be uniform and shall be prominently displayed in each taxicab.

B. A set of regulations dealing with the essentials of the operation of each taxicab shall be permanently displayed in each taxicab, which regulations the Town Board shall promulgate from time to time and which shall, among other things, clearly state that the person who orders the taxicab or who is the first passenger in the taxicab shall have full control over the number of passengers to be transported therein.

C. A front-window sign shall be placed in each taxicab, which shall be uniform, to designate that the said vehicle is a taxicab; provided, however, that such window sign does not violate any rule, regulation or statute of the Department of Motor Vehicles of the State of New York.

D. Each taxicab shall have a photograph of the driver and a duplicate of his license prominently displayed inside each taxicab and visible to the passenger, and the name of the taxi company, if there be one, who employs the driver.

Chapter 55

TRAILERS

§ 55-20. Validity.

§ 55-21. Exceptions.

§ 55-22. When effective.

[HISTORY: Adopted Rye Town Board 5-18-39.]

§ 55-1. Title.

This ordinance shall be known as the "Automobile Trailer, Tourist Parks and Camps and Automobile Tourist Parks and Camps Ordinance."

§ 55-2. Purpose.

It is the purpose of this ordinance to promote the health, safety, morals and general welfare of the inhabitants of that portion of the Town of Rye being outside the limits of any incorporated village therein, by the more efficient regulation of automobile trailers, tourist parks, and camps and automobile tourist parks and camps.

§ 55-3. Definitions.

TOURIST PARK OR CAMP — Is defined to be any plot of ground upon which one (1) or more camp cottages or cabins used for or arranged to be used for the accommodation of transients by the day, week or month.

AUTOMOBILE TOURIST PARK or CAMP — Is defined to be any plot of ground where accommodation is provided for one (1) or more automobile trailers or house cars used or arranged to be used for living or sleeping quarters.

AUTOMOBILE TRAILER or HOUSE CAR — Is defined to be any vehicle used or arranged to be used for living

or as sleeping quarters mounted on wheels and movable or propelled either by its own power or drawn by another power-driven vehicle.

UNIT — Is defined as that portion of a tourist park or camp or automobile tourist park or camp set apart for the use of an individual cottage, cabin, automobile trailer or house car.

§ 55-4. Trailers to be located in trailer parks.

From and after the passage of this ordinance, it shall be unlawful for any person, firm or corporation to park, place, keep or maintain any camp, cottage, cabin, automobile trailer or house car as herein defined within that portion of the Town of Rye being outside the limits of any incorporated village therein, except in a duly licensed tourist park or camp, or automobile tourist park or camp, or a combination of such as hereinafter provided.

§ 55-5. License required for trailer parks.

It shall be unlawful for any person, firm or corporation to establish, maintain, operate or conduct within that portion of the Town of Rye being outside the limits of any incorporated village therein any tourist park or camp or any automobile tourist park or camp or any combination of such, unless duly licensed so to do as hereinafter provided, and in strict compliance with this ordinance and all other provisions of law and ordinances applicable thereto.

§ 55-6. Application; fee.

An application for a license provided for under §§ 55-4 and 5 shall be made to the Building Inspector upon a form to be furnished by him; said application shall state the name and address

of the owner of the premises, the name and address of the applicant and the nature and extent of his interest in the business for which a license is desired, the location and plot plan of the tourist park or camp, or automobile tourist park or camp, and the number of units to be provided for therein, detailed plans and specifications of all buildings, structures, plumbing, sewer and drainage systems and lighting and any other information required by the Building Inspector. Such application shall be accompanied by a fee of five dollars ($5.) for every five (5) units or less, plus one dollar ($1.) for each additional five (5) units or fraction thereof, which shall cover the required investigation, but if a license is subsequently issued, said fees shall be applied on account of the license fee, but in the event a license is not issued, such investigation fee shall be retained by the town.

§ 55-7. Building Inspector to investigate and report.

The Building Inspector shall examine and investigate the statements contained in such application together with the plans and specifications and shall report to the Town Board of the Town of Rye his recommendations thereon. Before making such recommendations, the Building Inspector may refer such application to the Westchester County Department of Health, for its investigation and recommendation and the said Building Inspector may adopt its recommendations if not inconsistent with the provisions of this ordinance.

§ 55-8. License fee; duration.

The Town Board of the Town of Rye shall consider the report of the Building Inspector and may for that purpose hold a public hearing upon notice prescribed by said Board upon such application and shall determine whether the proposed tourist park or camp or automobile tourist park or camp complies with this ordinance. If such application is acted upon favorably by the Town Board, it shall direct the Town Clerk to issue a license to the applicant upon payment of the following fee:

(a) For a tourist park or camp ten dollars ($10). per unit.

(b) For an automobile tourist park or camp ten dollars ($10.) per unit.

Each license shall be for a period of one (1) year and shall expire on the 31st day of December in the year succeeding its issuance. The fee for such license shall not be prorated for any lesser period than one (1) year, and such license shall always be on display in the office of the tourist park or camp or automobile tourist park or camp.

§ 55-9. Drainage, vegetation, sanitation.

A tourist park or camp shall be located on a well drained site of adequate size, the land of which shall be free from heavy or dense growth of brush or weeds. The land shall be properly graded so as to insure rapid drainage during and following rain, and free from stagnant pools of water, and each such park or camp must be accessible to the public sewer, and each trailer, house car, cottage or cabin or by whatever other name known, placed or located thereon used for or designed to be used for living or sleeping quarters, shall have a separate connection for sewage purposes and be connected with a sanitary sewer service.

§ 55-10. Size of units, living quarters; roofs; distances.

A. Each unit in which camp, cottage or cabin is erected or placed or which accommodates an automobile trailer or house car, shall not be less than thirty by fifty (30 x 50) feet in area, which area shall be clearly defined by markers at each corner. No cottage or cabin used or arranged for use for living quarters or sleeping quarters shall be less than two hundred eighty (280) square feet, of which no dimension shall be less than fourteen (14) feet and shall not be less than eight (8) feet high from the floor to the ceiling, and shall have not less than twenty-seven

(27) square feet of ventilating openings or windows, all being adequately screened. If the floor be of wood, it shall not be less than twelve (12) inches above the level of the ground.

B. The roof of each cottage or cabin shall extend sufficiently beyond the exterior walls so that all roof water shall fall free of the walls.

C. Each cottage or cabin and each automobile trailer or house car shall not be less than twenty (20) feet from any property line and from any other building, structure, cottage, cabin or automobile trailer or house car.

§ 55-11. Entranceways and driveways.

All entrances and exits from any park or camp shall be well marked and so arranged as not to constitute a traffic hazard. All driveways within the tourist camp shall be hard-surfaced, not less than twenty-five (25) feet in width, well marked in the daytime and lighted at night and so located that each unit in the camp is readily accessible to a driveway.

§ 55-12. Separate sanitation facilities for each unit.

No tourist park or camp, and no automobile tourist park or camp shall provide toilets, urinals, slop basins, wash basins, showers or baths, but each unit in such park or camp shall be separately equipped with such facilities and so constructed therein that each can be separately connected with a sanitary sewer.

§ 55-13. Compliance with town codes and county health regulations.

All plumbing and sanitary installations shall be made in accordance with the Plumbing, Sanitary and Building Codes of the

Town of Rye, and comply with the rules and regulations of the Westchester County Department of Health, and any other law, rule, regulation or ordinance of the Town of Rye applicable thereto.

§ 55-14. Garbage and rubbish containers.

A covered metal garbage pail and a covered metal rubbish container of adequate size shall be provided for each unit.

§ 55-15. Management of park; records.

A. Every tourist park or camp or automobile tourist park or camp shall be under the management of the licensee who must be of good reputation and character and who shall manage such camp from an office located on the premises. There shall be maintained in such office a bound book containing a record of the names of any persons accommodated at the camp, their occupation, dates of arrival and departure, their home addresses, the license number and make of their automobile or other vehicle. Such record shall at all reasonable times be available for inspection by the Building Inspector or any police officer having jurisdiction in the Town of Rye.

B. It shall be the duty of the licensee of any such park or camp:

(1) To provide for the daily collection and removal of garbage and other waste material.

(2) To prohibit the placing or storage of unsightly materials or vehicles of any kind.

(3) To provide for the cleaning of the grounds in connection with such camp or park, so as to maintain the same in a proper sanitary condition at all times.

(4) To take such other measures as may be deemed necessary by the Westchester County Department of Health, and/or the Building Inspector of the Town of Rye, to preserve the health, comfort and safety of all persons accommodated in the camp or park and of the general public.

(5) To prevent any animal to run at large within or outside the park or camp.

(6) To report to the Westchester County Health Department all cases of communicable disease or suspected cases of communicable diseases affecting any inmate of the camp or park.

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

§ 55-16. Compliance with Zoning and other ordinances.

No license shall be granted for the construction or operation of such a park or camp in violation of the Zoning or other ordinances of the Town of Rye.

§ 55-17. License suspension.

The Building Inspector may upon his own initiative or upon the recommendation of the Westchester County Department of Health, or of the Police Department having jurisdiction in the Town of Rye, revoke or suspend the license granted under authority of this ordinance, for failure to comply with any provisions hereof, or of any laws or regulations relating to any such camp or park.

§ 55-18. Violators liable to penalties.

The owner, lessee, licensee, occupant of or person accommodated in any such park or camp who commits any act in violation of any of the provisions of this ordinance shall each be liable for any such violation and for the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

§ 55-19. Violation and penalties.

Any person, or persons, firm or corporation violating any of the provisions of this ordinance shall be liable to a penalty not exceeding in any one (1) case of violation one hundred dollars ($100.), to be recovered with costs, and any such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person and punishable by a fine not exceeding fifty dollars ($50.) or by imprisonment not exceeding fifty (50) days, or both such fine and imprisonment.

§ 55-20. Validity.

If any section, part or provisions of this ordinance shall be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so held unconstitutional or invalid.

§ 55-21. Exceptions.

None of the provisions of this ordinance shall be applicable to the storage or garaging of a house trailer when not used as living quarters.

§ 55-22. When effective.

This ordinance shall take effect immediately upon the publishing and posting thereof, as required by law.

Chapter 56

[RESERVED]

This Reserve chapter page is part of your Code. It has been inserted here to allow for the integration of future enactments, the subject of which will fall alphabetically into this part of the Code.

Chapter 57

TRESPASSING

[HISTORY: Adopted Rye Town Board 3-20-56.]

§ 57-1. Trespassing, building or occupying structures without permission; penalty.

Any person who intrudes or trespasses upon any lot, piece of land or body of water without authority from the owner thereof, or who erects or occupies thereon any building or structure whatever without such authority; and any person who builds, erects or occupies within the bounds of any street or avenue or public property any structure or building without lawful authority, is guilty of a misdemeanor, punishable by a fine not exceeding twenty-five dollars ($25.), or imprisonment not exceeding twenty-five (25) days, or by both such fine and such imprisonment.

§ 57-2. Definition.

PERSON — As used in this ordinance shall include an individual, society, club, firm, partnership, corporation or association of persons and the singular number shall include the plural number.

§ 57-3. When effective.

This ordinance shall take effect immediately upon its adoption, publication and posting, as provided by law.

Chapter 58

(RESERVED)

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Chapter 59

UNIFORMITY OF BULIDINGS[1]

[HISTORY: Adopted Rye Town Board 1-19-60. Amendments noted where applicable.]

§ 59-1. Purpose of ordinance.

The Town Board hereby finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and neighboring areas for residential and business purposes or other purposes and by so doing impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development and use of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety and general welfare of the community and destroys a proper relationship

[1] Editor's Note: See also Ch. 14, Building Code, pp. 1401 ff.; Ch. 66, Zoning, pp. 6601 ff.

between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this ordinance to prevent these and other harmful effects of such exterior appearance of buildings erected or altered in any neighborhood and thus to promote the health, safety and general welfare of the community, conserve the value of the buildings and encourage the most appropriate use of land within the unincorporated portion of the town.

§ 59-2. Creation of Board of Architectural Review. [Amended 11-26-62]

There is hereby created a Board of Architectural Review which shall consist of seven (7) members who shall serve without compensation. All members of the Board shall be residents of the unincorporated area of the Town of Rye and shall be specifically qualified by reason of training or experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business or profession, or by reason of civic interest and sound judgment to judge of the effects of a proposed building upon the desirability, property values and development of surrounding areas. At least one (1) member of such Board shall be a registered architect in the State of New York. The members of such Board shall be appointed by the Town Board which shall designate a chairman thereof. Of the members of the Board first appointed, one (1) shall hold office for the term of one (1) year, two (2) for the term of two (2) years, two (2) for the term of three (3) years from and after his appointment. Their successors shall be appointed for the term of three (3) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board for the unexpired term. The Town Board shall have the power to remove any member of the Board for cause and after public hearing. The Town Board shall designate a Secretary of the Board. All meetings of the Board shall be held at the call of the Chairman and at such other times as such

Board may determine, but shall be held within thirty (30) days of the date of any application for a building permit referred to the Board as required in § 59-3 of this Article. Four (4) members of such Board shall constitute a quorum for the transaction of business. All meetings of such Board shall be held at the Town Hall and shall be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The Board shall have the power from time to time to adopt, amend and repeal rules and regulations not inconsistent with law or this ordinance, governing its procedure and the transaction of the business, and for the purpose of carrying into effect the standards outlined in § 59-3 of this Article. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board, which shall be at the Town Hall, and shall be a public record.

§ 59-3. Disapproval of application for building permit. [Amended 11-26-62, 8-31-65

The Building Inspector shall promptly refer to such Board every application for a building permit. Such Board may disapprove any building permit referred to it, provided that such disapproval shall be by the vote of at least four (4) members of such Board, and provided that such Board finds the structure or building for which the permit was applied would, if erected or altered, be so detrimental to the desirability, property values or development of the surrounding areas as to provide one (1) or more of the harmful effects set forth in § 59-1 hereof by reason of:

A. Excessive similarity to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application facing upon the same street and within five hundred (500) feet of the proposed site in any residential district and within two hundred fifty (250) feet of the proposed site in any other dis-

trict other than a residential district in respect to one (1) or more of the following features or exterior design and appearance:

(1) Apparently identical facade.

(2) (a) Size, both in width and height.

(b) Roof line and slope including considerations as to type such as gable, hip and projection of overhanging eave.

(c) Fenestration and openings — both size and arrangement.

(d) Basic exterior material — such as brick, stone, siding or shingle. Siding may vary horizontally or vertically. Color will not be considered a feature.

(e) Configuration of the front wall; this is, whether wings break in or out.

(f) Location of additional masses or features such as chimneys or other permanent exterior construction attached to the building.

(3) A finding of excessive similarity shall state not only that such excessive similarity exists but that it is of such a nature as to be reasonably expected to provoke one (1) or more of the harmful effects set forth in § 59-1 hereof.

B. Excessive dissimilarity in relation to any other structures existing or for which a permit has been issued or to any other structures included in the same permit application, facing upon the same street, and within five hundred (500) feet of the proposed site in any residential district and within two hundred fifty (250) feet of the proposed site in any district other than a residential district in respect to one (1) or more of the following features:

(1) Cubical contents.

(2) Gross floor area.

(3) Height of building or height of roof.

(4) Other significant design features such as material or quality of architectural design.

Provided that a finding of excessive dissimilarity shall state not only that such excessive dissimilarity exists but that it is of such a nature as to be reasonably expected to provoke one (1) or more of the harmful effects set forth in § 59-1 hereof and that the finding is not based on personal preference as to taste or choice of architectural style.

D. Inappropriateness in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design, provided that a finding of inappropriateness shall state not only that such inappropriateness exists but that it is of such a nature as to be reasonably expected to provoke one (1) or more of the harmful effects set forth in § 59-1 hereof and that the finding is not based on personal preference as to taste or choice of architectural style.

§ 59-4. Issuance of building permit.

The Building Inspector shall refuse any building permit application disapproved as provided in § 59-3 hereof. If the Board of Architectural Review shall fail to disapprove any such applicacation referred to it within thirty (30) days of the date of filing such application or if such Board shall approve any such application, the Building Inspector shall forthwith issue the building permit provided it conforms in all respects to all other applicable laws and ordinances.

§ 59-5. Appealing to Board of Appeals.

Any person aggrieved by the Action of the Board of Architectural Review in disapproving a building permit application and of the Building Inspector in denying such permit because of such

disapproval may take an appeal therefrom to the Board of Appeals pursuant to Section 267 of the Town Law in the same manner as is provided for other zoning appeals, and such Board of Appeals after proceeding in the same manner as is provided for other zoning appeals and with the same power and authority therein vested in passing under appeals before it under the provisions of law and this ordinance and in the exercise thereof may reverse or affirm or modify and affirm the action of the Board of Architectural Review and of the Building Inspector.

§ 59-6. Board of Architectural Review to advise Planning Board.

Upon request of the Planning Board, the Board of Architectural Review shall consult with and advise the Planning Board with respect to any site plan on which it is required to pass under the provisions of law or of this ordinance.

§ 59-7. When effective.

This ordinance shall take effect immediately upon its adoption, publication and posting as required by law.

Chapter 60

(RESERVED)

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Chapter 61

VEHICLE AND TRAFFIC

[HISTORY: Adopted Rye Town Board 3-18-65. Amendments noted where applicable.]

§ 61-1. Definition.

VEHICLE — Shall include any device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway, except devices used exclusively on stationary rails or tracks.

§ 61-2. Power of police officer.

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer, or to disobey the instruction of any traffic sign or signal, unless directed to do so by a police officer.

§ 61-3. Exclusions.

The provisions of this ordinance regulating the movement, parking and standing of vehicles shall not apply to ambulances, fire or police apparatus, police, military and Civil Defense vehicles, United States Mail or emergency vehicles of public-service corporations, while in the performance of duty. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

§ 61-4. Application.

Every person propelling any pushcart or riding a bicycle or an animal upon a public street or highway and any person driving any animals shall be subject to the provisions of this ordinance, applicable to the operator of any vehicle, except those provisions of this ordinance with reference to the equipment of vehicles and except those provisions which by their nature can have no application.

§ 61-5. Traffic signals.

Wherever traffic at an intersection is alternately directed to proceed and to stop by the use of signals exhibiting colored lights or the words "go," "caution" and "stop," said lights and terms shall indicate as follows:

A. Green or "go" shown alone. Traffic facing the signal may proceed, except that vehicular traffic shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal is exhibited.

B. Yellow or "caution." When shown following the green or "go," traffic facing the signal shall stop before entering the intersection unless so close to the intersection that a stop cannot be made safely.

C. Red or "stop." Traffic facing the signal shall stop and remain standing until green or "go" is shown alone, except that at a crossing where right turns on a red light are permitted, vehicles in the lane nearest the curb may make a right turn after first coming to a full stop. A traffic light controls traffic only at the intersection at which it is located.

§ 61-6. No parking zones.

It shall be unlawful for the operator of a vehicle to stop, stand or park a vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers in any place marked "no parking."

§ 61-7. Sidewalks.

No vehicle shall be driven in, over or upon any sidewalk or that portion of the public street or highway set aside for a sidewalk except as a permanent driveway, or temporary driveway for which permission has been granted.

§ 61-8. One-way streets.

A vehicle shall not proceed on a one-way street, except in the direction indicated by signs or other markings.

§ 61-9. Play streets. [Amended 7-17-73]

A. The Town Board shall have authority to declare any town street in the unincorporated area or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

B. Whenever authorized signs are erected indicating any such street or part thereof as a play street, a person shall not drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

C. Designated play streets. The following streets are hereby designated play streets by the Town Board of the Town of Rye:

(1) From the point where Meadowlark Road intersects with Oriole Place to the dead end of Meadowlark Road.

§ 61-10. Standing, stopping or waiting.

A vehicle shall not:

A. Stand unless halted by traffic on any street, except at the curb.

B. Stop with its left side to the curb, except on a one-way street.

C. Occupy any street so as to obstruct traffic.

D. Stop so as to obstruct a crossing.

E. Be permitted to stand backed up at an angle to the curb, except while actually loading or unloading said vehicle.

F. Be left in such a position as to prevent another vehicle stopped or parked at the curb from moving away.

G. Be permitted to stand within ten (10) feet of a fire hydrant, crosswalk or corner.

H. Stand within twenty-five (25) feet of any street excavation or obstruction, except that when such excavation or obstruction is at or close to the curb, vehicle may stand at the curb, but not so as to obstruct traffic.

I. A vehicle when left unattended or parked on a grade or incline shall have the brake effectively set and the wheels turned at an angle against the curb, and not parallel to the curb.

amended 2/7/93 (EFF)

§ 61-11. Parking.

The Town Board may establish and enforce such regulations governing the parking of vehicles on streets within the unincorporated section of the Town of Rye as they consider necessary for public convenience and which do not unduly restrict the orderly movement of traffic or endanger the public safety. On all business streets, and on any other streets where special parksigns or markings indicating the parking restrictions which prevail on such streets.

§ 61-12. Parking provisions applicable to trucks, trailers, omnibuses, etc.

Notwithstanding any other provisions of this ordinance, it shall be unlawful for the operator, owner or lessee of a truck,

trailer, semitrailer, tractor, house coach or omnibus to stand, stop or park on any county or town highway, road, street, avenue or public place and leave such truck, trailer, semitrailer, tractor, house coach or omnibus unattended by a person capable of operating or removing it, for a period longer than necessary to load or unload passengers or freight.

The provisions of this section, however, shall not apply, in the case of an emergency, to state, county and town highways, nor apply to agents or employees of public service corporations when engaged in the erection of poles, the stringing of wires or the repair, construction or inspection of lines, conduits or other structures along the county or town highways, or persons engaged in the construction, reconstruction or repair of the county or town highways or roads.

§ 61-13. Parking generally.

A. Special parking restrictions in a specified area are indicated by signs of the Police Department, and drivers must at all times comply with the directions thereon.

B. A vehicle shall not be parked on any street or highway for the purpose of making repairs, except those of a minor nature in a case of an emergency.

C. A vehicle parked after dark in a parking area need not have parking lights lighted if such permission is clearly indicated by signs.

D. A vehicle shall not be parked or left unattended on any street in front of a driveway or vehicle entrance to a building.

E. In any parking space where the area to be occupied by any vehicle is indicated by lines on the pavement or curbing, a vehicle must be parked within such lines.

§ 61-14. Stop signs.

A. The following public streets or highways or parts of streets or highways in the unincorporated section of the Town of Rye are designated as main arteries of travel and all vehicles approaching such main arteries of travel as hereby designated shall, before entering the same, come to a full stop, unless otherwise directed by a peace officer or signal:

(1) Betsy Brown Road

(2) Bonwit Road

(3) College Avenue

(4) Country Ridge Drive

(5) Elm Hill Drive

(6) Fairlawn Parkway

(7) Hawthorne Avenue

(8) Hillcrest Avenue

(9) Irenhyl Avenue

(10) Jennifer Lane

(11) King Street

(12) Latonia Road

(13) Lincoln Avenue

(14) Meadowlark Road

(15) Mohegan Lane

(16) Neuton Avenue

(17) North Ridge Street

(18) Old Orchard Road

(19) Pine Ridge Road

(20) Ridge Boulevard

(21) South Ridge Street

(22) Tamarack Road

(23) Westchester Avenue

(24) Winding Wood Road North

(25) Winding Wood Road South

B. The following public streets or highways or parts of streets or highways in the unincorporated section of the Town of Rye are designated as main arteries of travel and all vehicles approaching such main arteries of travel as hereby designated shall, before entering the same, come to a full stop provided that signs bearing the word "Stop" are erected and maintained at or near the intersecting line of such main arteries of travel with the following intersecting streets:

(1) Betsy Brown Road — Haines Boulevard

(2) Bonwit Road — Elm Hill Drive, Mohegan Lane

(3) College Avenue — Windsor Road

(4) Country Ridge Drive — Rockinghorse Trail, Dorchester Drive, Fairlawn Parkway

(5) Elm Hill Drive — Old Oak Road

(6) Fairlawn Parkway — Country Ridge Drive North

(7) Hawthorne Avenue — Irenhyl Avenue

(8) Hillcrest Avenue — Maywood Avenue

(9) Irenhyl Avenue — Hillcrest Avenue, Woodland Avenue

(10) Jennifer Lane — Beacon Lane, Lee Lane, Terrace Court

(11) King Street — Loch Lane, Hillandale Road, Bishop Drive North, Bishop Drive South, Comly Avenue

(12) Latonia Road — Berkeley Drive.

(13) Lincoln Avenue — Sunset Road, Jennifer Lane, Pine Ridge Road, Brookside Way

(14) Meadowlark Road — Blue Bird Hollow, Eagles Bluff, Oriole Place

(15) Mohegan Lane — Bonwit Road, Pine Ridge Road, Latonia Road

(16) Neuton Avenue — Tamarack Road, Hillcrest Avenue, Valley Terrace

(17) North Ridge Street — Avon Circle, Hawthorne Avenue, Maywood Avenue, Neuton Avenue, Ridge Boulevard, Argyle Road, Bobbie Lane, Berkeley Drive, West Ridge Drive, Winding Wood Road North, Meadowlark Road, Rockinghorse Trail, Sleepy Hollow Road, Fairlawn Parkway

(18) Old Orchard Road — Berkeley Drive, Winding Wood Road North, Winding Wood Road South

(19) Pine Ridge Road — Mohegan Lane

(20) Ridge Boulevard — Valley Terrace, Tamarack Road, Windsor Road

(21) South Ridge Street — High Street, Garibaldi Place, Wyman Street, Dixon Street, Crescent Place, West William Street, Ellendale Avenue, Franklin Street

(22) Tamarack Road — College Avenue

(23) Westchester Avenue — Brook Lane, Lincoln Avenue, Division Street, Hawthorne Avenue

(24) Winding Wood Road North — Churchill Road, Latonia Road, Old Orchard Road, Paddock Road

(25) Winding Wood Road South — Churchill Road, Latonia Road, Old Orchard Road, Paddock Road

§ 61-15. Prohibited parking.

A. The following regulations prohibiting parking in areas are hereby established:

(1) West William Street, Ellendale Avenue, Franklin Street

(a) On north side — no parking one hundred fifty (150) feet east of South Ridge Street.

(2) Bowman Avenue

(a) On south side — between South Ridge Street and Barber Place.

(b) On north side — between South Ridge Street and Division Street.

(c) On either side — from South Ridge Street, west to Town of Harrison line.

(3) South Ridge Street

(a) On either side — from Westchester Avenue, south to City of Rye line.

(4) North Ridge Street

(a) On either side — from Westchester Avenue, north to King Street.

(5) Division Street

(a) On west side — between Bowman Avenue and Westchester Avenue.

(6) Barber Place

(a) On west side — between Bowman Avenue and Franklin Street.

(7) ADDED EFF. 2/3/83 - PEARL ST

§ 61-16. One-way streets.

A. A vehicle shall not proceed on a one-way street, except in the direction indicated by signs or other markings.

(1) Division Street

(a) One-way from Bowman Avenue to Westchester Avenue.

(2) Barber Place

(a) One-way from Bowman Avenue to Franklin Street.

(3) **[Added 10-17-67; repealed 5-20-69]**

(4) Dixon Street

(a) One-way from South Ridge Street to Highview Avenue. **[Added 5-21-68]**

§ 61-16.1 No through traffic. [Added 6-10-70]

A. A traffic sign designed in accordance with the specifications set by the New York State Department of Transportation and the Motor Vehicle Department of the State of New York shall be placed at the southerly end of Rock Ridge Drive where it is intersected by Acker Drive, and the traffic sign or stanchion and a suitable barricade shall be installed to indicate that there shall be "No Thru Traffic."

B. It shall be a violation of the Traffic Ordinance of the Town of Rye for a vehicle to travel in a southerly or northerly direction from the intersection of Rock Ridge Drive and Acker Drive.

C. To further implement this ordinance, a similar traffic sign shall be placed at the entrance of Knollwood Drive and Betsy Brown Road which shall read: "No Thru Traffic."

C1.16.2 ADDED EFF 2/3/85 -

§ 61-17. One-way exit and entrance.

A. Exit from Hawthorne Avenue on west side of dividing island to Westchester Avenue.

B. Entrance from Westchester Avenue into Hawthorne Avenue on east side of dividing island.

§ 61-18. **All-night parking.**

A. [**Amended 11-21-72**] The parking of any vehicle is hereby prohibited on all public streets or highways within the unincorporated section of the Town of Rye between 2:00 a.m., and 6:00 a.m., from November 15 to March 15, except that all-night alternate side of the street parking be permitted on the following streets and highways:

Grant Street
West Street
Garibaldi Place
Wyman Street
Wyman Street North
Roanoke Avenue
Highview Avenue
Dixon Street
Westview Avenue
Crescent Place
West William Street
Ellendale Avenue
Franklin Street
Barber Place
Lyon Street
Osborne Place
Division Street
Bowman Avenue
Hillcrest Avenue
Whittemore Place
Woodland Avenue
Irenhyl Avenue
Hawthorne Avenue

Alternate side of the street all-night parking shall be construed to mean Monday, Wednesday, Friday and Sunday on one side of the street or highway and Tuesday, Thursday and Saturday on the other side of the street or highway in accordance with signs so posted in the affected areas.

B. No all-night parking of trucks or other commercial vehicles will be permitted at any time on the streets of the unincorporated section of the Town of Rye.

§ 61-19. **Abandoned vehicles.**

A. When any vehicle is parked or abandoned on any public street or highway within the unincorporated section of the Town of Rye during a snowstorm, flood, fire or other public emergency which affects that portion of the public street or highway upon which said vehicle is parked or abandoned, said vehicle may be ordered removed by the Supervisor or Chief of Police of the Town of Rye or officer in charge, and the cost of such removal shall be a charge against the owner.

B. When any vehicle is found unattended on any public street or highway within the unincorporated section of the Town of Rye where said vehicle constitutes an obstruction to traffic, said vehicle may be ordered removed by the Supervisor or Chief of Police of the Town of Rye or officer in charge, and the cost of such removal shall be a charge against the owner.

C. When any vehicle is parked or abandoned on any public street or highway within the unincorporated section of the Town of Rye where stopping, standing or parking is prohibited, said vehicle may be ordered removed by the Supervisor or Chief of Police of the Town of Rye or officer in charge, and the cost of such removal shall be a charge against the owner.

§ 61-20. **Trucks.**

Every vehicle used to transport dirt, manure, sand, gravel, ashes, mud, garbage, swill, offal, etc., in the public streets of the unincorporated section of the Town of Rye shall be so constructed or loaded as to prevent any portion of the contents from escaping therefrom. No vehicle used to transport dirt or soil shall be operated or driven so as to permit dirt or mud to adhere to the wheels and be deposited in the public streets of the unincorporated section of the Town of Rye. Any person being the owner or operator of any such vehicle or truck shall at the end of each working day remove any dirt, manure, sand, gravel, ashes, mud, garbage, swill, offal, etc., dropped from any such vehicle or truck on the public street or highway.

§ 61-21. **Snow and ice removal (sidewalks).**

Every owner, lessee tenant, occupant or other person having charge or control of any building or lot of land abutting upon any street or public place where the sidewalk is flagged, concreted or otherwise paved or laid shall, within twenty-four (24) hours after the snow ceases to fall, remove the snow and ice from

(Cont'd on page 6113)

such sidewalk so as to provide a continuous passageway. In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant or other person hereby charged with the duty to remove the same, shall within the time specified above, cause the sidewalk to be strewn with ashes, sand and/or some other abrasive substance and thereafter as the weather shall permit, shall thoroughly clean said sidewalk.

No person shall deposit on any public street or highway, snow plowed from any driveway.

§ 61-22. Plowing and clearing highways.

During plowing and clearing of snow from the public streets or highways, no vehicle shall be parked on any side of any public street or highway in the unincorporated section of the Town of Rye.

§ 61-23. Parades.

All parades in the streets of the unincorporated section of the Town of Rye and the playing of bands of music and exhibitions of any kind in said streets are prohibited, without a written permit from the Town Board.

§ 61-24. Radios: amplifiers.

No person shall locate radios or similar devices or amplifiers thereof so as to, or that may, project sound into public streets, highways or neighborhoods for advertising or business purposes; and no person owning, occupying or having charge of any building or premises or any part thereof in the unincorporated section of the Town of Rye shall cause or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical or reproducing device, instrument or machine which loud, excessive and unusual noise shall

disturb the comfort, peace and quiet of persons in the vicinity. The playing, using, operating or permitting to be played, used or operated, of any radio, receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound, which is cast upon the public streets from any sound truck or vehicle, for the purpose of commercial advertising or attracting the attention of the public, shall be unlawful and is hereby prohibited.

§ 61-25. Violation and penalties.

Any person, firm or corporation violating any provision of this ordinance may, upon conviction, be punished for the first offense by a fine not exceeding ten dollars ($10.), and for the second offense by a fine of not less than ten dollars ($10.) or more than twenty-five dollars ($25.), or by imprisonment for not less than two (2) or more than fifteen (15) days. The third or any subsequent offense within one (1) year may be punishable by a fine not exceeding one hundred dollars ($100.) or by imprisonment not exceeding six (6) months or by both such fine and imprisonment.

§ 61-26. Separability.

If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court to be invalid, such judgment shall not affect, impair or invalidate any remainder thereof or the application thereof to other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

§ 61-27. Effective date.

This ordinance shall become effective ten (10) days after the first publication and posting of the adoption thereof.

Chapter 62

(RESERVED)

This Reserve chapter page is part of your Code. It has been inserted here to allow for the integration of future enactments, the subject of which will fall alphabetically into this part of the Code.

Chapter 63

WATER USE

[HISTORY: Adopted Rye Town Board 2-10-81 as L.L. No. 2-1981.[1] Amendments noted where applicable.]

§ 63-1. Legislative intent.

The intent of this local law is to restrict the wasteful, inefficient or nonessential use of water, to establish penalties for violations and to provide for enforcement of said emergency water conservation measures in the unincorporated area of the Town of Rye.

§ 63-2. Restrictions on water consumption.

A. Water consumption within the unincorporated area of the Town of Rye shall be subject to the following restrictions:

(1) The use of fire hydrants for any purpose other than fire protection is prohibited.

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[1] **Editor's Note: This local law also superseded former Ch. 63, Water Use, adopted 12-15-53.**

(2) The serving of water to patrons in restaurants, clubs or eating places, unless specifically requested by the customer, is prohibited.

(3) All industrial and commercial businesses must formulate and enact a long range water conservation plan which reduces consumption by sixty percent (60%). For purposes of this subsection, the average water meter readings for the calendar year 1980 will be the basis for comparison.

(4) The operation of car washes, unless recirculating equipment is used, is prohibited. Companies not presently using recirculation equipment must submit plans to install such equipment within thirty (30) days of the effective date of this local law and complete work within ninety (90) days of such effective date.

(5) Ornamental or display use of public water, whether or not such water is recycled public water, including fountains, artificial waterfalls, reflecting pools, lakes and ponds, is prohibited.

(6) The use of hoses for street, driveway, sidewalk and/or automobile washing is prohibited.

(7) The use of public water on golf courses is prohibited.

(8) The use of public water in the cleaning of the exterior of buildings is prohibited.

(9) Leaks in house water connections shall be repaired within forty-eight (48) hours.

(10) Water meters shall be installed on all air-conditioning cooling towers within thirty (30) days of the effective date hereof. Air-conditioning units over two (2) tons are required to have recirculatory equipment.

(11) Water consumption in any dwelling or multiple dwelling in the unincorporated area of the Town of Rye shall not exceed forty-five (45) gallons per day per person [six (6) cubic feet], unless modified by the Town Board.

B. All plans required to be prepared pursuant to the provisions of Subsection A of this section shall be submitted to the Town of Rye Building Department, 10 Pearl Street, Port Chester, New York.

§ 63-3. Penalties for offenses.

In addition to any other penalties prescribed by law, any violation of any provisions of this local law shall be punishable by a civil penalty of not more than fifty dollars ($50.) for the first offense and not less than fifty dollars ($50.) nor more than one hundred dollars ($100.) for the second and every subsequent offense. Each day that such violation continues shall constitute a separate offense for which a penalty may be imposed.

§ 63-4. Where effective.

This local law shall be effective throughout the unincorporated area of the Town of Rye.

§ 63-5. Enforcement; disposition of penalties.

A. This local law shall be enforced by the direction of the Town Supervisor and all appropriate town departments in conjunction with the Port Chester Water Company.

B. All civil penalties collected by reason of enforcement of this local law by the town shall be paid to the unincorporated area fund of the Town of Rye.

§ 63-6. Severability.

If any provision, section, clause, phrase or word of this local law shall be held by any federal or state court to be invalid in whole or in part or inapplicable to any person or situation, all other provisions, sections, clauses, phrases or words shall remain fully effective, and the application of any such provisions, sections, phrases or words to other persons not similarly situated or other situations shall be affected thereby.

§ 63-7. When effective.

This local law shall take effect immediately and shall remain in effect for as long as the town water emergency remains in effect.

Chapter 64

(RESERVED)

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Chapter 65

(RESERVED)

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