

ORDINANCE OF TOWN TO PERMIT THE
CONDUCT OF BINGO

Councilman Frank Smith offered the following resolution and moved its adoption:

WHEREAS, at the public hearing duly called and held, pursuant to Section 130 of the Town Law on the 29th day of September, 1969, in the Town Hall in the Village of Delevan, Cattaraugus County, New York, for the purpose of considering the enactment of an ordinance authorizing the conduct of Bingo games, the consensus of opinion of the citizens present was that such an ordinance should be adopted and submitted to the persons qualified to vote on a proposition thereof, now it is

RESOLVED that the Town Board of the Town of Yorkshire enact AN ORDINANCE AUTHORIZING CONDUCT OF BINGO GAMES and pursuant to authority of Section 130 of the Town Law, Article 14-H of the General Municipal Law, Article 19-B of the Executive Law and Article I, Section 9, Subdivision 2, of the State Constitution, the Town Board of the Town of Yorkshire, Cattaraugus County, New York, does ORDAIN AND ENACT as follows:

Section 1. TERRITORY AFFECTED

This Ordinance shall be applicable to all territory within the limits of the Town of Yorkshire.

Section 2. LEGALIZATION OF "BINGO"

It shall be lawful for any authorized organization, namely, a bona fide religious, charitable, or non-profit organization of veterans, volunteer firemen, and similar non-profit organizations, upon obtaining a License therefor as provided by the General Municipal Law, Article 14-H, and rules and regulations adopted by the State Bingo Control Commission pursuant to the State Bingo Control Law to conduct the game or games of Bingo in the territory of the Town of Yorkshire.

Section 3. RESTRICTIONS UPON CONDUCT OF BINGO GAMES.

- (a) No game shall be conducted on the first day of the week commonly called Sunday.
- (b) No person, firm, association, corporation or organization other than an "authorized organization" licensed under the provisions of said Article 14-H of the General Municipal Law, shall be permitted to conduct such games.

(c) The entire net proceeds of any game shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

(d) No single prize shall exceed the sum or value of Two Hundred Fifty Dollars.

(e) No series of prizes on any one occasion shall aggregate more than One Thousand Dollars.

(f) No person except a bona fide member of any such Organization shall participate in the management or operation of such game.

(g) No person shall receive any remuneration for participating in the management or operation of any such game.

(h) The unauthorized conduct of a Bingo game and any wilful violation of any provision of this Ordinance, shall constitute and be punishable as a Misdemeanor.

(i) No Bingo game shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

Section 4. DELEGATION OF AUTHORITY.

The Town Board of the Town of Yorkshire may, pursuant to Section 498 of the General Municipal Law, delegate to an officer or officers of such Township designated by the Town Board for such purpose any of the Authority granted to such Governing Body by said Article 14-H of the General Municipal Law in relation to the issuance, amendment and cancellation of Licenses, the conduct of investigations and hearings, the supervision of the operation of the Games and the collection and transmission of Fees.

Section 5. PENALTIES FOR VIOLATION.

The making of any false statement in any application for a License or in any statement annexed thereto, or any other violation of the provisions of said Article 14-H of the General Municipal Law or any violation of the terms of such a license, shall constitute a Misdemeanor, and shall subject the offender to forfeiture of license, and shall render the offender ineligible to apply for a license for one (1) year thereafter, all pursuant to the provisions of Section 495 of the General Municipal Law.

Section 6. EFFECTIVE DATE.

This Ordinance shall become effective:

(a) Upon approval of same by a majority of the Qualified Electors of the Town of Yorkshire, voting on a Proposition therefor duly submitted at a General or Special Election held within the Town of Yorkshire as provided by Law; and

(b) Upon filing with the State Bingo Control Commission a copy of such Ordinance, within ten (10) days after its adoption as above provided.

Section 7. REPEAL OF PRIOR ORDINANCES AND REGULATIONS.

Any and all ordinances or regulations in conflict with this Ordinance, at any time heretofore adopted, are hereby duly and fully REPEALED.

The motion was seconded by Justice William Wright and unanimously carried.

Justice George Kester	-----	Voted <u>Yes</u>
Justice William Wright	-----	Voted <u>Yes</u>
Councilman Frank Smith	-----	Voted <u>Yes</u>
_____	-----	Voted _____
_____	-----	Voted _____

Upon motion made by Justice George Kester, seconded by Councilman Frank Smith, and unanimously carried, it was

RESOLVED, that the following proposition be submitted at the annual election to be held in the Town of Yorkshire, County of Cattaraugus, New York, on Tuesday, November 4th, 1969.

Shall the foregoing ordinance authorizing the conduct of Bingo games within the Town of Yorkshire, duly adopted by the Town Board of the Town of Yorkshire, after public hearing duly held by the Town Board of said Town pursuant to notice be approved?

PROPOSED TRAFFIC ORDINANCE OF THE TOWN OF YORKSHIRE

Justice George Kester offered the following resolution and moved its adoption:

WHEREAS, at a public hearing duly called and held, pursuant to Section 130 of the Town Law on the 6th day of April, 1970, at the Town Hall in the Village of Delevan, Cattaraugus County, New York, for the purpose of considering the enactment of an ordinance to regulate traffic upon the highways within the geographical boundaries of the Town of Yorkshire, the consensus of opinion of the citizens present was that such an ordinance should be adopted, now it is

RESOLVED, that the Town Board of the Town of Yorkshire enact an ordinance regulating traffic upon the highways within the geographical boundaries of the Town of Yorkshire, and pursuant to the authority of the Vehicle and Traffic Law of the State of New York, the Town Board of the Town of Yorkshire, Cattaraugus County, New York does ORDAIN AND ENACT as follows:

TRAFFIC ORDINANCE
of the
TOWN OF YORKSHIRE

"PREAMBLE"

The Town Board of the Town of Yorkshire, County of Cattaraugus, State of New York, does hereby enact, pursuant to the provisions of the Vehicle and Traffic Law of the State of New York, the following ordinance to regulate traffic upon the highways within the geographical boundaries of the Town of Yorkshire.

ARTICLE I
"WORDS AND PHRASES DEFINED"

SECTION 1. Definition of words and phrases: The words and phrases used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them by Article I of the Vehicle and Traffic Law of the State of New York.

ARTICLE II
"TRAFFIC CONTROL DEVICES"

SECTION 2. Authority to install traffic control devices. The Town Superintendent of Highways shall install and maintain traffic control devices when and as required under the provisions of this ordinance to make effective the provisions of said ordinance and may install and maintain such additional traffic control devices as he may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York subject to the provisions of Sections 1682 and 1684 of that Law.

ARTICLE IV
"STOP AND YIELD INTERSECTIONS"

SECTION 4. STOP INTERSECTIONS.

- a) The intersections of the east fork of Stone Quarry Road with Stone Quarry Road and Worden Road are hereby designated as Stop intersections and stop signs shall be erected on the east fork at its entrance to said intersections from the east and from the west.
- b) The intersection of Worden Road with Stone Quarry Road is hereby designated a Stop intersection and a stop sign shall be erected on Worden Road at its entrance to said intersection from the southeast.
- c) The intersection of Card Road with Braymiller Road is hereby designated as a Stop intersection and a stop sign shall be erected on Card Road at its entrance to said intersection from the east.
- d) The intersection of Gulf Road with Braymiller Road is hereby designated as a Stop intersection and a stop sign shall be erected on Gulf Road at its entrance to said intersection from the south.
- e) The intersection of Gulf Road with Block Road is hereby designated as a Stop intersection and a stop sign shall be erected on Gulf Road at its entrance to said intersection from the North.
- f) The intersection of Gunbarrel Road with Braymiller Road is hereby designated as a Stop intersection and a stop sign shall be erected on Gunbarrel Road at its entrance to said intersection from the North.
- g) The intersection of Hilliker Road with Keller Road is hereby designated as a Stop intersection and a stop sign shall be erected on Hilliker Road at its entrance to said intersection from the North.

SECTION 5. YIELD INTERSECTIONS.

- a) The intersection of Eddy Road with Weaver Road is hereby designated as a Yield intersection and a yield sign shall be erected on Eddy Road at its entrance to said intersection from the East.
- b) The intersection of Maple Street with Westover Road is hereby designated as a Yield intersection and two yield signs shall be erected on Maple Street at each entrance to said intersection from the South.

- c) The intersection of Card Road with Stone Quarry Road is hereby designated as a Yield intersection and a yield sign shall be erected on Card Road at its entrance to said intersection from the West.
- d) The intersection of Braymiller Road with Creek Road is hereby designated as a Yield intersection and a yield sign shall be erected on Braymiller Road at its entrance to said intersection from the South.
- e) The intersection of Block Road with Braymiller Road is hereby designated as a Yield intersection and a yield sign shall be erected on Block Road at its entrance to said intersection from the Southeast.
- f) The intersection of Block Road with Town Line Road is hereby designated as a Yield intersection and a yield sign shall be erected on Block Road at its entrance to said intersection from the East.
- g) The intersection of Eastland Road with Block Road is hereby designated as a Yield intersection and a yield sign shall be erected on Eastland Road at its entrance to said intersection from the East.
- h) The intersection of King Road with Eastland Road is hereby designated as a Yield intersection and a yield sign shall be erected on King Road at its entrance to said intersection from the East.
- i) The intersection of Gunbarrel Road with West Town Line Road is hereby designated as a Yield intersection and a yield sign shall be erected on Gunbarrel Road at its entrance to said intersection from the East.
- j) The intersection of Hilliker Road with Block Road is hereby designated as a Yield intersection and a yield sign shall be erected on Hilliker Road at its entrance to said intersection from the South.
- k) The intersection of Pleasant Valley Road with Hall Road is hereby designated as a Yield intersection and a yield sign shall be erected on Pleasant Valley Road at its entrance to said intersection from the North.

ARTICLE V

"SPEED REGULATIONS"

SECTION 6. Special speed limits on bridges. Twenty five (25) miles per hour is hereby established as the maximum speed at which vehicles may proceed on or along Stone Quarry Bridge and stated speed signs shall be erected on Stone Quarry Road at its entrance to said bridge from the North and South.

ARTICLE VI
"REMOVAL AND STORAGE OF VEHICLES"

SECTION 7. AUTHORITY TO IMPOUND VEHICLES.

- a) When any vehicle is parked or abandoned on any highway within this Town during a snow storm, flood, fire or other public emergency which effects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the Town Superintendent of Highways.
- b) When any vehicle is found unattended on any highway within this Town where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by the Town Superintendent of Highways.

SECTION 8. STORAGE AND CHARGES.

After removal of any vehicle as provided in this article, the Town Superintendent of Highways may store such vehicle in a suitable place at the expense of the owner. Such owner, or person in charge of the vehicle, may redeem the same upon payment to the Town Superintendent of Highways of the amount of all expenses actually and necessarily incurred in effecting such removal. Such removal charges not to exceed \$50.00, together with any charges for storage, such storage charges not to exceed \$5.00 per day or fraction thereof.

SECTION 9. NOTICE OF REMOVAL.

Town Superintendent of Highways shall without delay report the removal and disposition of any vehicle removed as provided in this article to a Town Justice and it shall be the duty of such Town Justice to ascertain to the extent possible the owner of the vehicle or person having the same charge, and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem same.

ARTICLE VII
"REPEAL OF PRIOR ORDINANCES"

SECTION 10. ORDINANCES REPEALED; GENERAL.

All prior ordinances or parts of ordinances of this town regulating traffic are hereby repealed, except that this repeal shall not effect the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

"EFFECT OF ORDINANCE"

SECTION 11. CONSTITUTIONALITY.

If any part or parts of this ordinance are for any reason held to be invalid, such decisions shall not effect the validity of the remaining portions of this ordinance.

SECTION 12. TIME TO TAKE EFFECT.

- a) This ordinance shall take effect from and after the 7th day of April, 1970, except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law and Section 46 of the Highway Laws of the State of New York.
- b) Any part of parts of this ordinance which are subject to approval under Section 1684 of the Vehicle and Traffic Law and Section 46 of the Highway Laws of the State of New York shall take effect from and after the day on which approval in writing is received from both the New York State Department of Transportation.

(June 14, 1976)

ORDINANCE REGULATING BUILDING IN
THE TOWN OF YORKSHIRE, NEW YORK
(Flood Ordinance)

The Town of Yorkshire, New York, does hereby ordain and enact the following ordinance adopting regulations designed to minimize flood losses in the Town as follows:

- Section 1. The Town of Yorkshire having been identified by the Federal Insurance Administration as having a special flood hazard area or areas, and it's the intent of the Town of Yorkshire to comply with the criteria of Land Management and Use as determined pursuant to Title 24 - Housing and Housing Credit, Chapter 7, Federal Insurance Administration, Department of Housing and Urban Development.
- Section 2. This Ordinance shall apply to all property located in the Town of Yorkshire outside the incorporated Village of Delevan.
- Section 3. Definitions
- A. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - B. Flood Plain or Flood Prone Areas means a land area adjoining a river, stream, watercourse or lake which is likely to be flooded.
 - C. Flood proofing means any combination of structure and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to land, water and sanitary facilities, structures and contents of building.
 - D. Flood Protection Elevation means the level and elevation above which a particular use will be considered safe from flooding. Such elevations will be designated at various points on the Official Map.
 - E. Floodway means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude, as determined by the Town Board from time to time.
 - F. Floodway Fringe is the area lying outside of and adjacent to the floodway which may be subject to inundation by the maximum flood of seasonal regional expectancy.
 - G. Special Flood Hazard Areas means that maximum area of the Flood plain that, on the average, is likely to be flooded once every 100 years (i.e. that has a 1% chance of being flooded each year - "100 year Flood").
 - H. Permit means a written approval from the Town Board to construct or alter a structure or building.
 - I. Structure means anything that is constructed or erected on or under the ground or upon another structure or building.
 - J. Alteration is as applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another; the term "alter" in its various modes and tenses and its participial form, refers to the making of an alteration.

- K. Major Alteration as applied to a building or structure shall be an alteration which is of such magnitude as to equal or exceed 25% of the full value of the building or structure as determined by assessment.
- L. Certificate of Occupancy means a written approval from the Town Board or Building Inspector to use or occupy any building or structure after erection, alteration or extension is complete.

Section 4. Applications

Before the construction, or the alteration, of any structure or building is commenced, the owner, lessee, or agent, or either shall submit to the Building Inspector as designated by the Town Board, a brief description of the construction to be done, together with the statement or map showing the location of the property on which the structure to be repaired or altered exists, or on which the building or structure is to be placed, and such map or drawing shall further show the location on the lot in such detail as the Town Board may require, together with a brief statement of the intended use of the structure.

Section 5. Permits

- A. The Building Inspector, as designated by the Town Board, shall immediately upon receiving an Application review the same, and shall make the determination if the proposed construction is within a special flood hazard area, flood plain, or flood prone area. If the structure or building is outside such area, the Building Inspector shall thereupon issue a building permit for the construction.
- B. If the Building Inspector shall determine that the proposed alteration is for a building, structure or major alteration on a building or structure within a special flood hazard area, flood plain, flood prone area, floodway, or floodway fringe, he shall thereupon advise the applicant who shall be required to furnish a detailed application specifying the type of construction in detailed plans of construction. This application shall be in such detail as to enable the Building Inspector to make the following determinations:
 - 1) That the building or structure is designed and anchored to prevent flotation, collapse or lateral movement of the structure or portions of the structure due to flood.
 - 2) That when the elevation of the 100-year flood has been provided by the Federal Insurance Administration, residential structures shall have the lowest habitable floor elevated to at least one foot above the 100-year flood level, or together with attendant utility and sanitary facilities, shall be floodproofed to at least one foot above the 100-year flood.
 - 3) The use of construction materials and utility equipment that are resistant to flood damage.
 - 4) The use of construction methods and practices that will minimize or eliminate flood damage.
 - 5) Adequate drainage has been provided in order to reduce exposure to flood hazards.
 - 6) That utilities and facilities are located on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

- C. The Building Inspector after reviewing the specifications and plans for construction located within a flood hazard area shall make findings of fact to determine if all of the requirements listed above have met. If these requirements are met, the Building Inspector shall thereupon issue a permit for the construction of such building or structure.
- D. If these requirements are not met, no permit will be issued.
- E. If a building permit is granted by the Building Inspector, it may thereafter be revoked if upon inspection by the said Building Inspector, the determination is made that the actual construction is not in conformance with the application.
- F. If for any reason an applicant is denied a permit by the Building Inspector, the applicant shall have the right to appeal such determination to the Town Board, who shall either approve or reject said appeal within 45 days after such appeal is made. Any appeal made pursuant to this section shall be in writing and shall specifically outline the grounds for such appeal.

Section 6. Applications for Permits and Certificates

- A. All applications, notices, sworn statements, and certificates, required by this ordinance shall be presented to and kept on file in the office of the Town Clerk.
- B. Nothing in this ordinance shall prohibit the filing of amendments to any applications at any time before the completion of the work for which the permit was sought, and such amendments, after approval, shall be made a part of the application and filed as such.
- C. Ordinary repairs and maintenance of buildings or structures may be made without notice to the Town Board.
- D. It shall be unlawful to complete or alter any building or structure or any part thereof, until the application and plans required by the provisions of this ordinance shall have been approved by the Town Board or Building Inspector and a written permit issued.
- E. Any permit issued by the Town Board or Building Inspector under the Provisions of this ordinance, but under which no work is commenced within one (1) year from the time of issuance, shall expire by limitation.
- F. No fee shall be charged for the application or for the permit for any building or structure located outside the special flood hazard area, flood plain, flood prone, floodway or floodway fringe area. A fee of \$100.00 shall be charged if a structure or building is within a special flood hazard area, flood plain, flood prone, floodway fringe area.
- G. It shall be unlawful to occupy or use any building or structure within a special flood hazard area, flood plain, flood prone, floodway or floodway fringe area that requires a permit, until a Certificate of Occupancy shall have been issued by the Building Inspector or Town Board.

Section 7. Violations and Penalties

- A. Every agent, architect, building, contractor, owner, tenant or other person, having charge of any building or lands, who commences, takes part in or assists in any violation of any of the provisions of this ordinance, or who constructs, maintains, or uses any building or structure or premises, in, upon or by which any provisions of this ordinance is violated, shall for each and every day that said violation continues, be subject to a fine of not more than One Hundred Dollars (\$100), and any person violating any provision of this ordinance or orders made pursuant thereto,

shall be punished by a fine of not more than One Hundred Dollars (\$100) and each and every day a violation of this ordinance is committed or permitted to exist, shall constitute a separate offense; after receiving notice to cease or remedy such violation.

- B. Whenever the Town Board shall certify that any building or any part thereof, or any lands are being erected or used in violation of the provisions of this ordinance, the Town Board is authorized to institute all actions and proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance.

Section 8. Validity

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provisions thereof.

Section 9. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances heretofore passed which are in conflict with this ordinance, are hereby repealed.

AN ORDINANCE OF THE TOWN OF YORKSHIRE,
NEW YORK, IN RELATION TO THE OWNING,
HARBORING, OR KEEPING OF DOGS WITHIN
THE LIMITS OF SAID TOWN.

The Town Board of the Town of Yorkshire, Cattaraugus County, New York, does ordain and enact as follows:

SECTION 1. Definitions.

A. OWNER - The word "owner" as used in this ordinance shall include any person harboring or keeping a dog within the limits of the Town of Yorkshire and the parent, guardian or other adult person with whom a minor dog owner resides.

B. HARBOR - To provide food or shelter to any animal.

C. PERMIT - To allow, consent to, or afford the possibility or opportunity to.

SECTION 2. No dog shall be permitted to run at large within the Town of Yorkshire. A dog shall be deemed to be at large within the meaning of this ordinance if elsewhere than on the premises of the owner, or on the premises of another person with that person's consent, not accompanied by the owner or his agent having said dog under his control by means of physical or verbal constraint at all times so as to not harm, injure or destroy the person or property of another. This ordinance does not pertain to hunting dogs during New York State regulated training and hunting seasons.

SECTION 3. No unspayed female dog in heat and no dog of dangerous propensities shall be permitted to be off the premises of the owner.

SECTION 4. It shall be unlawful for any owner of or any person harboring any dog in the Town of Yorkshire to permit such dog to cause damage to or destruction of property, or commit a nuisance upon the premises of a person other than the owner or person harboring such dog, or upon a public roadway.

SECTION 5. No person shall have or keep, or permit to be kept, on any premises owned or occupied, in whole or in part, by such person within the limits of the Town of Yorkshire any dog which, by its excessive and habitual howling, barking or whining shall disturb or annoy other persons or constitute a public nuisance.

SECTION 6. Issuing Appearance Tickets.

Upon receipt of, or witnessing of, any complaint against the conduct of any particular dog, any Peace Officer, Police Officer, or Dog Control Officer of the Town of Yorkshire may summon the alleged owner or other person harboring said dog to appear in Town Court, by means of an appearance ticket; if the summons is disregarded, the Town Justice may permit the filing of any information and issue a warrant for the arrest of such person.

SECTION 7. Penalties for Offenses.

The violation of this ordinance shall be punishable by a fine of up to twenty-five dollars (\$25.00) for the first violation thereof, by a fine of up to fifty dollars (\$50.00) for the second violation thereof, and by a fine of up to one hundred dollars (\$100.00) for the third violation thereof.

BUILDING ORDINANCE

"RESOLUTION ADOPTED ON JUNE 14, 1976"

WHEREAS: the Town of Yorkshire has adopted and is enforcing a Building Ordinance and

WHEREAS: Section of the aforesaid prohibits any person, firm, or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Town Clerk, and WHEREAS, the Town Supervisor must examine all plans and specifications for the proposed construction when application is made to him for a building permit. NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yorkshire as follows:

1. That the Town Board shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes)
 - a) be designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure,
 - b) use construction materials and utility equipment that are resistant to flood damage: and
2. That the Town Board shall review subdivision proposals and other proposed new developments 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 or eliminate flood damage, and
 - c) adequate drainage is provided so as to reduce exposure to flood hazards: and
3. That the Town Board shall require new or replacement water supply systems and or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding .