

LOCAL LAW NO. 2 OF THE YEAR 2025
TOWN OF CAMBRIA
COUNTY OF NIAGARA, STATE OF NEW YORK

**A Local Law of the Town of Cambria, New York, for the year 2025, in Relation to the
Municipal Code of the Town of Cambria**

Be it enacted by the Town Board of the Town of Cambria as follows:

ARTICLE I

Adoption of Code

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Cambria, as codified and consisting of Chapters 1 through 288, are hereby approved, adopted, and enacted as the Code of the Town of Cambria, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Town of Cambria by impressing thereon the Seal of the Town, as provided by law, and such certified copy shall remain on file in the office of the Town Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Town Board to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Cambria" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Town of Cambria shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

All local laws and ordinances of a general and permanent nature of the Town of Cambria in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-5 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Cambria prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Cambria or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Cambria.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Cambria.

- E. Any local law or ordinance of the Town of Cambria providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Cambria or any portion thereof.
- F. Any local law or ordinance of the Town of Cambria appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Cambria or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to July 13, 2023.

§ 1-7. Changes in previously adopted legislation.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Cambria, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Town of Cambria in any manner whatsoever which will cause the legislation of the Town of Cambria to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-10. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Town of Cambria
Code Adoption Local Law

Schedule A

Specific Revisions at Time of Adoption of Code

Chapter 56, Animals.

Article I, Licensing and Control of Dogs.

In § 56-5B(1) the fee of \$18 is changed to \$21.

Section 56-5B(4) is added to include a late fee of \$10.

Chapter 63, Battery Energy Storage Systems.

Section 63-12 is amended to read as follows:

Any violation of this chapter shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for Chapter 288, Zoning, § 288-1205, of the Code of the Town of Cambria.

Chapter 70, Building Construction and Fire Prevention.

Section 70-11A is amended to read as follows:

Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

- (1) At least once every 12 months for buildings which contain an assembly area;*
- (2) At least once every 12 months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities; and*
- (3) At least once every 36 months for multiple dwellings and all nonresidential occupancies.*

Chapter 102, Flood Damage Prevention.

Section 102-13B is amended to read remove the \$500 permit fee and provide that the fee is set by resolution of the Town Board.

Chapter 109, Freshwater Wetlands.

Section 109-1 is amended to delete the following language: "...with the following exceptions, additions and modifications (§ 24-0501(3) provides for a specification of any exceptions,

additions and modifications to the procedures of Article 24. Please read the Department's August 6, 1976 "Criteria for reviewing Local Freshwater Wetland's Protection Ordinances and Laws Pursuant to the Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law)" prior to making any exception, addition or modification to the provisions of Article 24.)”

Chapter 116, Games of Chance.

In § 116-3 “New York State Racing and Wagering Board” is updated to “New York State Gaming Commission.”

Chapter 127, Mobile Homes and Mobile Home Parks.

Sections 127-7B and 127-9 are amended to remove the specific license fee and provide that the fee is set by resolution of the Town Board.

In § 127-22A the reference to the fire prevention ordinance is updated to the "the New York State Uniform Fire Prevention and Building Code (the Uniform Code)."

Section 127-27 is amended to read as follows:

Any person who violates any provision of this chapter shall, upon conviction, be punished by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both, and each weeks' failure of compliance with any such provision shall constitute a separate violation.

Chapter 135, Noise.

Section 135-5 is amended to read as follows:

A violation of this chapter is an offense punishable by a fine of not less than \$25 nor more than \$250 or by imprisonment for not more than 15 days, or both. Each day's violation shall constitute a separate offense.

Chapter 142, Notification of Defects.

In § 142-2, "five days" is revised to "10 days."

Chapter 158, Property Maintenance.

Section 158-8 is amended to read as follows:

Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the Building Inspector/Code Enforcement Officer or other Town employees in the cutting and removing of weeds, grass and other vegetation shall be guilty of a violation and, upon conviction thereof, be subject to a fine of not more than \$250, or by imprisonment for not more than 15 days, or both, and each day on which such violation continues shall constitute a separate offense.

Chapter 173, Recreational Vehicle Parks and Camping Grounds.

Section 173-5A is amended to read remove the specific fee and provide that the fee is set by resolution of the Town Board.

Section 173-14C is amended to read as follows:

Any person found guilty of violating any provisions of this chapter, whether or not such violation shall be found sufficient by the Zoning Officer or the Board of Appeals for revocation of the permit, shall be guilty of violation punishable by a fine of not more than \$250, or by imprisonment for not more than 15 days, or both. Each and every week that a violation of this chapter is permitted to exist shall constitute a separate offense.

Chapter 181, Sewers and Sewage Disposal.

In § 181-4B(3) is amended as indicated: "...as may be applicable in full accordance with ~~Section 9 of this Ordinance~~ §§ 181-12, 181-13 and 181-14, as appropriate."

In § 181-5S reference to the "New York State Plumbing Code" is updated to "the New York State Uniform Fire Prevention and Building Code (the Uniform Code)."

Section 181-11A is amended to read as follows:

Any person who shall continue any violation beyond the time limit provided for in § 181-11 shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment in the discretion of the court, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sections 181-12G and I, 181-13, and 181-14A(1) are amended to remove the specific fees and provide that the fees are set by resolution of the Town Board.

Chapter 188, Solar Energy Systems.

Section 188-18 is amended to read as follows:

Any violation of this chapter shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for Chapter 288, Zoning, § 288-1205, of the Code of the Town of Cambria.

Chapter 195, Solid Waste.

Article I, Dumping.

Section 195-5 is amended to read as follows:

Any person violating this article may be liable for a penalty not to exceed the sum of \$250, or imprisonment for not more than 15 days, or both such fine and imprisonment.

Article II, Recycling.

Section 195-17 is amended to read as follows:

- A. A violation of this article, other than §§ 195-15A and 195-16, shall constitute a violation punishable, upon conviction thereof, by a fine not exceeding \$250, or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each offense.*
- B. A violation of §§ 195-15A or 195-16 shall constitute a misdemeanor punishable, upon conviction thereof, by a fine not exceeding \$1,000, or imprisonment for not more than one year, or both such fine and imprisonment*

Chapter 224, Taxation.

Article III, Senior Citizens Exemption.

In § 224-14B references to "24" are revised to "12."

In §§ 224-16 and 224-17 the references to the "State Board" are updated to "Commissioner of Taxation and Finance."

Chapter 231, Town-Owned Property.

Section 231-1H is amended to read as follows:

All violations of this chapter or any provisions thereof shall be an offense punishable by a fine not exceeding \$250, or imprisonment for not more than 15 days, or both.

Chapter 244, Vehicles and Traffic.

Article III, Winter Parking.

Section 244-9 is amended to read as follows:

Any person violating any of the provisions of this article shall be guilty of a traffic infraction and may be punished, upon conviction thereof, in accordance with Vehicle and Traffic Law § 1800.

Chapter 264, Water.

Article I, Water District Rules and Regulations.

Sections 264-7B(4) and (9), 264-8B, C and H, 264-9E, 264-12A(2)(e) and (g), 264-12B(2), and 264-18A(1), B(1) and C are revised to remove specific fee amounts and provide that they are set by resolution of the Town Board.

Section 264-13D(2)(b) is amended to change “30 days” to “one year.”

Chapter 271 Wind Energy Systems.

Section 271-37 is added to read as follows:

Any violation of this chapter shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for Chapter 288, Zoning, § 288-1205, of the Code of the Town of Cambria.

Chapter 278, Wireless Telecommunications Facilities.

Section 278-4F(6)(z) is amended to remove the specific fee and provide that the fee is set by resolution of the Town Board.

Chapter 288, Zoning.

In § 288-200:

In the definition of “farm,” “five acres” is revised to “seven acres.”

In §§ 288-200 and 288-700A “automobile laundry” is revised to “car wash.”

Former Section 300(5), regarding keeping of transient roomers or boarders, is deleted.

Former Section 300(8), regarding playhouses, tool houses or garden houses, is deleted.

Former Section 400(3), regarding keeping of transient roomers and boarders, is deleted.

Former Section 400(6), regarding playhouses, tool houses and garden houses, is deleted.

Section 288-401J is amended to read as follows:

Wineries, cideries, distilleries, breweries, microbreweries, meaderies, etc. which are licensed as "Farm Wineries", etc., by the New York State Alcohol Beverage Control (ABC) Law § 76 etc., whose agricultural crops used to produce the farm winery's alcoholic beverages do not constitute a farm operation under the New York State Agriculture and Markets Law § 305-a due to less than 51% of the agricultural crops used to produce the farm's alcoholic beverage being grown by the farm.

Section 288-500 is amended to read as follows:

In Medium Density Residential Use Districts no building or other structure or land shall be used and no building or other structure shall be built for any purpose other

than:

- A. One-family, two-family dwellings.*
- B. Multifamily dwellings, which are defined as buildings having two side yards and accommodating three or four families.*
- C. Accessory buildings or structures including garages as defined herein and as regulated in § 288-300D. No accessory use building or other structures including garages shall be constructed until the principal building is completed or under construction.*
- D. Outdoor storage of not more than one each of the following vehicles, provided they are owned for personal use by the owner, resident or lessee of the premises: boat, boat trailer, recreational vehicle, utility trailer and as regulated in § 288-300E.*
- E. Not more than one private garage per dwelling unit; open parking for operative passenger vehicles of persons visiting or residing on the premises.*
- F. Private swimming pool not operated for gain.*
- G. Agriculture as defined in Article II, except as prohibited in § 288-401 herein.*
- H. Other uses and other buildings and structures as provided by §§ 288-1100, 288-1101, 288-1106 and 288-1107.*

Section 288-600O through Z are added to read as follows:

- O. Private swimming pool not operated for gain.*
- P. Agriculture as defined in Article II, except as prohibited in § 288-601 herein.*
- Q. Outdoor storage of not more than one each of the following vehicles, provided they are in working condition, owned and are for the personal use by the owner, resident or lessee of the premises: boat, boat trailer, recreational vehicle, utility trailer. The setback for the storage of such vehicles shall be a minimum of 40 feet from the road right-of-way and any such vehicle shall be parked in the driveway of the premises. Outdoor storage of trailers used for commercial purposes or commercial vehicles as defined herein shall not be permitted.*
- R. Open parking for operative passenger vehicles for persons visiting the premises.*
- S. Public park and playgrounds.*
- T. Temporary stands where agricultural or garden products are sold which are produced predominantly in or upon the property or in the Town of Cambria or as a farm operation as defined hereunder, may be erected and used by the owner of that property, provided the stand shall be located not nearer than 20 feet from the street or highway right-of-way, and further proper and adequate driveways and*

parking shall be maintained in connection therewith.

- U. Permanent stands used for the sale of agricultural or garden products which are predominantly produced in the Town of Cambria, or as a farm operation as defined hereunder, but which are not defined as agribusiness hereunder, shall be at least 70 feet from the highway right-of-way and no closer than 100 feet from any sideline. Sufficient off-road parking shall be provided, including off- road parking for buses, if applicable.*
- V. Tennis court not operated for gain.*
- W. Barns and other buildings, used for active agricultural purposes.*
- X. Home occupations.*
- Y. Agricultural tourism, subject to site plan review for such a use pursuant to § 288-605 hereof.*
- Z. Other uses and buildings and structures as provided by §§ 288-1100, 288-1101, 288-1106 and 288-1107.*

Section 288-700P through MM are added to read as follows:

- Q. Antique, beauty and barber shops.*
- R. Bowling alley or similar recreational establishment entirely enclosed within a building.*
- S. Financial establishments including banks, credit agencies other than banks, security and commodity brokers, dealers and services.*
- T. Hardware stores, food stores, apparel and accessory stores, and furniture and home furnishing stores.*
- U. Insurance carriers, agents, brokers and services.*
- V. Ice storage and vending (three tons or less capacity.*
- W. Laundry, coin operated, dry cleaner.*
- X. Motel or motor court, conforming to the provisions of § 288-1102.*
- Y. Motion-picture theaters, amusements and recreation services, medical and other health services and legal services.*
- Z. Motor vehicle service station, conforming to the provisions of § 288-1104.*
- AA. Offices.*
- BB. Real estate establishments.*
- CC. Retail trade including building materials and hardware, general merchandise, food stores, apparel and accessory stores, furniture, home furnishing and eating*

and drinking places including bars and restaurants.

DD. Private swimming pool not operated for gain.

EE. Agriculture as defined in Article II, except as prohibited in § 288-701 herein.

FF. Open parking for operative passenger vehicles for persons visiting the premises.

GG. Public park and playgrounds.

HH. Temporary stands where agricultural or garden products are sold which are produced predominantly in or upon the property or in the Town of Cambria or as a farm operation as defined hereunder, may be erected and used by the owner of that property, provided the stand shall be located not nearer than 20 feet from the street or highway right-of-way, and further proper and adequate driveways and parking shall be maintained in connection therewith.

II. Permanent stands used for the sale of agricultural or garden products which are predominantly produced in the Town of Cambria, or as a farm operation as defined hereunder, but which are not defined as agribusiness hereunder, shall be at least 70 feet from the highway right-of-way and no closer than 100 feet from any sideline. Sufficient off-road parking shall be provided, including off- road parking for buses, if applicable.

JJ. Tennis court not operated for gain.

KK. Barns and other buildings, used for active agricultural purposes.

LL. Home occupations.

MM. Agricultural tourism, subject to site plan review for such a use pursuant to § 288-705 hereof.

Section 288-701 is amended to read as follows:

All uses and structures not permitted in §§ 288-300, 288-400, 288-600, 288-700 and including but not limited to the following:

A. Automobile wrecking graveyards or disassembly plants.

B. Bakery employing more than five persons.

C. Bottling works.

D. Coal yards.

E. Commercial warehouse.

F. Crude oil, gasoline or any of its volatile products or other highly flammable liquid storage in above ground tanks in an amount greater than 550 gallons.

G. Dumps.

- H. Electric welding other than that incidental to building construction.*
- I. Flea markets and auction barns.*
- J. Farms, except a winery, brewery, cidery, distillery, meadery or microbrewery that is licensed as a farm winery, farm brewery, farm cidery, farm distillery, farm meadery or farm microbrewery by the New York Alcohol Beverage Control (ABC) Law § 76, et seq., whose agricultural crops used to produce its alcoholic beverages do not constitute a farm operation under New York Agriculture and Markets Law § 305-a due to less than 51% of its agricultural crops being used to produce the alcoholic beverage, is a permitted use in the B-1 and B-2 Districts by special permit.*
- K. Junkyards; secondhand material yards and the storage, baling and/or treatment of junk, old iron, rags, bottles or scrap paper; sludge processing or storage of sludge or similar waste material; recycling; storage or depositing in any manner of toxic waste or hazardous waste as defined by the New York State Department of Environmental Conservation.*
- L. Laundries other than laundromats and similar self-service establishments and dyeing and cleaning works, using power machinery or employing more than five persons.*
- M. Live animal or poultry sales.*
- N. Mining, quarry, sand pit, topsoil stripping.*
- O. Manufacturing.*
- P. Meat smoking and processing meat for animal foods whether or not incidental to a retail business conducted on the premises.*
- Q. Milk distribution plants.*
- R. Motor freight terminal.*
- S. Motor vehicle repair station.*
- T. Outdoor storage of commercial tractors and trailers.*
- U. Rendering lard and other fats.*
- V. Residential dwellings.*
- W. Slaughtering poultry and animals.*
- X. Warehouse.*
- Y. Wholesale business.*

Section 288-1003A is amended to remove the specific fee and provide that it is set by resolution of the Town Board.

Section 288-1101D is added to read as follows:

In the event that a property with a special permit is to be sold or transferred to a new owner, the Building Inspector shall be notified in writing at least 30 days prior thereto, in order to make the new owner aware of any conditions that may be placed on the special permit and ensure compliance therewith.

Section 288-1108 is amended to read as follows:

- A. Permanent off-street automobile storage, parking or standing space shall be provided as set forth below at the time of the erection of any building or structure, at the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another. Such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner without review and approval by the Planning Board. No required front yard or portion thereof in any residential district shall be utilized to provide parking space required in this chapter.*
- B. The Planning Board, as part of site plan review, will determine whether the amount of proposed parking spaces is adequate to meet the needs of the users of the site. For the Planning Board to make a determination on parking, the applicant and the Board will utilize the Town's general guidelines document for parking (copy available at the Building Department/Planning Department). The applicant can also submit additional information such as parking studies, parking requirements from other similar uses, other sites that it operates, etc., to help in this determination.*
- C. Vehicle parking or storage space maintained in connection with an existing and continuing principal building, structure or land use on the effective date of this chapter shall be continued and may not be counted as serving a new building, structure, addition or land use without review and approval by the Planning Board; nor shall any parking space be substituted for an off-street loading and unloading space, nor any loading and unloading space be substituted for parking space without review and approval by the Planning Board.*
- D. Shared parking arrangements with adjoining properties shall be reviewed and approved by the Planning Board as part of the Site Plan Approval.*
- E. No off-street automobile parking or storage space shall be used or designed, arranged, or constructed to be used in a manner that will obstruct or interfere with the free use of any street, alley or adjoining property.*
- F. The parking spaces provided along with their necessary driveways and passageways shall be surfaced or finished in a manner adequate to eliminate dust and mud problems. Plans for such parking spaces are to be included with the plans for the construction of buildings and other structures and are to be presented to the Building Inspector at the time application for building permits are to be filed.*

Such parking areas are to be kept free of obstructions and unsightly objects. Intersections of parking areas with sidewalks or street pavements must be made in an approved manner. Provision must be made for the adequate drainage of parking areas.

- G. *A minimum ground area of not less than 10% of the total site area to be developed shall be landscaped area. Five percent of internal parking areas shall be green space (landscaped islands).*
- H. *Screening. Every automotive use area, except off-street parking areas for less than five vehicles, shall be screened from any adjoining lot in any R District, including lots situated across the street, as follows:*
 - (1) *Along a street line, by a planting strip of natural vegetation five feet wide; provided, however, that no shrub planting or tree foliage shall be placed or maintained which obstructs vision at an elevation between three feet and seven feet above the street level. Such screening may be interrupted by normal entrances and exits.*
 - (2) *Along a rear lot line or an interior side lot line which abuts an existing or future rear yard or side yard on such adjoining lots, by a compact evergreen hedge which will reach a height of five feet within three years or by a solid uniformly painted fence or an unpierced masonry wall five feet in height. Such screening shall be maintained in good condition at all times.*
 - (3) *Plastic or other types of artificial plantings or vegetation shall be prohibited.*

Section 288-1109 is amended to read as follows:

On the same premises, with every building or structure or part thereof hereafter erected and occupied for the purpose of business, trade or industry, there shall be provided and maintained, as permitted in a site plan approval by the Planning Board, adequate space for the parking of commercial vehicles while loading and unloading off the street or public alley. Such space shall have access to a public alley, or if there is no alley, to a street. Off-street loading and unloading space shall be in addition to off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. Off-street loading and unloading space shall be provided at the time of erection of any building or structure and/or at the time any building or structure is enlarged or increased in capacity as permitted in a site plan approval by the Planning Board.

Section 288-1113B is amended to remove the specific fee and provide that it is set by resolution of the Town Board.

Former Section 1126(4), Remedies and penalties, is deleted.

Section 288-1129M(4) is amended to read as follows:

Penalties. Any person who violates this section shall be liable for penalties as set forth in § 288-1205.

Section 288-1130P(4)(b) is amended to remove the specific fee and provide that it is set by resolution of the Town Board.

Section 288-1130P(11) is amended to read as follows:

- (11) Enforcement and penalties. Any person or organization conducting a special event that is to be regulated under this section without first obtaining a special event permit or failing to comply with the terms of a permit shall be subject to the penalties as set forth in § 288-1205.
 - (a) No special events permit may be issued to any property owner, occupant and/or their agent if such person is named as a defendant in an outstanding or unresolved violation of this section.
 - (b) The Town of Cambria may, in its sole discretion, maintain any action(s) or proceeding(s) in a court or courts of competent jurisdiction, for remedial action to cure a violation of this section including, but not limited to, compliance proceedings and/or injunctive proceedings.

Section 288-1132 is added to read as follows:

§ 288-1132. Battery energy storage systems.

For regulations on battery energy storage systems, see Chapter 63, Battery Energy Storage Systems.

Section 288-1133 is added to read as follows:

§ 288-1133. Solar energy systems.

For regulations on solar energy systems, see Chapter 188, Solar Energy Systems.

Section 288-1134 is added to read as follows:

§ 288-1134. Wind energy systems.

For regulations on wind energy systems, see Chapter 271, Wind Energy Systems.

Section 288-1135 is added to read as follows:

§ 288-1135. Wireless telecommunications facilities.

For regulations on wireless telecommunications facilities, see Chapter 278, Wireless Telecommunications Facilities.

Section 288-1202 is amended to read as follows:

Building permits and certificates of occupancy shall be issued in accordance with the procedures in Chapter 70, Building Construction and Fire Prevention, of this Code.

Section 288-1203A(3) is amended to read as follows:

Appointment. The Town Board shall appoint the members of the Board of Appeals and shall designate its Chairman. No person who is a member of the Town Board shall be eligible for membership on such Board of Appeals. Of the members of the Board first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from and after his appointment. Their successors shall be appointed for the term of five years from and after the expiration of the term of their predecessors in office. All members shall participate in the required training as determined by the Town Board. Pursuant to Chapter 29, Article I, of the Code of the Town of Cambria, alternate members to the Zoning Board of Appeals may be appointed by the Town Board.

Section 288-1203C(2)(b) is added to read as follows:

Reference to neighboring municipalities. In accordance with the policy and procedures provided for by Section 239-nn of the General Municipal Law, notice shall be given to an adjacent municipality at least ten days prior to a public hearing relating to any proposed special permit, use variance, site plan review and approval, or subdivision review and approval affecting real property within 500 feet of the adjacent municipality.

In § 288-1203E(3) “within 60 days” is revised to “within 62 days.”

Section 288-1206 is amended to add following sentence: “...Notification to adjacent municipalities, if amendments to this chapter which would change the district classifications or the regulations applying to real property within 500 feet of an adjacent municipality, shall also be given in accordance with Section 239-nn of the General Municipal Law....”

Section 288-1205 is amended to read as follows:

In addition to or as an alternative to any other penalty provided herein or by law, any violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

Section 288-1207 is amended to read as follows:

A. Fees must be paid to the Town before any application will be accepted for

variances, special permits or other related zoning matters by the Town according to the fee schedule determined by the Town Board, which is on file with the Town Clerk.

- B. Fees must be paid to the Town for inspections by the Code Enforcement Officer according to the fee schedule determined by the Town Board, which is on file with the Town Clerk.*
- C. Arrangements for payment of the actual costs for engineering and Attorney's fees on behalf of the Town to review the application including costs relative to SEQRA shall be paid by the applicant prior to the scheduling of all applicable public hearings required with respect to the application.*

Section 288-1208C(2) is added to read as follows:

The statutory requirements of General Municipal Law §§ 239-l, 239-m and 239-nn for site plan referrals to the Niagara County Planning Board and site plan notification requirements for adjoining municipalities shall apply.

Article XIII is amended to read as follows:

§ 288-1300. Applicable standards.

See Chapter 70, Building Construction and Fire Prevention, for current Building and Fire Code Provisions.