



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
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Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

01 of the year 20 25

Local Law Title: Amending Local Laws §134 "Vehicles, Storage and Removal of" , §141-5 "Terms defined" and §141-31 "Prohibited Uses" .

Be it enacted by the Town Board of the (Name of Legislative Body)

County City Town Village (Select one)

of Orchard Park as follows on the attached pages: (Name of Local Government)

For Office Use Only

Department of State Local Law Index Number: of the year 20

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

# Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

## 1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 01 of 2025 of the ~~(County)(City)(Town)(Village)~~ of Orchard Park was duly passed by the Town Board on September 17 2025 in accordance with the applicable provisions of law.

*(Name of Legislative Body)*

## 2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was \_\_\_\_\_ (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

*(Name of Legislative Body)*

*(Elective Chief Executive Officer\*)*

## 3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was \_\_\_\_\_ (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

*(Name of Legislative Body)*

*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

## 4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was \_\_\_\_\_ (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.

*(Name of Legislative Body)*

*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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**Local Law Filing**

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**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_ became operative.

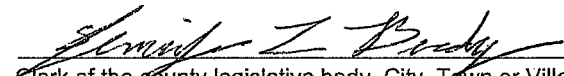
**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed thereto, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph <sup>1</sup> \_\_\_\_\_ above.

(Seal)

  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

September 18, 2025

\_\_\_\_\_  
(Date)



## **Chapter 134 Vehicles, Storage and Removal of**

[HISTORY: Adopted by the Town Board of the Town of Orchard Park: Art. I, as Secs. 9-32 and 9-33 of the 1970 Code; Art. II, 6-7-72 as L.L. No. 1-1972. Section 134-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

### **GENERAL REFERENCES**

Vehicles and traffic — See Ch. 131.

## **Article I Vehicle Pound**

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§ 134-1 **Authorization to establish; removal of vehicles.**

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§ 134-2 **Liability for charges.**

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## **Article II Abandoned, Junked, Discarded and Unregistered Motor Vehicles**

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§ 134-3 **Statement of purpose.**

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§ 134-4 **Definitions.**

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§ 134-5 **Outdoor storage prohibited.**

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§ 134-6 **Notice of violation.**

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§ 134-7 **What constitutes a violation.**

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§ 134-8 **Penalties for offenses.**

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§ 134-9 **Removal of violating vehicles.**

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## **Article I Vehicle Pound**

[Adopted as Secs. 9-32 and 9-33 of the 1970 Code]

§ 134-1 **Authorization to establish; removal of vehicles.**

[Amended 6-6-73]

The Town Board may establish a vehicle pound, which shall be a place or places to which vehicles may be removed by the Police Department or the Town Superintendent of Highways, and any vehicle left parked or standing in violation of any provision of Chapter **131** may be removed to the said vehicle pound by the Police Department or the Town Superintendent of Highways. No vehicle shall be removed from the vehicle pound until all costs of towing and storing the vehicle are paid in full.

§ 134-2 **Liability for charges.**

The owner or operator of any vehicle removed to the vehicle pound pursuant to the provisions of § **134-1** shall be liable for the payment of charges for such removal and storage in addition to any fine or other penalty imposed.

## **Article II Abandoned, Junked, Discarded and Unregistered Motor Vehicles**

[Adopted 6-7-72 as L.L. No. 1-1972]

§ 134-3 **Statement of purpose.**

The outdoor storage of abandoned, junked, discarded and unregistered motor vehicles on privately owned property within the Town of Orchard Park is detrimental to the health, safety and general welfare of the community. The same

also constitutes an attractive nuisance to children and in many ways imperils their safety. Such storage also endangers the person and property of members of the community, since fuel tanks containing gasoline or gasoline fumes may easily explode. Such storage is unsightly and depreciates property values. The control of the outdoor storage of abandoned, junked, discarded and unregistered motor vehicles on privately owned properties within the Town of Orchard Park is therefore regulated for the preservation of the health, safety and general welfare of the community.

§ 134-4 **Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**ABANDONED MOTOR VEHICLES**

The intent of the owner of a motor vehicle not to use it on the public high ways shall establish it as abandoned. The intent of the owner shall be determined by all relevant facts, including but not limited to any one of the following: the physical condition of the motor vehicle, any statements as to its abandonment, the length of time since the motor vehicle was last used on the public highways and whether the motor vehicle is currently registered. With respect to a motor vehicle not required to be registered or motor vehicles not usually used on public highways, the intent of the owner shall be determined by the physical condition of the motor vehicle, the length of time since it was last used for the purposes intended and any statements as to its abandonment, and other relevant facts.

**DISCARDED MOTOR VEHICLE**

Any motor vehicle which the owner thereof, as established by the surrounding circumstances, does not intend to recover the possession of, or any motor vehicle whose owner cannot be found after due and reasonable inquiry.

### **JUNKED MOTOR VEHICLE**

Any motor vehicle in such condition as to cost more to repair and place the same in operating condition than the reasonable market value before such repair.

### **MOTOR VEHICLE**

Every vehicle originally designed and intended to be operated, drawn or driven, or capable of being operated, drawn or driven, upon a public highway by any power other than muscular power. For the purposes of this Article the term "motor vehicle" shall include but not be limited to automobiles, trucks, buses, motorcycles and trailers.

### **OWNER OF MOTOR VEHICLE**

A person, firm or corporation having the property in or title to a motor vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, and also including any lessee or bailee of a motor vehicle having the use thereof under lease or otherwise.

### **OWNER OF PRIVATE PROPERTY**

A person, firm or corporation being the owner, contract purchaser, tenant, lessee, occupant, undertenant, receiver or assignee of private premises or private property located within the Town of Orchard Park.

### **PREMISES OR PROPERTY**

Includes all parcels of real property privately owned, situated in the Town of Orchard Park, whether occupied or vacant.

## **UNREGISTERED MOTOR VEHICLE**

Any motor vehicle which may be registered with the State of New York and is not currently registered. The fact that a motor vehicle which may be registered with the State of New York does not display a current license plate or displays an expired license plate shall be presumptive evidence of the fact that such motor vehicle is not currently registered.

§ 134-5 **Outdoor storage prohibited.**

### **A.**

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of property within the Town of Orchard Park, to store or deposit, or cause or permit to be stored or deposited, an abandoned, junked or discarded motor vehicle, or part or piece thereof, on any private property within the Town of Orchard Park, unless such motor vehicle is stored or deposited in a completely enclosed building.

### **B.**

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of any private property within the Town of Orchard Park, to store or deposit, or cause or permit to be stored or deposited thereon, an unregistered motor vehicle unless:

#### **(1)**

Such motor vehicle is the inventory or part of the inventory of a new or used motor vehicle dealer located in compliance with the ordinances and local laws of the Town of Orchard Park.

#### **(2)**

Such motor vehicle has been converted to and is actually used as a permanent building or structure for carrying on purposes in such manner and circumstances as authorized by the local laws and ordinances of the Town of Orchard Park.

**(3)**

Such motor vehicle is a camping, house or boat trailer otherwise stored and used in compliance with the local laws and ordinances of the Town of Orchard Park.

**(4)**

The restrictions herein set forth shall not apply to any trailer or other habitable vehicle stored in a fully enclosed structure.

**C.**

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of any private property within the Town of Orchard Park, to store or deposit, or cause or permit to be stored or deposited thereon, more than two of any combination of mobile homes, motor homes, house trailers, travel trailers, truck campers (unmounted), utility trailers, boat trailers, camping trailers, or boats, and other similar vehicles for a time period greater than 48 hours, in the confines of one consecutive work week unless:

- (1) Trailers used in connection to farming.
- (2) Trailers supporting approved business or approved industrial uses.

**(1)**

Each motor vehicle shall be provided an off-street parking space. Each parking space shall be 10 feet by 18 feet, exclusive of access drives and aisles. Each parking space shall be provided with direct access to an ally or street.

**(2)**

Access driveways that are 12 feet wide and 13' high' shall be provided. Driveways that are in excess of 500 feet shall be provided a 20 feet by 50 feet turnaround or an additional exit providing forward direct access to an ally or street.

**§ 134-6 Notice of violation.**

**A.**

If the provisions of the foregoing sections are believed to be violated, the Building Inspector or any peace officer shall serve a written notice, either personally or by registered, certified or ordinary mail, upon the owner, occupant or person having charge of such private property, to comply with the requirements of this Article. The Building Inspector or peace officer may determine ownership of any parcel of land in the Town of Orchard Park from the current assessment roll of the town and may serve written notice upon the owner thereof by mailing such notice to the owner at the address listed on the current assessment roll. If the Building Inspector or peace officer is unable to determine the ownership or address of the owner of said private property, such notification may be made by publishing same in the official newspaper of the town.

## **B.**

The notice shall be in substantially the following form:

To the owner, occupant or person having charge of land within the Town of Orchard Park briefly described as follows:  
(here describe subject property)

NOTICE IS HEREBY GIVEN that an abandoned, junked, discarded or unregistered motor vehicle is stored on the above described property in the Town of Orchard Park. This vehicle must be removed therefrom within five days from the date of publication provided, however, that if this notice is served on you by publication, the said motor vehicle shall be removed within ten days of the publication date of this notice.

**§ 134-7**What constitutes a violation.

Failure to remove the abandoned, junked, discarded, **unlawfully stored, unlawfully parked or unlawfully deposited trailer** or unregistered motor vehicle within the periods prescribed above is a violation of this Article.

**§ 134-8**Penalties for offenses. [1]

Violations of this Article shall be punishable by a maximum fine of \$250 **per day from the date the notice set forth in the Section 134-6 is served** or by imprisonment for not more than 15 days, or both.

[1]

*Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*

**§ 134-9**Removal of violating vehicles.

**Upon the finding of a violation pursuant to section 134-7, the Town Court of Orchard Park may order the offending vehicle removed by the Town of Orchard Park and disposed of as deemed appropriate by the Town Court. All motor vehicle storage, hauling and disposal fees and expenses, with any associated cost incurred by the Town of Orchard Park in effectuating such removal shall be at the owner's expense and the Town Court shall impose same as a fine**

in addition to the fine imposed for the violation itself. Any person, firm or corporation who shall resist or obstruct the duly authorized agents, servants, officers and employees of the Town of Orchard Park in the removal and destruction of a motor vehicle by order of the Town Court of the Town of Orchard Park shall be subject to the fines and penalties provided herein.

## Article II Definitions

§ 144-5 Terms defined.

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§ 144-5 Terms defined.

### A.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the chapter. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used"; and the word "shall" is mandatory and not optional.

### B.

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

#### **ACCESSORY BUILDING**

A subordinate building located on the same lot as the main building, occupied by or devoted to an accessory use.

Where an "accessory building" is attached to the main building in a substantial manner, as by a wall or roof, such "accessory building" shall be considered part of the main building for purposes of yard determination.

### **ACCESSORY USE**

A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such "accessory use" dominate, in area, extent or purpose, the principal lawful use or building, except that vehicle parking areas may be larger than building area.

### **ALLEY**

A public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

### **ALTERATIONS**

As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location to another.

### **AREA, BUILDING**

The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps.

### **AREA, NET SITE**

The total area within the property lines, excluding external streets.

### **ARTWORK**

A two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide

aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

[Added 2-18-2009 by L.L. No. 3-2009]

### **AUTOMOTIVE SERVICE STATION**

Any area of land, including structures thereon, used for the retail sale of gasoline or oil or other fuel for the propulsion of vehicles. Within a structure or structures may be facilities for lubricating, nonmechanical washing and polishing motor vehicles and facilities for the sale of motor vehicle parts and accessories and minor repairs. The operation of an "automotive service station" as herein defined expressly excludes the following: collision or body work on motor vehicles of any kind, outside storage of motor vehicles or other property of any kind, major automobile or truck repairs such as repair of transmissions or differentials, engine overhauls and any engine work involving the removal of the cylinder head.

### **AUTO WASH**

A building or structure designed and used exclusively for the washing, cleaning, drying or polishing of automobiles.

### **AWNING**

A rigid frame covered with a material, such as canvas, forming a projecting cover from a building. Such "awning" may be collapsible. No part of the "awning" shall extend more than three feet from a building. No part of the "awning" shall extend less than eight feet above the grade.

[Added 2-15-1989; amended 1-2-1991]

### **BANNER**

A piece of cloth or other nonrigid fabric intended to be temporarily displayed, or temporarily extended, over any sidewalk, Town street or highway, and which is fastened to a building or other structure.

[Added 4-7-2004 by L.L. No. 4-2004]

### **BASEMENT**

A story partly underground but having less than half of its clear height below finished grade.

### **BILLBOARD**

A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same premises where such sign is displayed or only incidentally sold, offered, or existing upon such premises.

[Added 2-20-2002]

### **BOARDINGHOUSE**

Any dwelling in which more than three persons either individually or as families are housed or lodged for hire, with or without meals. A lodging house, rooming house or furnished room house shall be deemed a "boardinghouse."

### **BUFFER STRIP**

The area between the subject property and the adjacent property or road, consisting of various forms of vegetation in order to provide visual screening. The buffer strip can consist of landscaping, natural vegetation, or a combination of the two. The area is mainly used for aesthetic mitigation for existing or future adjoining land uses.

[Added 12-20-2006 by L.L. No. 3-2006]

### **BUILDING, FRONT LINE OF**

The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches,

whether enclosed or unenclosed, but does not include steps.

### **BUILDING, HEIGHT OF**

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

### **BUILDING LINE**

A line parallel to the street line, between which line and the street line no building may be built or located.

### **BUILDING, PRINCIPAL**

A structure in which is conducted the principal use of the site on which it is situated.

### **BULLETIN BOARD**

A structure containing a surface of corkboard or similar material serving as a place where notices may be posted.

[Added 4-7-2004 by L.L. No. 4-2004]

### **BUSINESS**

Includes the purchase or sale or other transactions involving the handling or disposition of any articles, substance or commodity or services including animals; it also includes offices, rentable spaces and recreational and amusement enterprises conducted for profit.

### **BUSINESS OR SHOPPING CENTER**

Two or more stores or businesses hereafter erected and attached to or contiguous to each other and located in a structure or on premises operated as a single unit with or without off-street parking.

### **CANOPY**

A rigid frame covered with a permanent covering attached to and protruding from a building. No part of the "canopy" or its supporting framework shall extend above the face of the building. No part of the "canopy" shall extend more than three feet from a building. No part of the "canopy" shall extend less than eight feet above grade.

[Added 2-15-1989; amended 1-2-1991]

### **CELLAR**

A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A "cellar" shall not be considered in determining the permissible number of stories.

### **CLUSTER DEVELOPMENT**

A subdivision in which minimum lot areas and minimum lot dimensions may be reduced by a specific amount, provided that there is no increase in overall density.

### **COMMERCIAL MESSAGE**

Any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

[Added 2-1-2006 by L.L. No. 1-2006]

### **COMMERCIAL PARKING LOT**

Any place maintained for the outdoor parking of cars, excepting street, alley or other public place, where such parking is permitted upon payment of compensation.

### **COMMON AREA**

Property that is owned by the homeowners' association, together with improvements therein, that is for the shared use and enjoyment by the owner/occupants of the single-family detached housing.

[Added 12-20-2006 by L.L. No. 3-2006]

### **CONSTRUCTION SIGN**

A temporary on-premises sign that functions to identify the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, containing sign copy that is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site, and/or the architect, engineer or any other participants in the construction activity on the site, and announcing the purpose of the building or structure for which the building permit has been issued.

[Added 2-20-2002; amended 2-1-2006 by L.L. No. 1-2006; 2-18-2009 by L.L. No. 3-2009]

### **CONTIGUOUS PARCELS**

Two or more parcels that are located directly adjacent to each other.

[Added 12-20-2006 by L.L. No. 3-2006]

### **COVERAGE**

The percentage of the plot or lot area covered by buildings.

### **COVERED WALKWAY**

A rigid frame covered with a permanent or semipermanent covering extending more than three feet from a building.

[Added 2-15-1989]

### **CURB LEVEL**

The officially established grade of the curb at the midpoint of the lot.<sup>(1)</sup>

### **DIGITAL SIGN**

An light-emitting-diode sign, also known as an LED sign, or any other electronic sign, including but not limited to an electronic sign used as a variable message sign.

[Added 2-18-2009 by L.L. No. 3-2009]

### **DIRECTIONAL SIGN**

A sign which functions to provide direction or instruction for traffic control but which does not in any way provide commercial advertising.

[Added 2-18-2009 by L.L. No. 3-2009]

### **DRIVE-IN SERVICE FACILITY**

An establishment which includes provision for a customer to conduct business or secure goods while remaining within a motor vehicle. Also commonly referred to as a "drive-through" or "drive-thru," such uses include, but are not limited to, windows or similar features that allow customers to order and/or pick up goods, such as food, beverages, and prescription drugs, conduct banking services or operate automatic teller machines while remaining within a motor vehicle.

[Added 10-24-2018 by L.L. No. 12-2018]

### **DUMP**

A lot or land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

### **DWELLING**

A building used as the living quarters for one or more people, but not including a boardinghouse, hotel, lodging house, motel or rooming house.

### **DWELLING, MULTIPLE**

A building or portion thereof containing three or more dwelling units; a dwelling used or designed for use as a multiple dwelling as defined in the New York State Multiple Residence Law.

### **DWELLING UNIT**

A dwelling or portion thereof designed for housekeeping by one family or single person having access to all bedrooms, kitchens and bathrooms from common living areas, hallways and entryways.

[Amended 3-15-1989]

### **ELECTION SIGN**

A temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which voters of the Town shall vote.

[Added 2-1-2006 by L.L. No. 1-2006]

### **EXCAVATION**

Removal of earth or any material other than removal necessary in connection with the construction of buildings, structures, retaining walls, fences, private drives, parking lots, public improvements and public or private utilities.

[Added 1-2-1991]

### **EXTERIOR PUBLIC STREET**

Those public streets which were in existence prior to the creation of the Conservation Management Overlay District and the construction of the interior public streets in the Conservation Management Overlay District. Exterior public streets provide access to the interior public streets from highways which existed prior to the creation and construction of the Conservation Management Overlay District.

[Added 12-20-2006 by L.L. No. 3-2006]

### **FACE OF A BUILDING**

The vertical outer surface of the building abutting or fronting on any private or public street, highway, alley or other area used by the general public as a travelway, including shopping center sidewalks.

### **FAMILY**

One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that unless all such persons are related by blood or marriage, no such "family" shall contain over five persons.

### **FARM**

Any parcel of land containing at least five acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products. It includes necessary farm structures within the prescribed limits, the storage of equipment used and the use of temporary stands for the sale of the produce of the "farm" on which located. It excludes the raising of fur-bearing animals, riding academies, public stables and dog kennels. Private stables and the breeding and training of not more than six dogs owned by the owner or tenant of the premises is allowed.

### **FARM PONDS**

A man-made body of water created for the purpose of watering livestock and for irrigation.

### **FLAMMABLE LIQUIDS**

Liquids having a flash point below 200° F., closed cup tester. Class I "flammable liquids" (e.g., gasoline) have a flash point below 25° F. Class II "flammable liquids" (e.g., alcohol) have a flash point of 25° to 69+° F.

### **FLASHING SIGN**

A sign which permits light to be turned on or off intermittently more frequently than once per minute or any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light-emitting diode) or digital sign, and changes more frequently than once per minute.

[Added 2-18-2009 by L.L. No. 3-2009]

### **FLOATING ZONE**

A floating zone defines a use that the community wants to encourage. The floating zone may be affixed to a qualifying parcel of land, after application by the parcel's owner, with the approval of the Town Board. Upon approval, the parcel is rezoned to reflect the new use and becomes a small zoning district; its development is governed by the use and provisions of the floating zone ordinance.

[Added 12-20-2006 by L.L. No. 3-2006]

### **FRANCHISED AUTOMOBILE DEALER**

A person holding a current franchise for the sale and servicing of new automobiles.

### **FRANCHISED BOAT DEALER**

A boat dealer holding a current franchise for the sale of boats, boat trailers and other related accessories.

### **FRANCHISED MOBILE RECREATION EQUIPMENT DEALER**

A dealer holding a current franchise for the sale of recreation vehicles or equipment, exclusive of boats.

### **FRANCHISED RENTAL VEHICLE DEALER**

A person holding a current franchise for the rental of cars or trucks which are not more than three years old.

[Added 5-6-1987]

## **FRANCHISED TRAILER DEALER**

A person holding a current franchise for the sale and servicing of utility trailers, boat trailers, travel trailers, truck campers or camping trailers.

## **FRANCHISED TRUCK AND MACHINERY DEALER**

A person holding a current franchise for the sale and servicing of new trucks and machinery.

## **FREE EXPRESSION SIGN**

A temporary sign that functions to communicate information or views on matters of public policy concerns or containing any other noncommercial message that is otherwise lawful.

[Added 2-1-2006 by L.L. No. 1-2006; amended 2-18-2009 by L.L. No. 3-2009]

## **FREESTANDING SIGN**

A sign supported by a post or posts permanently placed in the ground and not exceeding nine feet in overall height.

[Amended 1-2-1991]

## **FRONT OF A BUILDING**

The face of the building fronting on the public street designated as its official address. In the case of a building located in a shopping center or plaza, the "front of the building" may be the face containing the principal entrance.

## **GARAGE, PRIVATE**

An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein.

## **GARAGE, PUBLIC**

Any building available to the public, operated for gain, which is used for the storage, repair, painting, servicing or equipping of motor vehicles and the sale of parts and accessories.

## **GRADE, FINISHED**

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

## **GRAVEL PIT**

An area from which gravel, stone, topsoil and other materials are removed or stockpiled for sale.

[Added 1-2-1991]

## **GREEN SPACE**

Open space maintained in a natural, undisturbed or revegetated condition.

[Added 12-20-2006 by L.L. No. 3-2006]

## **HABITABLE AREA**

That space contained within the walls of the principal building that facilitates areas of living, excluding all areas of a porch, mechanical equipment room, garage, attic or the cellar.

[Amended 6-19-2024 by L.L. No. 1-2024]

## **HOLIDAY OR SEASONAL DECORATIONS**

Decorations that pertain to legal or other recognized holidays or to a season of the year.

[Added 2-18-2009 by L.L. No. 3-2009]

## **HOME OCCUPATION**

An occupation or a profession customarily carried on in a dwelling unit, which:

**(1)**

Actually is carried on wholly within the principal building or in a building or other structure accessory to the dwelling unit.

**(2)**

Is carried on by only members of the family residing in the dwelling unit.

**(3)**

Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, with no exterior display, no exterior storage of materials and no exterior indication of the home occupation or variation from the residential character of the principal building.

**(4)**

Produces no offensive noise, vibrations, smoke, dust, odors, heat, glare or traffic hazard or congestion.

### **HOMEOWNERS' ASSOCIATION**

An association created for the ownership and maintenance of any common property, including but not limited to common space, private roads, and pedestrian paths, located within a development. The association must be approved by the New York State Department of Law (Attorney General's Office). Each lot owner in the development shall be required to be a member of a homeowners' association, which shall be formed prior to conveyance of the first lot. Such homeowners' association shall not be dissolved, nor shall it dispose of any common property by sale or otherwise.

[Added 12-20-2006 by L.L. No. 3-2006]

### **HOSPITAL**

Unless specified, includes sanatoriums, rest homes, nursing homes, convalescent homes or any other institutions providing health services primarily for in-patients or the sick or injured, and including related facilities such as laboratories, out-patient department, training facilities,

central service facilities and staff offices which are an integral part of the facility.

### **HOTEL**

A building, other than a boardinghouse or tourist home, containing rooms which are rented or hired out for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building.

### **HOUSE TRAILER**

Any portable structure or vehicle used for living purposes, whether on wheels or other supports.

### **IDENTIFICATION SIGN**

A sign which functions to direct attention to a business or profession conducted on the premises.

[Added 2-20-2002; amended 2-18-2009 by L.L. No. 3-2009]

### **ILLUMINATED SIGN**

Any sign designed to be artificially illuminated or designed to reflect light from one or more sources, natural or artificial.

[Added 2-15-1989]

### **INDUSTRIAL PARK**

Contiguous properties zoned industrial and serviced by common roadways.

[Added 1-2-1991]

### **INDUSTRY**

Includes storage, repair, manufacture and preparation or treatment of any article, substance or commodity, including animals, for profit. Excludes normal farming operations.

### **INTERIOR PUBLIC STREETS**

Those streets which are built by the developer and which did not exist prior to the development of the Conservation Management Overlay District.

[Added 12-20-2006 by L.L. No. 3-2006]

### **INTERMITTENT SIGN**

A sign which permits light to be turned on or off intermittently more frequently than once every 12 hours or which is operated in a way whereby light is turned on or off intermittently more frequently than once every 12 hours, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light-emitting diode) or digital sign, and which varies in intensity or color more frequently than once every 12 hours.

[Added 2-18-2009 by L.L. No. 3-2009]

### **JUNKYARD**

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, stored, handled or abandoned, including auto wrecking or dismantling yards, house wrecking yards, used lumberyards and places or yards for use of salvaged house wrecking and structural steel materials and equipment.

### **KENNEL, DOG**

A building and/or area for the purpose of boarding for compensation more than three dogs that are more than six months old.

### **LAUNDERETTE**

A business premises equipped with individual clothes-washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

### **LOT**

A parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use and the customary accessories and open spaces belonging to the same. A lot within the meaning of this chapter may or may not be a lot as shown on a subdivision plat or assessment record.

**LOT AREA**

The area contained within lot lines.

**LOT, CORNER**

A lot at the junction of and abutting on two or more intersecting or intercepting streets.

**LOT, DEPTH OF**

The mean distance from the street line of the lot to the opposite rear line, measured in the general direction of the side lines of the lot.

**LOT, INTERIOR**

A lot other than a corner lot.

**LOT LINES**

The property lines bounding the lot. The front lot line shall be the right-of-way line of the street or road giving access to the lot. In the case of a corner lot, the owner may designate either street lot line as the front lot line. The rear lot line shall be the lot line most distant from the front lot line.

**LOT, NONCONFORMING**

Any district lot where the owner (owners) of said lot does not own any adjoining property, the subdivision which would create one or more conforming lots, which does not conform to the minimum width, depth and area dimensions specified for the district in which said lot is located.

**LOT, RECORD**

A lot which met the minimum lot dimension requirements of the Zoning Ordinance at the time of the creation of such lot by recording a deed in the Erie County Clerk's office.

**LOT, THROUGH**

An interior lot having frontage on two parallel or approximately parallel streets.

**LOT, WIDTH OF**

The least horizontal distance across the lot between the side lot lines, measured at the setback line.

**MACHINERY OR EQUIPMENT SIGN**

Signs incorporated into machinery or equipment by a manufacturer or distributor that function only to identify or advertise the product or service dispensed by the machine or equipment, including, by way of example only, signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.

[Added 2-18-2009 by L.L. No. 3-2009]

**MARQUEE**

Any shelter projecting from the front or face of a building and not supported by any ground supports.

**MAXIMUM GROSS DENSITY**

The total number of dwelling units per acre that can be built upon developable land for an entire subdivision in accordance with R-1 supplemental height, lot, yard, and bulk regulations.

[Added 12-20-2006 by L.L. No. 3-2006]

**MEMORIAL SIGN OR TABLET**

A sign that functions to bear the name of a building and/or the date of erection or construction of a building, which forms a part of the building and is not greater than three square feet, such as a cornerstone or building plaque.

[Added 2-18-2009 by L.L. No. 3-2009]

### **MONUMENT SIGN**

A freestanding sign with a solid supporting base, not exceeding 30 square feet in area or five feet in height. Where sign surface and base are the same dimension, the text of the sign shall not exceed 20 square feet.

[Added 8-6-1997]

### **MOTEL**

A building or group of buildings, whether detached or in connected units, used primarily as sleeping or living quarters for transient automobile travelers and providing individual entrances and accessory off street parking, but with no cooking facilities except in a restaurant or caretaker's unit.

### **NONCOMMERCIAL MESSAGE**

A message that is not a commercial message.

[Added 2-1-2006 by L.L. No. 1-2006]

### **NONCONFORMING USE**

A use of any premises which was lawfully existing at the time of enactment of this chapter but which does not conform to the regulations of the district or zone in which it is situated.

### **NONCONTIGUOUS PARCELS**

Two or more parcels that are not located adjacent to one another.

[Added 12-20-2006 by L.L. No. 3-2006]

### **OFF-PREMISES IDENTIFICATION SIGN**

A sign not greater than 20 square feet in size which assists the general public in locating a business or organization operating on premises within one-half mile of the premises where the sign is located, but which does not advertise the

commodity, service, entertainment or attraction sold, offered, or existing on the premises where the business or organization is operating.

[Added 4-7-2004 by L.L. No. 4-2004; amended 2-18-2009 by L.L. No. 3-2009]

### **ONE-FAMILY DWELLING**

A dwelling having only one dwelling unit.

[Added 3-15-1989]

### **OPEN SPACE**

A portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be used as community open space or preserved as green space.

[Amended 12-20-2006 by L.L. No. 3-2006]

### **PARCEL**

Any subdivision of land within the Town of Orchard Park.

[Added 12-20-2006 by L.L. No. 3-2006]

### **PARKING SPACE**

An off-street space available for the parking of one motor vehicle and having an area of not less than 180 square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

[Amended 4-27-2011 by L.L. No. 1-2011]

### **PEDESTAL SIGN**

A sign not attached to any building or structure, supported by one pedestal permanently placed in the ground, with a clear, unobstructed area at least eight feet in height from the ground to the bottom of the sign, except for the pedestal which shall not exceed eight inches in horizontal dimension.

The overall height of pedestal signs shall not exceed 16 feet.

[Amended 2-15-1989]

### **PERSON**

Any individual partnership, association, organization, corporation, society, firm, company, institution or organization of any kind.

### **PLANNED UNIT DEVELOPMENT**

An area of land, controlled by a landowner, to be developed as a single entity for any number of specified uses, the plan for which does not correspond in lot size, bulk or type of dwelling or commercial use, density, lot coverage and required open space to the regulations established in any one or more districts created in the Town of Orchard Park Zoning Ordinance.

### **PLAT**

A map, plan or layout of a city, village, Town or subdivision indicating the location and boundaries of individual properties.<sup>[2]</sup>

### **POND**

Man-made body of water created for recreation or aesthetic purposes constructed with a slope no steeper than three horizontal to one vertical.

### **PRIVATE RECREATION AREA**

An area which is owned and operated by members of a private club or association. The membership of the entity which owns the private recreation area shall be prohibited from conducting profit-making activities.

[Added 10-7-1992]

### **PROJECTING SIGN**

A sign which projects more than 12 inches from the face of a building.

**QUARRY, SANDPIT, GRAVEL PIT, TOPSOIL STRIPPINGS**

A lot or land or part thereof used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

**REAL ESTATE SIGN**

A sign which functions to advertise the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

[Added 2-18-2009 by L.L. No. 3-2009]

**RIDING ACADEMY**

Any establishment or area where horses are kept for sale, hire or boarding for compensation.

**SANATORIUM**

A private hospital, whether or not such facility is operated for profit.

**SERVICE ORGANIZATION IDENTIFICATION SIGN**

A permanent on-premises sign which functions to direct attention to a location where a not-for-profit organization conducts its operations or holds meetings or assemblies in connection with providing services in the community.

[Added 4-7-2004 by L.L. No. 4-2004; amended 2-18-2009 by L.L. No. 3-2009]

**SETBACK**

The least horizontal distance from any building to the nearest street or highway right-of-way line.

**SHOPPING CENTER**

A series of business establishments on one parcel of land, not necessarily joined, sharing the same highway access and parking facilities.

[Added 2-15-1989]

### **SIGN**

Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any structure or surface. The following shall not be considered signs subject to the regulations of §§ **144-33** through **144-43**: artwork; holiday or seasonal decorations; cemetery markers; machinery or equipment signs; memorial signs or tablets.

[Added 4-7-2004 by L.L. No. 4-2004; amended 2-1-2006 by L.L. No. 1-2006; 2-18-2009 by L.L. No. 3-2009]

### **SPECIAL EVENT**

An event, gathering, assembly or meeting that is open to the public at large.<sup>[3]</sup>

[Added 2-1-2006 by L.L. No. 1-2006]

### **SPECIAL USE**

A use which, because of its unique characteristics, requires individual consideration in each case by the Planning Board and Town Board before it may be permitted in the districts enumerated in this chapter.

### **STABLE, PRIVATE**

An accessory building in which not more than four horses are kept for private use of the owner or the tenant of the premises on which said stable is located. The horse shall not be for hire, remuneration or sale.

**STABLE, PUBLIC**

A building or area in which a horse or horses are boarded for compensation.

**STATUTORY SIGN**

A sign required by any statute or regulation of the State of New York or the United States.

[Added 2-18-2009 by L.L. No. 3-2009]

**STORY**

That portion of a building between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STORY, HALF**

A story under a sloping roof, having a ceiling height of 7 1/2 feet or more not exceeding 1/2 of the floor area of the uppermost full story in the building. A half story prohibits all habitable living areas and shall only house mechanical systems and similar utilities.

[Added 8-6-1997;<sup>14</sup> amended 6-19-2024 by L.L. No. 1-2024]

**STREET**

A public or private thoroughfare which affords the principal means of access to abutting property and which has been dedicated to and accepted by or otherwise acquired by the Town of Orchard Park, County of Erie or State of New York.

**STREET GRADE**

The officially established grade of the street upon which a lot fronts; if there is no officially established grade, the existing grade of the street at the midpoint of the frontage of the lot thereon.

**STREET LINE**

The boundary lines of the street right-of-way; also the dividing line between the street and the lot.

### **STRUCTURAL ALTERATIONS**

Any change in the supporting members of a building or other structure, such as bearing walls, columns, beams or girders.

### **STRUCTURE**

Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground, including stationary and portable carports.

### **SWIMMING POOL**

Enclosed body of water, either above or below ground, enclosed by concrete, steel, plastic, canvas or other material.

### **TEMPORARY SIGN**

A sign intended for a use not permanent in nature.

[Amended 8-6-1997; 2-1-2006 by L.L. No. 1-2006]

### **THEATER, MOVING-PICTURE**

A building or part of a building devoted to the indoor showing of moving pictures on a paid-admission basis.

### **THEATER, OUTDOOR DRIVE-IN**

An open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of motion pictures or theatrical productions on a paid-admission basis.

### **TOURIST HOME**

A dwelling in which overnight accommodations are provided or offered for compensation. The accommodations shall be contained within the confines of the principal building.

### **TOWNHOUSE**

A building or structure designed for or occupied by no more than one family or household and attached to other similar buildings or structures by not more than two party walls extending from the foundation to the roof and providing two direct means of access from the outside. Furthermore, each such dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. For the purpose of this chapter, a townhouse may include a building or structure in fee simple, condominium, cooperative or leasehold ownership or any combination thereof.

### **TRAFFIC CONTROL DEVICE SIGN**

Any sign located within the right-of-way that functions as a traffic control device and that is described and identified in either the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the national standard and/or in the New York State Department of Transportation Manual of Uniform Traffic Control Devices. Traffic control device signs include those signs that are classified and defined by their function as regulatory signs (which give notice of traffic laws or regulations), warning signs (which give notice of a situation that might not readily be apparent), and guide signs (which show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

[Added 2-1-2006 by L.L. No. 1-2006]

### **TRAILER**

(1)

**HOUSE TRAILER or MOBILE HOME** Any portable structure or vehicle used for living, commercial or business

purposes, whether on wheels or other supports, and exceeding seven feet, eight inches in overall width and 45 feet in overall length.

(2)

**UTILITY TRAILER**A trailer not over 22 feet in overall length, seven feet, eight inches in overall width and six feet in overall height, capable of being drawn by a standard automobile or station wagon.

(3)

**BOAT TRAILER**A trailer designed solely for the hauling of boats not over 25 feet in overall length, capable of being drawn by a standard automobile or station wagon.

(4)

**TRAVEL TRAILER**A trailer not over seven feet, eight inches in overall width and the total combination of vehicles shall not exceed 65 feet in overall length, capable of being drawn by a standard automobile or station wagon, designed solely for temporary camping purposes and not designed or suitable for living purposes. For the purposes of this definition, if a trailer is collapsible or if it does not have toilet facilities or cooking facilities or if it is not so designed that one can live in it even temporarily, it shall be deemed to be a camping trailer.

(5)

**TRUCK CAMPER**Any body or structure designed for the specific purpose of converting any motor vehicle into a travel or camping vehicle and capable of being left freestanding.

## **TWO-FAMILY DWELLING**

A dwelling having two dwelling units.

[Added 3-15-1989]

## **USE**

The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming "use."

## **WAY**

A street, alley or other thoroughfare or easement permanently established for the passage of persons or vehicles.

## **YARD**

Unoccupied space open to the sky, including mechanical equipment, on the same lot with a building or structure.

## **YARD, FRONT**

A yard extending the full width of a lot and situated between the street line and the front line of the principal building projecting to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into the required side yard. Corner lots are considered to have two front yards and the depth of the second front yard shall be determined as per the Town of Orchard Park Schedule of Height, Lot, and Yard and Bulk Regulations.<sup>[5]</sup>

[Added 10-5-2022 by L.L. No. 6-2022]

## **YARD, REAR**

A yard extending the full width of the lot and situated between the rear line of the rearmost main building and the rear line of the lot.

## **YARD, SIDE**

A yard situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

## **ZONING BOARD OF APPEALS**

The Board of Appeals of the Town of Orchard Park.

## **ZONING OFFICER**

The Building Inspector of the Town of Orchard Park.

[1]

*Editor's Note: The definition of "directional sign," added 2-20-2002, which immediately followed this definition, was repealed 4-7-2004 by L.L. No. 4-2004.*

[2]

*Editor's Note: The former definition of "political sign," which immediately followed this definition, was repealed 2-1-2006 by L.L. No. 1-2006.*

[3]

*Editor's Note: The former definition of "specialty sign," added 4-7-2004 by L.L. No. 4-2004, which immediately followed this definition, was repealed 2-18-2009 by L.L. No. 3-2009.*

[4]

*Editor's Note: This resolution also repealed the former definition of "half story."*

[5]

*Editor's Note: Said schedule is **included as an attachment to this chapter.***

## **§ 144-31 Prohibited uses.**

### **A.**

Nothing contained in this chapter shall be construed as permitting in any district the erection or operation of buildings or structures or the use of land for any purpose which shall constitute a nuisance or for any of the following purposes:

#### **(1)**

Abattoir, commercial feed lot, stockyard or slaughterhouse.

#### **(2)**

Acetylene gas manufacture for commercial purposes.

**(3)**

Ammonia, chlorine or bleaching powder manufacture.

**(4)**

Blast furnaces, rolling mills or smelter works.

**(5)**

Carbon, lampblack or graphite manufacture.

**(6)**

Cement, gypsum, lime or plaster manufacturing or processing.

**(7)**

Coke ovens.

**(8)**

Creosote manufacture or treatment.

**(9)**

Dead animal, offal, garbage or sewerage reduction or treatment or storage, except where controlled by the town.

**(10)**

Distillation of coal, wood or bones.

**(11)**

Dyestuff manufacturing.

**(12)**

Fertilizer manufacturing.

**(13)**

Gas manufacturing or storage, except not in excess of 10,000 cubic feet of illuminating or heating gas when used within the town limits.

**(14)**

Glue, size, gelatin manufacture.

**(15)**

Gunpowder, fireworks or other explosive manufacturing or storage.

**(16)**

Iron, steel, brass or copper foundries.

**(17)**

Junkyards, dumps, automobile wrecking and old car or appliance storage yards.

**(18)**

Match manufacturing or storage in bulk.

**(19)**

Oilcloth and linoleum manufacture.

**(20)**

Ore reduction or the smelting of iron, copper, tin, zinc or lead.

**(21)**

Paint, oil, varnish, turpentine, shellac or enamel manufacture.

**(22)**

Petroleum storage or refining, except:

**(a)**

Storage of petroleum products in garages or oil filling stations under conditions allowed by law and by the ordinances of the town.

**(b)**

Underground storage of petroleum products in the I Zone. Such storage shall comply with all applicable state and local laws and regulations.

**(23)**

Piggeries.

**(24)**

Printing ink manufacture.

**(25)**

Rubber or gutta-percha manufacture from crude or scrap materials; rubber reclaiming or processing.

**(26)**

Soap, tallow, grease or lard manufacturing or rendering.

**(27)**

Soda or washing compound manufacture.

**(28)**

Sulfurous, sulfuric, nitric or hydrochloric acid manufacture.

**(29)**

Tanning, curing or storage of rawhides or skins.

**(30)**

Tar distillation and tar roofing manufacture.

**(31)**

Wool pulling or scouring.

**(32)**

Yeast manufacture.

**(33)**

Those uses which are noxious, offensive or hazardous by reason of dust, fumes, gas, glare, lights, noise, refuse matter, smoke or any waterborne or airborne waste.

**(34)**

The manufacture or processing of any substance or product which results in waste material which is radioactive.

**(35)**

The permanent or temporary occupancy for dwelling purposes of any accessory building or a portion of the principal building prior to the completion of the exterior of the principal building.

**(36)**

Parking off the public highway of vehicles used for commercial or industrial purposes in any R and A District except:

**(a)**

Where such vehicle is being used during the course of construction, alteration or repair of the building or buildings on the premises where parked. **Said vehicles shall not exceed 22 feet in overall length** and approved by the Code Official.

**(b)**

Where the commercial vehicle is **owned by any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of property within the Town of Orchard Park** and does not exceed a capacity of one ton and/or does not exceed 22 feet in overall length. Not more than one such vehicle may be parked in an off-street parking area, but

such vehicle may not be parked in any front yard or within 10 feet of a side lot line.

**(c)**

Where the commercial vehicle is being stored, inside or outside, in the A-1 District in connection with the operation of a farm as defined by this chapter.

**(37)**

The permanent or temporary occupancy for any purpose of any trailer or mobile home parked in any district, except:

**(a)**

Office trailers may be used as temporary office space in a B-2 Zone, provided that:

**[1]**

The use of the trailer is permitted in this chapter.

**[2]**

A plan is submitted showing location of any permanent buildings, driveways or physical characteristics of the land or site at which the trailer is to be located.

**[3]**

The trailer has no water or sanitation facilities connected to it.

**[4]**

The trailer shall be occupied for a period not to exceed one year, subject to review and renewal by the Town Board.

**[5]**

The owner of the trailer shall pay a fee of \$50 plus \$1 per square foot of floor space in such trailer.

**(38)**

The storage of mobile homes, motor homes, house trailers, travel trailers, truck campers (unmounted), utility trailers, boat trailers, camping trailers, commercial or industrial machinery or boats in the front yard or required side yard or side yard facing a street of any premises in any district. **It shall be prohibited to park any recreational vehicle or trailer on a Town Road. The restrictions herein set forth shall not apply to any such vehicle parked within the area described herein for a time period less than eight hours for the purpose of loading and/or unloading the said trailer.**

**(39)**

Businesses which are exclusively engaged in the leasing or contracting of trucks for use as a common carrier.

**(40)**

Those uses which involve toxic substances, specifically designated as such by statute or state regulations.

**(41)**

Burying of brush. Burying of brush, wood and other organic materials in quantities of five cubic yards or more, unless a survey showing the location of said burial material is filed with the Town Engineer within three days of burial.

**(42)**

The storage of wood in the front yard or between the side street lot line and principal building on a corner lot in any R or A District.

**(43)**

A trailer or detached truck body for storage purposes, in any zone, whether on wheels or other supports. For the purpose of this subsection, the following exception shall apply:

[Added 5-6-87]

**(a)**

Any trailer designed primarily for personal occupancy or recreational use.

**(b)**

Any trailer used in connection with construction of a structure for which a building permit has been issued may remain on the construction site for the duration of construction, but in no event for more than one year, unless otherwise extended by the Planning Board. The number of any such construction trailers shall be limited to one per 5,000 square feet of building under construction.

**(c)**

Any trailer which is in use in violation of this subsection as of the date of its enactment is permitted to continue in use for a period not to exceed one year from the effective date hereof.

**(44)**

Sale of used motor vehicles except for:

[Added 5-6-87]

**(a)**

Sale by a franchised automobile dealer.

**(b)**

Casual sale by an individual, partnership or corporation of a used motor vehicle which was previously used by the

seller for personal use only. Roadside display of such vehicles shall not exceed 60 days.

**(45)**

The commercial collection, storage or disposal of nuclear waste and medical or surgical waste materials, except in hospital, nursing home, medical, dental or veterinary facilities.

[Added 12-4-1991]

**(46)**

Unmanned aircraft take-offs and landings.

[Added 11-15-2017 by L.L. No. 18-2017]

**(a)**

It shall be unlawful for any person to take off or land in any zone within the Town of Orchard Park an unmanned aircraft or unmanned aircraft system within one mile of and within two hours before or after an open air event sponsored by the Town of Orchard Park and located within the Town of Orchard Park, such events including, but not limited to, parades, concerts, street dances, festivals, art shows, sporting events and recreational events.

**(b)**

It shall be unlawful for any person to take off or land an unmanned aircraft or unmanned aircraft system within two miles of the New Era Field Complex on the day of any event held at the New Era Field Complex and four hours prior to or four hours after any event held at the New Era Field Complex.

**(c)**

Definitions. As used in this subsection, the following terms shall have the meanings indicated:

**NEW ERA FIELD COMPLEX**

All of the approximately 197.65 acre parcel of land situated in the Town of Orchard Park, New York, locally known as "One Bills Drive," inclusive of New Era Field, the ADPRO Sports Training Center, the Fieldhouse, parking lots, entrances, walkways and practice fields.

**UNMANNED AIRCRAFT**

[1]

A device that is intended to navigate in the air without an onboard pilot; and

[2]

An aircraft that is operated without the possibility of human intervention from within or on the aircraft. Unmanned aircraft are also referred to as "drones."

**UNMANNED AIRCRAFT SYSTEM**

An unmanned aircraft and associated elements (including communications links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

(d)

Exceptions; express written permission required. The takeoff or landing of an unmanned aircraft or unmanned aircraft system as proscribed herein may be permitted pursuant to written permission issued by the Town of Orchard Park. This permission, when issued, will be subject to all applicable Federal Aviation Administration (FAA) regulations.

## **B.**

Exceptions.

### **(1)**

Franchised automobile and truck dealers. Outside storage shall be permitted as follows:

#### **(a)**

Motor vehicles able to pass inspection pursuant to the New York State motor vehicle inspection standards as provided by the Vehicle and Traffic Law of the State of New York and all rules and regulations promulgated by the Commissioner of Motor Vehicles for the periodic inspection of motor vehicles in the state and as the same may be amended from time to time: six months.

#### **(b)**

Other motor vehicles: 30 days.

### **(2)**

Garages, public. Outside storage of motor vehicles shall be permitted for a period not to exceed 30 days.

## **C.**

### **Penalties for offenses.**

Violations of this Article shall be punishable by a maximum fine of \$250 **per day from the date of violation notice is served** or by imprisonment for not more than 15 days, or both.