

NOTICE OF ADOPTION OF ORDINANCES OF THE
VILLAGE OF SHERMAN

Notice is Hereby Given that the following ordinances of the Village of Sherman were duly adopted by the Board of Trustees of the Village of Sherman, Chautauqua County, New York, at a regularly convened meeting held on the 4th day of January, 1966 and duly entered into its minutes, to wit:

Resolved, and Be it Ordained, Resolved and Enacted by the Village of Sherman as follows:

Proposed Ordinances for the Village of Sherman

Chapter 1: Motor Vehicles

Section 1- Maximum Speed limits. Thirty (30) miles per hour is hereby established as the maximum speed at which vehicles may proceed on or along highways within the corporate limits of the village.

-Obedience is required by Section 1180 (b) 3 of the Vehicle and Traffic law. The penalty for speeding is in Section 1801-a. "Vehicle" is defined in Section 159.

Section 2- The parking of vehicles is hereby prohibited on all highways within this village between 2:00 a.m. and 7:00 a.m. from November 1 to April 1.

Section 3- Through Streets

A. Main Street, also known as Route 430, is hereby designated as a through highway and stop signs shall be erected on the following entrances thereto:

(1) East Street- from the North

- (2) Willard Street- from the North
- (3) Miller Street- from the North
- (4) Franklin Street- from the South
- (5) Church Street- From the North
- (6) Kipp Street- from the North
- (7) Hart Street- from the South
- (8) Klondike Street- from the North

B. Park Street is hereby designated as a through highway from the Easterly Village line up to its intersection with Kipp Street and stop signs shall be erected on the following entrances thereto:

- (1) Kendrick Street- from the North
- (2) Edmunds Street- from the North
- (3) East Street- from the South
- (4) Columbia Street- from the North
- (5) Willard Street- from the South
- (6) Miller Street- from the North and South
- (7) Church Street- from the North and South

C. The intersection of Park Street with Kipp Street, Route 76, is hereby designated as a Stop intersection and a Stop sign shall be erected on Park Street at its entrance to said intersection from the east.

D. Osborne Street is hereby designated as a through highway from the Southerly Village line to its merger with Franklin Street at Mill Street and stop signs shall be erected on the following entrances thereto:

- (1) Morris Street- from the East
- (2) Hayes Street- from the East

(3) Mill Street- from the West

- E. Hart Street is hereby designated as a through highway from the Southern Village line up to its intersection with Park Street and a stop sign shall be erected on the following entrance thereto:

(1) Mill Street- from the East

- F. Kendrick Street is hereby designated as a through highway from the Northerly Village line up to its intersection with Park Street and a stop sign shall be erected on the following entrance thereto:

(1) Edmunds Street- from the West

Chapter 2: Excavation on Streets and Sidewalks

No excavation shall be made or caused to be made by any person in any street or sidewalk in the village for the purpose of putting in or taking out water, gas or sewer pipe or other articles or material without a written permit from the Village Superintendent of Public Works in the case of water or sewer pipes and the Board of Trustees in all other cases. All persons making or causing to be made any such excavation shall erect and maintain proper guard rails, and lights by night around such excavation during the period the same remains open, and around the materials or articles taken or to be placed in such excavation so as to prevent injury to travelers on such street. Such excavation shall be filled with dirt tamped in, wet down and thoroughly packed so that the street shall be level and smooth. All such materials and articles as may be about such excavation after the same has been filled, shall be removed immediately so that the street shall be left free and clear from obstructions.

Chapter 3: Construction and Maintenance of Sidewalks

Section 1- Construction. The Board of Trustees shall prescribe the width, grade, location and type of all sidewalks and no sidewalk shall be constructed except in accordance with the requirements of the Board. The construction shall be at the expense of the abutting property owner.

Section 2- Maintenance. Every owner or occupant of property abutting a public sidewalk shall keep the same in proper repair but shall be entitled to a cash rebate from the village of one-half (1/2) of the repair cost which rebate shall not exceed twenty (20) cents per square foot unless specifically authorized by the Board of Trustees.

Chapter 4: Fire Hazard and Fore Prevention

Section 1- It shall be unlawful for any person or persons to burn combustible material in any street, alley or vacant lot within the fire limits of the village unless in an incinerator or sheet metal burner having openings not exceeding one and one-half (1½) inches in diameter, except leaves may be burned without container prior to 10 o'clock pm.

Section 2- Inspection. It shall be the duty of the Superintendent of Public Works to inspect or cause to be inspected by fire department officers or members as often as may be necessary, but not less than once a year, all buildings, premises and public thoroughfares within the fire limits of said village except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of any ordinances of the Village affecting the fire hazard.

Section 3- Should the fire inspectors find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulation of waste paper, rubbish, shavings, or any other highly inflammable materials which are so situated as to endanger property, or any other hazardous conditions liable to cause fire, or shall find obstruction to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the fire department or egress of occupants in case of fire, they shall so report such violation to the Village Board of Trustees who in turn shall immediately notify occupant and/or owner (if different) and order the same to be removed or remedied within 10 days. Immediately after 10 days upon service of the order a reinspection shall be made to determine compliance with the order. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Any person or persons, firm or corporation violating any of the provisions of the

ordinance or any of its section shall upon conviction forfeit and pay a fine of not less than ten dollars (\$10.00) or more than fifty dollars (\$50.00) for each offense.

Section 4- All owners and occupants of buildings subject to inspection as provided by Section 2 of this chapter are required to permit the fire inspectors to inspect their buildings to ascertain if the regulations are complied with, and it is hereby made the duty of the fire inspectors to make such inspection whenever they have notice of a violation of the ordinance. Except in case of emergency, inspection shall be made between the hours of 9:00 a.m. and 6:00 p.m.

Section 5- It shall be unlawful to maintain partially burned buildings within the village longer than ninety days after the fire without cleaning up and filling in any excavated portion and making it safe.

Section 6- It shall be unlawful to maintain any unsafe structure after notice of its condition longer than ninety days without making safe or removing hazards. Procedure to enforce to be in accordance with Section 89 (7a) of the Village Law.

Section 7- It shall be unlawful to maintain a partially completed building with open basements or excavations longer than ninety days.

Chapter 5: Building, Alteration and Land Use Permits and Zoning

For the purpose of promoting the health, safety, morals and general welfare of the Village of Sherman and pursuant to Paragraphs 30 and 59, Section 89, Article 4 of the Village Law of the State of New York, the Board of Trustees of said Village do hereby adopt the following ordinance relating to the location and uses of buildings, structures and land for trade, industry, residence and other purposes:

Section 1- This ordinance shall apply to all buildings now within the corporate limits of the Village of Sherman and to all buildings hereafter to be erected, repaired, rebuilt or the use thereof changed in any manner whatever.

Section 2- No building or structure shall hereafter be built, constructed, altered or the use of which changed in any way within the said village unless a majority of the Board of Trustees shall grant a permit in writing for such construction, alteration or change of use.

Section 3- In reference especially to the use of land, it shall henceforth be illegal to set up a junk yard, used car lot or expand existing ones, or trailer park, or conduct any noisy, offensive business on any land in the village, unless, and before commencing any use of such nature a permit shall be granted as for a building under the provisions set forth supra under 2.

Section 4- Districts. For the purpose of this ordinance the Village of Sherman is hereby divided into four districts as follows:

-Commercial

-Commercial and Industrial

-Residential A

-Residential B

- A. Commercial. Starting at a point in the creek east of H. K. Nuttall Garage, running southwest along the pond and creek line 150 feet west of the center line of the Clymer Road, thence north to a point 225 feet from the center line of West Main Street on Kipp Street, thence east to the creek to a point 280 feet north of the center line of East Main Street, then to the place of beginning. This district is to include business places, including all present ones as is but excluding anything which might be considered a nuisance or unsightly business, such as the afore-mentioned used car lots, junk yards or trailer parts, but, not limited thereto, as determined by the Village Board.
- B. Commercial and Industrial. Beginning at the point at the center of the P.R.R. track on Park Street running west 255 feet, then north to the village line to a point 300 feet from the center of the P.R.R. track, then east to the center of the P.R.R. track, then south to the point of beginning.
- C. The remainder of the Village is designated as a Residential District. In Residential Area A no trailers are allowed to be parked.
- D. Residential Area B, where trailers may be parked, extends along Prospect Street southeast of Morris Street to the village line, lots to be a minimum of 40 feet in width and not less than 100 feet deep from the center line of said street. Also, the west side of Clymer Road from Mill Street to the southerly village line.

- E. In all districts the building line set from the street, the side yard and rear yard space of lots with existing buildings in the area should be observed and followed.

Section 5- Board of Appeals. There is hereby established a three-member Board of Appeals which the Village Board shall appoint, which shall function in such manner and have such powers and duties as the Village Law of the State of New York and this ordinance provide. They shall serve a three-year term and hear appeals from any refusal of a zoning permit or review any order or decision on zoning made by the Board of Trustees which shall have charge of the issuance or denial of zoning permits.

Section 6- Any person, corporation or other entity violating any provision of this ordinance shall be subject to a fine of one hundred (\$100.00) Dollars for any offense and the violation thereof shall be constituted a disorderly person and shall be subject to the provisions of the Criminal Code of the State of New York relating thereto.

Section 7- The Board of Trustees may enforce this ordinance or any threatened violation thereof by injunction.

Section 8- Validity. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

Chapter 6: Bicycles

No person shall ride a bicycle upon any sidewalk in the business district of the village. The term “business district” shall include the following only: Sidewalks on Main Street from Willard street to Church Street; sidewalks on Miller Street between Park Street and Main Street. All bicycles operated or driven on any sidewalk in the village shall have attached thereto all equipment required by the laws of the State of New York when such vehicles are operated or driven upon any public highway, including adequate brakes, steering mechanism in good working order, sound device and proper lights if after dark. No more than one person shall ride a single bicycle on a sidewalk in the village.

Chapter 7: Trees

It shall be the duty of every owner of real property in the village to keep the trees on or in front of property adjoining the street healthy and trimmed. Any dead, blighted or diseased trees or ones in any way hazardous to passerby shall be removed by the owners, failing which, after reasonable notice and opportunity, the Village by its employees or agents, may enter and remove and charge the property owner the necessary cost thereof.

Chapter 8: Disorderly Conduct

Any person who, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, commits any of the following acts, shall be deemed to have committed the offense of disorderly conduct:

1. Uses offensive, disorderly, threatening, abusive or insulting language, conduct or behavior; acts in such a manner as to annoy, disturb, interfere with, obstruct or be offensive with others;
2. Congregates with others on public streets or loiters in door entrances, doorways or stairways adjacent thereto or above any public place in the Village and refuses to move when ordered by the police;
3. By his actions causes a crowd to collect, except when lawfully addressing such crowd; shouts or makes a noise either outside of or inside a building during the night time or day time to the annoyance or disturbance of any considerable number of people;
4. Interferes with any person in any place by jostling against such person or unnecessarily crowding him or by placing a hand in the proximity of such person's pocketbook or handbag;
5. Stations himself on a public street or follows pedestrians for the purpose of soliciting alms, or who collects alms on the public streets unlawfully.

Chapter 9: Dog Control

Dogs shall be the purpose of this Ordinance to provide control of dogs in the Village of Sherman in such a way as to protect the interest of dog owners.

Section 1- Definition of Terms used in this ordinance, unless the context otherwise indicates:

- A. Dogs shall be intended to mean both male and female.
- B. Owner shall be intended to mean any person or persons, firm, association or corporation owning, harboring or keeping a dog.
- C. At large shall be intended to mean off the premises of the owner, not under control of the owner or a member of his immediate family then present.

Section 2- Licensing of Dogs. No dog shall be permitted or allowed to run at large within the corporate limits of the Village of Sherman unless such dog shall be wearing a tag as required by the Agriculture and Market Law of the State of New York.

-Any dog found running at large anywhere within the limits of Sherman without such a tag or one issued during the previous year shall be seized by any police officer and shall be turned over to the Dog Warden of the Town of Sherman.

-The fact that a dog is without an official license tag or wearing a tag issued during the previous year, is presumptive evidence that the dog is unlicensed. No action shall be permitted to recover from the Village of Sherman the value of, or for damage, injuries or for the destruction of an unlicensed animal.

-Dogs seized under the provisions of this section shall be held for five days during which time the owner may claim said dog if he shows evidence that the dog has been properly licensed and that the license or collar bearing the license had been lost, or if the owner purchases a license. The owner shall be liable for the sum of \$5.00 as the cost of seizure and shall pay the same to the Town Clerk.

Section 3- Nuisance. No person shall permit his dog to become a public nuisance. A dog shall be considered a public nuisance if it:

- A. Shall prolongedly or persistently bark or howl for one or more consecutive hours.

B. Cause personal injury or cause damage to or impairment of the property of persons other than the owner.

Section 4- Ferocious Dogs. No owner shall knowingly permit a dog of ferocious character or disposition to run at large. Any dog which chases, jumps at or onto or snaps at or bites any person may be judged to be ferocious (an exception to this judgment may be made in the case of easily recognized playful dogs.)

Section 5- Female Dogs. The owner of any female dog shall securely confine and not allow or permit such female dog to run at large within the Village of Sherman when said dog is oestrus (heat, season).

Section 6- Chasing Vehicles. No owner shall knowingly permit a dog to run at large which chases vehicles of any kind.

Section 7- Complaints. Any complaints of violation of this ordinance shall be made in writing signed by the party and verified as in the form of an information as to the nature of the violation, time and place. Such complaint shall be signed and filed with a Justice of the Peace or Village Police Justice who may issue a summons to the owner of said dog to appear at a time and place therein specified, said charge to be heard in accordance with the provisions of Section 126 of the Agriculture and Markets Law.

Nothing herein shall prevent the Magistrate from making an Order as provided in Section 116 of the Agriculture and Markets Law.

Section 8- Evidence of Knowledge of Violation. In lieu of proceeding under Section 7, complainant may notify the Chief of Police of the Village of any violation in writing, giving details as to the nature of said violation, time and place. The police officer shall thereupon serve a notice upon the owner of said dog, officially notifying the owner of said complaint. If a subsequent complaint regarding said animal is thereafter filed, the fact that a prior notice of said complaint has been served upon the owner shall constitute presumptive evidence that the owner has knowingly permitted the dog to commit the prohibited act.

Section 9- Penalties. The penalty for violation of any of the provisions of this ordinance except as otherwise provided shall be a fine of not to exceed twenty dollars (\$20.00) for each violation.

Section 10- The violation of any provision of this ordinance shall be deemed an infraction only.

Chapter 10: Firearms and Air Guns

The carrying of loaded firearms or air guns and discharge of firearms or air guns otherwise than in self-defense or in the discharge of official duty, within the Village of Sherman, is prohibited.

This ordinance shall be interpreted to permit the owners of property in the village to use a shotgun to kill vermin providing the discharge from the gun does not go beyond the boundaries of his property, and also providing such owner first obtained a permit from the Village Police Officer.

Any violation of this ordinance shall constitute disorderly conduct punishable by a fine not in excess of fifty dollars (\$50.00) for each offense.

Chapter 11: Hawkers, Peddlers and Solicitors

Section 1: Definition: The term “hawker” and “peddler” as used in this ordinance shall mean any person who in any public street or public place or by going from house to house sells or offers for sale or carries or expose for sale any goods, wares or merchandise except meats, fish, fruit, milk, newspapers and periodicals.

The term “solicitor” as used in this ordinance shall mean any person who goes from place to place, or from house to house, or who stands in any street or public place, taking or offering to take orders for goods, wares, or merchandise except meats, fish, fruits, milk, newspapers and periodicals; or taking or offering to take orders for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

Section 2: License Required. It shall be unlawful for any person except as provided in Section 8 of this ordinance to act as a hawker, peddler or solicitor within the corporate limits of the Village of Sherman without first having obtained and paid for and having in force and effect a license therefor.

Section 3: Application for License. Any person desiring to procure a license as herein provided shall file with the Village Clerk a written application with satisfactory proof of good character and

financial responsibility. Such application shall give the number and kind of vehicles to be used in carrying on the business for which the license is desired, the kind of service he desires to perform, the name and address of the applicant, the name and address of the person, firm or corporation he represents, and such other information as may be required.

Section 4: License. Upon the filing of the application, the Clerk shall issue a license and collect the fee to be paid therefor to such persons as he shall deem fit and proper for such trade or occupation. Any applicant who shall have been refused such license by the Clerk may apply to the Board of Trustees therefor at a meeting thereof and the same may be granted or refused by the Board.

All licenses shall be issued from a properly bound book with proper reference stubs and shall state the kind of vehicle, if any, to be used and the kind of goods, wares or merchandise to be sold or service to be rendered, the dates of issuance and expiration, the fee paid and name and address of the licensee. Every licensee while exercising his rights shall carry the license with him and shall exhibit the same upon demand.

Section 5: License Fees. The following fee shall be paid for the license herein required:

One dollar (\$1.00) shall be the fee for the issuance of a license for a term of one year or less.

Section 6: Revocation of License. The Village Police Officer may at any time revoke the license of any licensee who has violated the provisions of this ordinance. When a license has been revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason therefor shall be given in writing to the person named in the application by delivering the same to him personally or by mailing the same to the address given in the application.

Section 7: Restrictions. A hawker or solicitor shall:

- (a) Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale.
- (b) Keep the vehicles and receptacles used by him in a clean and sanitary condition and the foodstuffs offered for sale protected from dirt, dust and insects.
- (c) Not blow a horn, ring a bell or use any other noisy device to attract public attention to his wares, or shout or cry his wares.

Section 8: Exemptions. Nothing in this ordinance shall apply to the sales conducted pursuant to statute or by order of any court or to persons selling personal property at wholesale to dealers, or in any way that will unlawfully interfere with interstate commerce.

The licensing provisions of this ordinance shall not apply to merchants having an established place of business within the village or to their employees, or to farmers and truck gardeners who sell or offer for sale the products of their own farms or gardens; or to honorably discharged soldiers, sailors or marines properly exercising a license issued pursuant to the General Business Law.

Nothing in this ordinance shall apply to solicitations by or on behalf of the American Red Cross, the Salvation Army, Boy Scouts, Girl Scouts, United Community Fund, or the activities of any religious corporation, or duly authorized group from the Sherman Central School.

Section 9: Violation of this ordinance shall constitute disorderly conduct.

Section 10: If any subdivision or provision of this ordinance shall be deemed by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Article 1

Penalty for Violations

Whenever no penalty is expressly provided for, the violation of the provisions of the foregoing 11 chapters of Ordinances of the Village of Sherman, a person violating the same shall be subject to a fine not exceeding Fifty (\$50.00) Dollars for each and every violation.

Article 2

Repeals and Saving Clause

All prior ordinances in conflict with the provisions of the foregoing eleven chapters are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any

person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of these ordinances.

The invalidity of any provision section or chapter of these ordinances shall not invalidate any other provision, section or chapter thereof.

Article 3

Effect of Ordinances

These ordinances shall take effect from and after the 24th day of January, 1966 or as soon as may be legally enforceable, except Chapter 1 which is subject to approval under Section 1684 of the Vehicle and Traffic Law and Section 40 of the Highway Law of the State of New York.

Chapter 1, relating to Motor Vehicles, shall take effect from and after the day on which approval in writing is received from both the New York State Traffic Commission and the New York State Department of Public Works.

Jan. 13, 1966

Russel C Babcock

Village Clerk