

- D. By going or remaining within any fire lines without the permission of the Chief or Assistant Chiefs of the Fire Department.

§ 83-2. Obstruction of hydrants.

It shall be unlawful for any person to obstruct or injure any fire hydrant in the village or throw or pile snow or ice around or directly in front of any hydrant.

§ 83-3. False alarms.

It shall be unlawful for any person to willfully or designedly make or raise a false cry of fire.

Chapter 85, FIRES, OPEN

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention -- See Ch. 81.
Conduct at fires -- See Ch. 83.

§ 85-1. Bonfires.

No person shall build a bonfire with any material any place within the village, without the approval of the Board of Trustees [and in accordance with the requirements of the applicable provisions of the Fire Code of the State of New York](#).

Chapter 88, FLOOD DAMAGE PREVENTION

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville 6-1-1998 by L.L. No. 2-1998.^{xiv}EN Amendments noted where applicable.]

GENERAL REFERENCES

Board of Appeals -- See Ch. 4.
Planning Board -- See Ch. 24.
Building construction -- See Ch. 49.
Zoning -- See Ch. 183.

§ 88-1. Findings.

The Board of Trustees of the Village of Amityville finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Amityville and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and

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loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 88-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Qualify and maintain participation in the National Flood Insurance Program.

§ 88-3. Objectives.

The objectives of this chapter are:

- A. To protect human life and health.
- B. To minimize expenditure of public money for costly flood control projects.
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. To minimize prolonged business interruptions.
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard.
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. To provide that developers are notified that property is in an area of special flood hazard.
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 88-4. Definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:
APPEAL -- A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

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AREA OF SHALLOW FLOODING -- A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD -- The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the "base floodplain" or "100-year floodplain."

BASE FLOOD -- The flood having a one-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) -- The crest elevation in relation to mean sea level (using National Geodetic Vertical Datum), expected to be reached during a one-hundred-year flood which encompasses the one-hundred-year floodplain. [Added 10-28-2002 by L.L. No. 3-2002]

BASEMENT -- That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL -- A wall that is not part of the structural support of the building and is intended, through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING -- See "structure."

CELLAR -- Has the same meaning as "basement."

COASTAL HIGH HAZARD AREA -- An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V1-V30, VE, VO or V.

CRAWL SPACE -- An enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING -- A nonbasement building built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE or V,

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"elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION -- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION -- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY -- The federal agency that administers the National Flood Insurance Program.

FLOOD OR FLOODING

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters.
 - (b) The unusual and rapid accumulation or runoff of surface waters, from any source.
- (2) Also, means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) -- An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY -- An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) -- An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as "Zone A" but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM) -- An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY -- See "flood elevation study."

FLOODPLAIN OR FLOOD-PRONE AREA -- Any land area susceptible to being inundated by water from any source (see definition of "flooding").

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FLOODPROOFING -- Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY -- Has the same meaning as "regulatory floodway."

FUNCTIONALLY DEPENDENT USE -- A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

HIGHEST ADJACENT GRADE -- The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE -- Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR -- The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer or Building Inspector.

LOWEST FLOOR -- The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevations design requirements of this chapter.

MANUFACTURED HOME -- A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION -- A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL -- For purposes of the National Flood Insurance Program, the

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National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME -- Has the same meaning as manufactured home.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) -- As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION -- Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION -- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

ONE-HUNDRED-YEAR FLOOD OR 100-YEAR FLOOD -- Has the same meaning as base flood.

PRIMARY FRONTAL DUNE -- A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PRINCIPALLY ABOVE GROUND -- At least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE -- A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 88-14B of this chapter.

SAND DUNES -- Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION -- Includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project or physical alteration of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers and building materials. For manufactured homes, the "actual start" means affixing of the

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manufactured home to its permanent site.

STRUCTURE -- A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE -- Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -- Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE -- A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

§ 88-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Amityville.

§ 88-6. Basis for establishing the areas of special flood hazard. [Amended 9-28-1998 by L.L. No. 4-1998]

- A. The areas of special flood hazard for the Village of Amityville, Community No. 360788, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
 - (1) A scientific and engineering report entitled "Flood Insurance Study," Suffolk County, New York (all jurisdictions)," dated May 4, 1998.
 - (2) Flood Insurance Rate Map for Suffolk County, New York (all jurisdictions) as shown on Index No. 36103C0000, and panel(s) 0835, 0841, 0842, 0843 and 0844, whose effective date is May 4, 1998.
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at Village Hall, 21 Greene Avenue, Amityville, New York 11701.

§ 88-7. Interpretation; conflict with other laws.

- A. This chapter includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and

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welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 88-8. Severability.

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

§ 88-9. Penalties for noncompliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of Amityville from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 88-16 and 88-17 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 88-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Village of Amityville, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 88-11. Designation of the local administrator.

The Code Enforcement Officer is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

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§ 88-12. Floodplain development permit.

A. Purpose. A floodplain development permit is hereby established for all construction

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and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 88-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee of \$50. In addition, the applicant shall be responsible for reimbursing the Village of Amityville for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

§ 88-13. Application for permit.

The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application form.

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zones V1-V30 or VE, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- C. The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- D. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 88-15B(3), Utilities.
- E. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 88-15E, Nonresidential structures (except coastal high hazard areas).
- F. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency

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Management Agency (FEMA) to revise the documents enumerated in § 88-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- G. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- H. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.
- I. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.
- J. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this chapter.

§ 88-14. Duties and responsibilities of the local administrator.

Duties of the local administrator shall include but not be limited to the following:

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (1) Review all applications for completeness, particularly with the requirements of § 88-13, Application for permit, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of § 88-15, Construction standards and, in particular, § 88-15A(2), Subdivision proposals.
 - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to a any other property or fails to meet the requirements of § 88-15, Construction

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standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
- B. Use of other flood data.
- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 88-13H, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
 - (2) When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.
- C. Alteration of watercourses.
- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
 - (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- D. Construction stage.
- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
 - (2) In Zones V1-V30 and VE, and also Zone V if base flood elevation data are available, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the local administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a

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- recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (3) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
- E. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
- F. Stop-work orders.
- (1) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 88-9 of this chapter.
 - (2) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 88-9 of this chapter.
- G. Certificate of compliance.
- (1) In areas of special flood hazard, as determined by documents enumerated in § 88-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
 - (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
 - (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 88-14E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
- H. Information to be retained. The local administrator shall retain and make available for inspection, copies of the following:
- (1) Floodplain development permits and certificates of compliance.
 - (2) Certifications of as-built lowest floor elevations of structures, required pursuant to Subsection D(1) and (2) of § 88-14D, Construction stage, and whether or not the structures contain a basement.
 - (3) Floodproofing certificates required pursuant to Subsection D(4) of § 88-14D, Construction stage, and whether or not the structures contain a basement.
 - (4) Certifications required pursuant to § 88-15D(14), Breakaway wall design standards, and Subsection J of § 88-13, Application for permit.
 - (5) Variances issued pursuant to § 88-16, Variance procedures.
 - (6) Notices required under § 88-14C, Alteration of watercourses.

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§ 88-15. Construction standards.

- A. General standards. The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 88-6:
- (1) Coastal high hazard areas. The following requirements apply within Zones V1-V30, VE and V:
 - (a) All new construction, including manufactured homes and recreational vehicles on site 180 days or longer and not fully licensed for highway use, shall be located landward of the reach of high tide.
 - (b) The use of fill for structural support of buildings, manufactured homes or recreational vehicles on site 180 days or longer is prohibited.
 - (c) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
 - (2) Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
 - (a) Proposals shall be consistent with the need to minimize flood damage.
 - (b) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.
 - (c) Adequate drainage shall be provided to reduce exposure to flood damage.
 - (3) Encroachments.
 - (a) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - [1] The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or,
 - [2] The Village of Amityville agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Amityville for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Amityville for all costs related to the final map revision.
 - (b) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 88-6 no new construction, substantial movements or other development in the floodway (including fill) shall be permitted unless:
 - [1] A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in an increase in flood levels during occurrence of the base flood; or,
 - [2] The Village of Amityville agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all

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necessary data, analyses and mapping and reimburses the Village of Amityville for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Amityville for all costs related to the final map revisions.

B. Standards for all structures.

- (1) Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- (2) Construction materials and methods.
 - (a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (c) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - [1] Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - [a] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - [b] The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
 - [2] Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - [3] Crawl spaces are permitted in Zones A1-A30, AE or AH and Zone A subject to the following requirements: [Added 10-28-2002 by L.L. No. 3-2002]
 - [a] The interior grade of the crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.
 - [b] Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace but also any joists, insulation or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
 - [c] Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or

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accumulate within the system components during flood conditions. Duct work in particular must either be placed above the BFE or sealed from floodwaters.

- [d] The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.
 - [e] The height of the below grade crawlspace measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point.
 - [f] There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace within a reasonable time after a flood event.
 - [g] The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.
 - [h] Below-grade crawlspace construction in accordance with the requirements listed herein will not be considered basements.
- (d) Within Zones V1-V30 and VE, and also within Zone V if base flood elevation are available, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls.
- (3) Utilities.
- (a) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.
 - (b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
 - (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Residential structures (except coastal high hazard areas).

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- (1) Elevation. The following standards, in addition to the standards in § 88-15A(2), Subdivision proposals, and § 88-15a(3), Encroachments, and § 88-15b, Standards for all structures, apply to structures located in areas of special flood hazard as indicated.
 - (a) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.
 - (b) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
 - (c) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 88-6 (at least two feet if no depth number is specified).
 - (d) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- D. Residential structures (coastal high hazard areas). The following standards, in addition to the standards in § 88-15A(1), Coastal high hazard areas, and § 88-15A(2), Subdivision proposals, and § 88-15B, Standards for all structures, apply to structures located in areas of special flood hazard shown as Zones V1-V30, VE or V on the community's Flood Insurance Rate Map designated in § 88-6.
 - (1) Elevation. New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above the level of the base flood so as not to impede the flow of water.
 - (2) Determination of loading forces. Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.
 - (a) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls or other natural or man-made flow obstructions could cause wave run-up beyond the elevation of the base flood.
 - (b) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.
 - (c) Wind loading values used shall be those required by the Building Code.

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- (3) Foundation standards.
 - (a) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).
 - (b) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.
- (4) Pile foundation design.
 - (a) The design ratio of pile spacing to pile diameter shall not be less than eight to one for individual piles (this shall not apply to pile clusters located below the design grade). The maximum center-to-center spacing of wood piles shall not be more than 12 feet on center under load-bearing sills, beams or girders.
 - (b) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads and shall include consideration of decreased resistance capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to an elevation of five feet below mean sea level (msl) datum if the base flood elevation (BFE) is +10 msl or less, or to be at least 10 feet below msl if the BFE is greater than +10 msl.
 - (c) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.
 - (d) The minimum acceptable sizes for timber piles are a tip diameter of 8 inches for round timber piles and eight inches by eight inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.
 - (e) Reinforced concrete piles shall be cast of concrete having a twenty-eight-day ultimate compressive strength of not less than 5,000 pounds per square inch, and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than 1 1/4 inches for No. 5 bars and smaller and not less than 1 1/2 inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than 2 inches.
 - (f) Piles shall be driven by means of a pile driver or drop hammer, jetted or augered into place.
 - (g) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.
 - (h) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.

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- (i) Diagonal bracing between piles, consisting of two-inch by eight-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter 1/2 inch) or cable type bracing is permitted in any plane.
 - (j) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be two-by-eight lumber bolted to the sides of the pile/beam, or four-by-four or larger braces framed into the pile/beam. Bolting shall consist of two five-eighths-inch galvanized steel bolts (each end) for two-by-eight members, or one five-eighths-inch lag bolt (each end) for square members. Knee braces shall not extend more than three feet below the elevation of the base flood.
- (5) Column foundation design. Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads and be connected with a moment-resisting connection to a pile cap or pile shaft.
- (6) Connectors and fasteners. Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.
- (7) Beam-to-pile connections. The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or if precast, shall be securely connected by bolting and welding. If sills, beams or girders are attached to wood piling at a notch, a minimum of two five-eighths-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by four inches by 18 inches each bolted with two one-half-inch lag bolts per beam member shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below 50%.
- (8) Floor and deck connections.
- (a) Wood two- by four-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be one- by three-inch members, placed eight feet on center maximum, or solid bridging of same depth as joist at same spacing.
 - (b) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than three-fourths-inch total thickness and should be

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- exterior grade and fastened to beams or joists with 8d annular or spiral-thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.
- (9) Exterior wall connections. All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous fifteen and thirty-seconds-inch or thicker plywood sheathing, overlapping the top wall plate and continuing down to the sill, beam or girder, may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then two-by-four nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of one-half-inch diameter or galvanized-steel straps not less than 1 inch wide by 1/16 inch thick may be used to connect from the top wall plate to the sill, beam, or girder. Washers with a minimum diameter of three inches shall be used at each end of the one-half-inch round rods. These anchors shall be installed no more than two feet from each corner rod, no more than four feet on center.
- (10) Ceiling joist/rafter connections.
- (a) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.
- (b) Gable roofs shall be additionally stabilized by installing two-by-four blocking on two-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of eight feet toward the house interior from each gable end.
- (11) Projecting members. All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of two feet and joist overhangs to a maximum of one foot. Larger overhangs and porches will be permitted if designed or reviewed by a registered professional engineer or architect and certified in accordance with § 88-13J of this chapter.
- (12) Roof sheathing.
- (a) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion-resistant material.
- (b) All corners, gable ends and roof overhangs exceeding six inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end or roof overhang.
- (c) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys and other points of discontinuity in the roofing surface.
- (13) Protection of openings. All exterior glass panels, windows and doors shall be designed, detailed and constructed to withstand loads due to the design wind

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speed of 75 miles per hour. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple-panel sliding glass doors shall not exceed three feet.

(14) Breakaway wall design standards.

- (a) The breakaway wall shall have a design safe-loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.
- (b) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components and certifies that the breakaway walls will fail under water loads less than those that would occur during the base flood and the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water-loading values used shall be those associated with the base flood. Wind-loading values shall be those required by the Building Code.

E. Nonresidential structures (except coastal high hazard areas). The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 88-15A(2), Subdivision proposals, and § 88-15A(3), Encroachments, and § 88-15B, Standards for all structures.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - (a) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or
 - (b) Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (b) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 88-15E(1)(b).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for

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- construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 88-15E(1)(b), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
 - (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.
- F. Nonresidential structures (coastal high hazard areas). In Zones V1-V30 and VE, and also Zone V if base flood elevations are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to the base flood elevation in Zones V1-V30, VE and V.
- G. Manufactured boxes and recreational vehicles. The following standards in addition to the standards in § 88-15A, General standards, and § 88-15B, Standards for all structures, apply in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.
- (1) Recreational vehicles.
 - (a) Recreational vehicles placed on sites within Zones A1-A30, AE, AH, V1-V30, V and VE shall either:
 - [1] Be on site fewer than 180 consecutive days;
 - [2] Be fully licensed and ready for highway use; or
 - [3] Meet the requirements for manufactured homes in § 88-15G(2), (4) and (5).
 - (b) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.
 - (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE, AH, V1-V30 or VE that is on a site either outside of an existing manufactured home park or subdivision as herein defined, in a new manufactured home park or subdivision as herein defined, in an expansion to an existing manufactured home park or subdivision as herein defined, or in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood, shall, within Zones A1-A30, AE and AH, be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement or, within Zones V1-V30 and VE, be elevated on a pile foundation such that the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) is elevated to or above the base flood elevation and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation

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on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors.

- (3) A manufactured home to be placed or substantially improved in Zone A1-A30, AE, AH, V1-V30, or VE, in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage, shall be:
 - (a) Elevated in a manner such as required in § 88-15G(2);
 - (b) Elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- (4) Within Zones A or V, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- (5) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 88-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

§ 88-16. Variance procedure; Appeals Board.

- A. The Zoning Board of Appeals as established by the Village of Amityville shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (1) The danger that materials may be swept onto other lands to the injury of others.
 - (2) The danger to life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services provided by the proposed facility to the community.
 - (5) The necessity to the facility of a waterfront location, where applicable.
 - (6) The availability of alternative locations for the proposed use which are not

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- subject to flooding or erosion damage.
- (7) The compatibility of the proposed use with existing and anticipated development.
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area.
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- E. Upon consideration of the factors of § 88-16D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

§ 88-17. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 88-16D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure.
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
- (1) The criteria of Subsections A, D, E and F of this section are met.
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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- F. Variances shall only be issued upon receiving written justification of:
- (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Chapter 92, FRESHWATER WETLANDS

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 49.
Flood hazard areas -- See Ch. 88.
Sewage disposal systems -- See Ch. 142.
Waterways -- See Ch. 178.
Zoning -- See Ch. 183.

§ 92-1. Regulatory authority.

Pursuant to § 24-0501 of the New York State Freshwater Wetlands Act (Article 24 of the New York State Environmental Conservation Law), the village shall fully undertake and exercise its regulatory authority with regard to activities subject to regulation under the Act in freshwater wetlands, as shown on the Freshwater Wetlands Map, as such map may from time to time be amended, filed by the Department of Environmental Conservation pursuant to the Act, and in all areas adjacent to any such freshwater wetland up to 100 feet from the boundary of such wetland. Such regulatory authority shall be undertaken and exercised in accordance with all of the procedures, concepts and definitions set forth in Article 24 of the New York State Environmental Conservation Law and Title 23 of Article 71 of such law relating to the enforcement of Article 24, as such law may from time to time be amended, with the following exceptions, additions and modifications:

- A. Emergency work which is immediately necessary to protect the health, safety and well-being of any person or to prevent damage to personal or real property.
- B. Ordinary maintenance or repair of existing structures or improved areas which does not involve expansion or substantial restoration, reconstruction, rehabilitation or modification, including but not limited to bridges, roads, highways, railroad beds, bulkheads, docks, piers, pilings or paved areas.

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§ 92-2. When effective.

This law, adopted on the date set forth below,^{xvEN} shall take effect upon filing with the Clerk of the village the final Freshwater Wetlands Map by the New York State Department of Environmental Conservation pursuant to § 24-0301 of the Fresh-water Wetlands Act applicable to any or all lands within the village.

Chapter 95, GARAGE SALES

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 22-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

Advertising materials -- See Ch 35.
Licensed businesses and occupations -- See Ch. 107.
Signs -- See Ch. 144.
Streets and sidewalks -- See Ch. 152.
Zoning -- See Ch. 183.

§ 95-1. Intent.

It is the intent of these regulations to prohibit the infringement of any business in any established residential area and in so doing to regulate the term and frequency of a personal property sale, such as a garage sale, porch sale, basement sale, yard sale or other similar type of sale, so as not to disturb or disrupt the residential environment of the area.

§ 95-2. Permit required.

Any person desirous of holding a personal property sale, such as but not limited to a garage sale, basement sale, porch sale or yard sale, for the resale of used household property, clothing or any personal property items which are owned by the residents of the premises shall obtain a permit therefor from the Village Clerk.

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§ 95-3. Term of permit; number of permits restricted.

Any such permit issued shall be for a term not exceeding two consecutive calendar days. All permits shall be limited to two per calendar year per residential dwelling.

§ 95-4. Permit fee. [Amended 1-8-1990 by L.L. No. 1-1990]

The permit fee for each garage sale shall be in an amount as established by the Board of Trustees by resolution.

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§ 95-5. Restrictions.

A. The permit shall be valid only upon a proper showing and finding by the Code

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Enforcement Officer that proper safety and environmental precautions have been taken for the public.

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B. The permit shall be posted on the premises in a conspicuous place.

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C. No signs, posters or other advertising materials shall be placed upon or attached to any public properties, such as but not limited to telephone poles, or upon public roads or highways.

§ 95-6. Right of access for inspection.

A police officer or **the Code Enforcement Officer** shall have the right of entry to any premises showing evidence of a personal property sale, for the purpose of enforcement or inspection, and may close the premises from such a sale or arrest any person who violates the provisions of this chapter.

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Chapter 97, GARBAGE, RUBBISH AND REFUSE

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 36-1980; see Ch. 1, General Provisions, Art III. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention -- See Ch. 81.

Open fires -- See Ch. 85.

Property maintenance -- See Ch. 130.

Streets and sidewalks -- See Ch. 152.

Abandoned vehicles -- See Ch. 171.

Storage of vehicles -- See Ch. 174.

ARTICLE I, General Regulations

§ 97-1. Refuse, garbage and debris in streets, sidewalks and gutters.

No person shall deposit any refuse, garbage, debris or decomposable matter in or on any of the streets, sidewalks or gutters of the village, nor shall the occupant of any premises permit papers or other rubbish to be carried by the wind from the premises so occupied into any streets, sidewalks or gutters of the village.

§ 97-2. Dumping on private property.

No person shall deposit any refuse, garbage, debris or decomposable matter in or upon any privately owned property within the village without the written permission of the owner.

§ 97-3. Garbage accumulation and disposal; inspection; height of grass.

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- A. No owner or occupant of any premises shall allow refuse, trash, garbage, debris, decomposable matter or discarded appliances to accumulate or remain thereon. Such items shall be disposed of promptly and, while awaiting disposition, shall be kept covered, contained or otherwise secured. For the purpose of this section, "premises" shall include the sidewalk area adjacent to the real property of the owner.
- B. The Code Enforcement Officer or any police officer may inspect any premises to ascertain whether any violations hereof exist.
- C. No owner or occupant of any parcel of land located in the Village of Amityville shall permit thereon an accumulation or growth of weeds, brush, grass, grains or other growths or by-products of the same which have attained or exceeded the height permitted by the Property Maintenance Code of the State of New York as modified from time to time.

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Deleted: of eight inches; this shall not apply to mature and healthy trees or reasonably manicured shrubs or bushes growing upon the premises. "Developed property" shall mean property on which a certificate of occupancy has been issued. [Added 11-28-1988 by L.L. No. 11-1988]

§ 97-4. Abatement of prohibited conditions.

- A. Upon receipt of notice of violation of § 97-3, the owner or occupant of a premises shall abate such violations as follows:
- (1) Health-related violation: within 48 hours of the receipt of notice thereof.
 - (2) Non-health-related violation: within seven days of notice thereof.
- B. If the owner or occupant shall neglect or refuse to comply with such notice of violation, the village shall be authorized to enter upon the premises and abate the prohibited conditions, collecting the cost of such abatement in the same manner as unpaid taxes are collected. The remedy of abatement shall be in addition to penalties provided in § 1-9. Such notice of violation shall be served personally upon the owner or occupant of the premises or by certified mail, return receipt requested.

Deleted: D. No owner or occupant of any undeveloped parcel of land located in the Village of Amityville shall permit thereon an accumulation or growth of weeds, brush, grass, grains or other growth or by-products of the same which have attained or exceeded the height of two feet; this shall not apply to mature and healthy trees or reasonably manicured shrubs or bushes growing upon the premises. "Undeveloped property" shall mean property on which no certificate of occupancy has been issued and no legitimate nonconforming structures exist. [Added 11-28-1988 by L.L. No. 11-1988]

ARTICLE II, Residential Solid Waste Control [Added 10-26-1987 by L.L. No. 10-1987^{xvi}EN]

§ 97-5. Establishment.

Pursuant to § 4-412 of the Village Law of the State of New York, the Board of Trustees of the Village of Amityville hereby adopts a local law regarding the collection and disposal of residential solid waste within the village.

§ 97-6. Recycling; Solid Waste Improvement Area.

The Board of Trustees hereby finds that the collection and disposal of residential solid waste generated within the village, and the encouragement of recycling of a portion of such residential solid waste, is a proper public function. The Board further finds that the most effective way to achieve compliance with the New York State Environmental Quality Review Act and to assure the continued efficient collection of residential solid waste is to participate as a part of the Town of Babylon Solid Waste Improvement Area.

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§ 97-7. Collection of recyclable solid waste.

In furtherance of the public purpose of encouraging recycling of solid waste, commencing immediately, all residents of the village shall separate newspapers from ordinary household solid waste. Such separated materials shall be placed by village residents at curbside and shall be collected separately from other household solid waste on Wednesday of each week.

§ 97-8. Hours of collection.

- A. Solid waste may be collected within the residential zoning districts only during the hours beginning at 6:00 a.m. and ending at 7:00 p.m. [Amended 9-23-1991 by L.L. No. 11-1991]
- B. No garbage, rubbish, refuse or other residential solid waste shall be placed out by the street for collection more than 24 hours prior to a scheduled pickup.

§ 97-9. Placement on street prohibited.

It shall be a violation of this Article to place garbage, rubbish, refuse or other residential solid waste on the paved portion of the street or on the paved sidewalk, if any.

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§ 97-10. Dumpsters regulated

No dumpsters or roll-offs shall be permitted in any public street or right-of-way, nor shall same be stored for more than thirty (30) days on private property used for residential purposes.

§ 97-11. Collection fee.

The cost of such service shall be collected from the village residents at a per-household fee by the Town of Babylon along with other fees and charges set forth and shall be collected together with the town real property tax bills.

§ 97-12. Collection by designated contractor.

In furtherance of such purpose, commencing immediately, no persons other than the village or the village's designated contractor shall be entitled to collect residential solid waste within the village.

ARTICLE III, Commercial Solid Waste Collection [Added 10-26-1987 by L.L. No. 10-1987]

§ 97-13. Vehicles used for transport to be covered.

Any truck, wagon, cart or similar vehicle used for the collection or transportation of

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commercial garbage, ashes, rubbish, refuse or other solid, semisolid or liquid waste shall be provided with a cover or screen which shall effectively prevent the dislodging and escape of such refuse. Such cover or screen shall be kept in place at all times while traversing the streets of the village, except when the vehicle is being loaded.

§ 97-14. License required. [Amended 2-25-1991 by L.L. No. 2-1991]

- A. No person shall engage in the business of collecting and transporting commercial garbage, ashes, rubbish, refuse or other solid, semisolid or liquid waste, debris or decomposable matter or offensive or noxious substance, nor shall any person drive or operate in the village any cart, wagon, truck or other vehicle used in the conduct of such business, except in compliance with the provisions of this Article, nor without a license therefor as herein provided.
- B. The license provided for herein shall not be issued unless the applicant has first received a Town of Babylon Class I carter's license as provided for in Chapter 133 of the Code of the Town of Babylon.

§ 97-15. Application; investigation.

Application for the license required by the provisions of this Article shall be made to the Village Clerk upon blanks furnished by him. The Village Clerk shall thereupon investigate the equipment of the applicant and make a report thereon to the Board of Trustees.

§ 97-16. Issuance of license.

The Board of Trustees, if satisfied that the equipment of the applicant for a license under the provisions of this Article complies with the requirements hereof, shall cause a license to be issued by the Village Clerk.

§ 97-17. License fee; display of sticker. [Amended 1-8-1990 by L.L. No. 1-1990; 11-22-1993 by L.L. No. 5-1993]

- A. The annual license fee per vehicle for a business licensed under this Article shall be in an amount as established by the ~~Board of Trustees~~ by resolution.
- B. Each vehicle so licensed shall have a license sticker properly affixed to the vehicle by a designated representative of the village, and said sticker shall thereafter be displayed thereon. Failure to display a valid license sticker is a violation of this chapter punishable pursuant to Chapter 1, Article II, of this Code.

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§ 97-18. Validity of license.

Each license issued hereunder shall be valid for one year from September 1 and shall expire on August 31 of the succeeding year.

§ 97-19. Suspension or revocation of license.

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The license of any person violating any of the provisions of this Article may be suspended or revoked by the Board of Trustees after due notice and hearing thereon.

§ 97-20. Condition of vehicle.

Every licensee hereunder shall keep all his vehicles in a clean and sanitary condition. No licensee shall use any vehicle unless each compartment thereof within which garbage or refuse may be deposited is provided with tight wood or metal floors and sidewalls and unless such compartment is covered at all times, except when loading or unloading, with a close-fitting cover of wood, metal, canvas or other similar material.

§ 97-21. Hours of collection; disposal of waste. [Amended 2-25-1991 by L.L. No. 2-1991]

- A. Commercial waste shall only be collected within the historical, business and industrial zoning districts, as shown on the Building Zone Map, during the hours beginning at 6:00 a.m. and ending at 6:00 p.m.
- B. All commercial waste collected within the Village of Amityville shall be disposed of at the Town of Babylon resource recovery facility originally located at or near Gleam Street, Wyandanch, New York, in accordance with Chapter 133 of the Code of the Town of Babylon.

§ 97-22. Maintenance of dumpsters.

All dumpsters used in the collection of commercial waste shall be maintained in good order and condition; they shall be painted on a regular basis and shall not be allowed to become unsightly due to visible corrosion or the exterior accumulation of any substance.

§ 97-23. Identification of dumpsters.

All dumpsters used in the Village of Amityville must have the name and telephone number of the licensee and the capacity of the dumpster (in cubic yards) clearly displayed on the front of the dumpster.

§ 97-24. Contents of bills.

All bills issued by a licensee to his customers shall set forth the capacity of the customer's dumpster or container (in cubic yards), the amount of cubic yards being billed and the price per cubic yard.

Chapter 107, LICENSED BUSINESSES AND OCCUPATIONS

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 37-1980. Amendments noted where applicable.]

GENERAL REFERENCES

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Carnivals and circuses -- See Ch. 55.
Garage sales -- See Ch. 95.
Machines for hire -- See Ch. 110.
Towing -- See Ch. 164.

ARTICLE I, General Regulations

§ 107-1. License required; application for license; fee. [Amended 6-26-1989 by L.L. No. 4-1989]

- A. Any person who shall hereafter desire to pursue any of the trades or occupations within the Village of Amityville for which a license shall be required by the provisions of the Village Law or this Code, or any person who shall desire to continue any such trade, business or occupation within the Village hereafter, shall, before commencing or beginning or attempting to commence or begin any such business or occupation, or before commencing or attempting to continue any such trade, business or occupation, obtain a license therefor in the following manner.
- B. Application in writing shall be made to the Village Clerk for the issuance to the applicant of a license, which application shall state in detail the particular business, trade or occupation for which a license is desired; the location within the Village of the building wherein such trade, business or occupation is to be carried on, or if there shall be no such building within the Village, then the particular locality within which it is desired to carry on or engage in said trade, business or occupation; and the name of the person applying for such license, specifying the residence of such person or the residence of the persons comprising the firm or the principal place of business of the corporation making the application.
- C. For each license provided for in this chapter, there shall be a fee, which fee shall be established from time to time by resolution of the Board of Trustees.

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§ 107-2. Investigation; issuance of license.

Upon receiving any application provided for in § 107-1, the Village Clerk shall present the same to the Board of Trustees at its next regular meeting thereafter, and the Board of Trustees shall thereupon investigate the character of the business or occupation for which the license is sought, the location or locality in which it is desired to carry on or engage in such business or occupation and the person desiring such license. If the Board of Trustees shall, after its investigations, be satisfied that the person for whom such license is sought shall have fully complied with any ordinance or ordinances, rules or regulations of the Village concerning such trade, business or occupation or concerning the location within the Village of the building wherein such trade, business or occupation is to be carried on, said Trustees shall issue or cause to be issued a license in the following form, signed by the Mayor and countersigned by the Clerk:

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A license, pursuant to Section _____ of the Village Law or the Code of the Village of Amityville, is hereby granted to _____ within the Village of Amityville for a period

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of one year from the ____ day of _____, ~~20~~.

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§ 107-3. Payment of fee required; endorsement.

No license shall be deemed to be in effect or to grant any rights to the licensee therein named until the fee provided therefor shall have been paid to the Village Clerk, and his receipt endorsed upon said license across the face thereof in the following manner:

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Received of _____ the sum of ____ dollars, the fee fixed by the Board of Trustees for the within license.

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§ 107-4. Suspension or revocation of license.

Any license issued to a licensee may be suspended or revoked by the Board of Trustees as follows:

- A. Suspended pending a hearing upon probable cause that the licensee is in violation of safety and health regulations of the Code, the Suffolk County Sanitary Code, or any other applicable state or local health or safety regulation.
- B. Suspended or revoked after a hearing, at which the licensee shall have an opportunity to be heard, based upon a finding that such licensee was in violation of the health regulations or the Code, or stipulations imposed by the Board in the granting of said license.

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§ 107-4.1. Penalties for offenses. [Added 6-26-1989 by L.L. No. 4-1989]

Any person who violates a provision of this chapter shall be subject to a civil fine to be established by resolution of the Board of Trustees, which shall be in addition to any other criminal or civil cause of action against such person, including revocation of any license issued hereunder.

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ARTICLE II, Garages and Similar Establishments

§ 107-5. License required.

No person shall conduct or continue to conduct the business of a garage, including sales, purchases and service of vehicles, new and/or used, unless an annual license shall first have been secured therefor from the Board of Trustees of the Village in the manner provided in this article.

§ 107-6. Applicability.

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This article shall apply to indoor and outdoor facilities.

§ 107-7. Requirements for granting of license.

The following prerequisites shall be complied with before granting the license required by § 107-5:

- A. In the case of permitted outdoor display and storage of vehicles, there shall be provided, along the property of the applicant which fronts on a public street where vehicles are normally displayed or stored, in order that any possible motion of vehicles toward the public street shall be prevented, a wheel-stop or barrier set so that no part of a vehicle so located is to project over or on Village or public property. This requirement shall apply whether or not the property has frontage on two or more public streets. The barrier shall be of sufficient height and substance to prevent a vehicle from rolling onto the public street or sidewalk in front of the premises. The wheel-stop shall be constructed subject to the approval of the Code Enforcement Officer.
- B. Compliance with the local laws of the Village controlling signs and lighting.^{xvii}EN
- C. Payment of an annual licensing fee in an amount to be established from time to time by the Board of Trustees by resolution.^{xviii}EN [Amended 1-8-1990 by L.L. No. 1-1990]
- D. Gasoline service stations shall provide and maintain an air compressor for public use without charge. [Added 10-23-2006 by L.L. No. 10-2006]

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§ 107-8. Duration of license.

The license granted under this article shall be valid for one year from September 1 and shall expire on the next succeeding August 31.

§ 107-9. Applicability to existing businesses.

Any presently permitted business or use now in existence, covered in this article which violates or does not conform to the requirements and provisions hereof shall be altered, removed, discontinued or replaced in conformity with the provisions hereof. Any application for a license by said existing business shall be so conditioned and shall so state, and the applicant shall agree in writing to comply with the provisions of this article prior to the issuance of said license.

ARTICLE III, Sales From Vehicles

§ 107-10. License required.

No person shall hawk, vend, peddle, barter or trade any goods or merchandise in or from any automobile trailer, truck, house car or traveling store within the limits of the Village without having first been duly licensed therefor as herein provided.

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§ 107-11. Application for license.

Application for a license to hawk, vend, peddle, trade or barter goods or merchandise from any automobile trailer, truck, house car or traveling store as provided in § 107-10 shall be made to the Village Clerk on forms to be furnished by him in accordance with the provisions of §§ 107-1 through 107-3.

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§ 107-12. License fee. ^{six}EN [Added 1-8-1990 by L.L. No. 1-1990]

The fee for a license required as provided in § 107-10 for each automobile, trailer, truck, house car or traveling store conducted by such applicants shall be established, from time to time, by the Board of Trustees by resolution.

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§ 107-13. Mobile food-catering businesses.

Licenses to engage in the mobile food-catering business shall be effective from January 1 until December 31 next succeeding, unless the same is sooner suspended or revoked, and shall be renewed for corresponding periods.

ARTICLE IV, Street and Door-to-Door Sales

§ 107-14. Licenses required.

No person shall hawk, peddle, auction or have a stand for the sale of any merchandise of any description or solicit for contributions or gifts of any kind through or in any of the streets or public places of the Village, or by going from house to house within said Village, unless a license shall first have been secured therefor from the Board of Trustees of said Village in the manner provided in this chapter.

§ 107-15. License fees. ^{six}EN [Added 1-8-1990 by L.L. No. 1-1990]

The annual fees for the licenses required in § 107-14 shall be established, from time to time, by the Board of Trustees by resolution.

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§ 107-16. Exemptions.

Nothing contained in this article shall prohibit the soliciting of funds or gifts for charitable or educational purposes when sponsored by a recognized charitable, educational, eleemosynary or similar association or corporation, or hawking and peddling by honorably discharged members of the armed forces who are crippled as a result of injuries received while in the military service of the United States; provided, however, that the persons engaging in such activities shall be required to register and obtain a permit therefor, such permit to be issued without charge.

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§ 107-17. Crying wares near certain public buildings.

No peddler, vendor or hawker shall be allowed to cry his wares within a distance of 250 feet of any school, courthouse or church during school hours, hours of holding court or hours of public worship, respectively, or at any time within a like distance of any hospital, asylum or like institution.

§ 107-18. Hours restricted on door-to-door sales and solicitations.

No person shall hawk, peddle or solicit for contributions or gifts by going from house to house before 9:00 a.m., or after 1/2 hour before sunset or 7:00 p.m., whichever is earlier.

ARTICLE V, Auctioneering

§ 107-19. Auctioneering license; license for auction premises required.

No person shall auctioneer or permit premises owned or occupied by such person to be utilized to conduct any auction without a license from the Board of Trustees.

§ 107-20. License fees. ^{xxi}EN [Added 1-8-1990 by L.L. No. 1-1990]

There shall be a license fee for each auctioneer and auction premises per day and per year in an amount to be established, from time to time, by the Board of Trustees by resolution.

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§ 107-21. License posting; transferability.

All auctioneering licenses and licenses for auction premises shall be posted conspicuously at the time and place where the auction is conducted. Such licenses shall not be transferable.

ARTICLE VI, Coin-operated Amusement Devices [Added 9-14-1981 by L.L. No. 9-1981]

§ 107-22. License required.

A. No person shall make available or permit the use of a coin-operated amusement device, whether or not in a game room without a license from the Board of Trustees; said license to be granted only on a written application, signed by the applicant and accompanied by a nonrefundable application fee in an amount to be established by the Board of Trustees by resolution; and if the Board shall deem the person so applying a proper person to conduct said device, the Board shall grant a license therefor. [Amended 1-8-1990 by L.L. No. 1-1990]

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- B. Prior to granting a license, the Board of Trustees shall give consideration to the possible effect on the public health, safety and welfare, including but not limited to the availability of off-street parking; proposed hours and days of operation; proximity to residences, schools and public recreational areas; and other businesses, if any, also operated on the same premises.
- C. All licenses shall be issued annually and shall expire on September 30 next succeeding the date of issuance thereof.

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Deleted: No license shall be issued for any premises located within 500 feet of any school, public park or playground, church or public community center. ¶

§ 107-23. License fee. ^{xxii}EN [Added 1-8-1990 by L.L. No. 1-1990]

The annual fee for a license, as required by § 107-22, for each coin-operated amusement device located on the applicant's premises shall be established, from time to time, by the Board of Trustees by resolution which shall be inclusive of the initial application fee referred to in § 107-22A.

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§ 107-24. Licenses to be posted; transferability.

All licenses for coin-operated amusement devices shall be posted conspicuously at the place where such device or devices are located. Such licenses shall not be transferable.

ARTICLE VII, Christmas Tree Sales and Outdoor Flower Vendors [Added 6-26-1989 by L.L. No. 4-1989]

§ 107-25. License required.

No person shall engage in or carry on the business of outdoor sales of flowers or the business of selling Christmas trees and related articles without a license obtained from the Board of Trustees of the Village in the manner provided in this article.

§ 107-26. Application for license.

Every applicant for a license for the outdoor sales of flowers or the storage or sale of Christmas trees and related articles shall submit his application, in writing, to the Village Clerk on forms to be furnished by him in accordance with the provisions of §§ 107-1 through 107-3, except that the term of the license shall be as set forth in section 107-30. The application shall further state and contain a provision that, in consideration of the granting of the license, the applicant therefor shall save and hold harmless the Village and its officials and employees from all damages caused by the negligence of the applicant. There shall further be endorsed on said application the written authorization of the owner of the premises where the applicant intends to do business, together with an acknowledgement of said authorization.

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§ 107-27. Fee.

Every applicant shall pay a license fee. Said fee shall be established and modified by

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resolution of the Board of Trustees.

§ 107-28. Deposit to guarantee rubbish removal.

- A. A person applying for and obtaining a license hereunder shall deposit with the Village ~~Clerk~~ a sum to be established by resolution of the Board of Trustees to guarantee the removal of any trees, branches and accumulations of debris and rubbish left on the licensed premises or in the vicinity thereof.
- B. In the event of the failure of the person licensed hereunder to remove any trees, branches or accumulations of debris and rubbish within 24 hours of the termination date set forth on his license, said trees, branches or accumulation of debris and rubbish shall be removed by the Village, and the costs thereof shall be deducted from the deposit.
- C. Upon completion of the removal of all trees, branches and accumulations of debris and rubbish left on the premises licensed hereunder or in the vicinity, whether by the licensee or the Village, the deposit or the balance thereof, as the case may be, shall be returned to the licensee.

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§ 107-29. Duties of licensee.

No such license shall be construed to relieve any licensee thereof of the duty to properly store and maintain his merchandise in order not to endanger property or interfere with the operation of the Fire Department or the egress of occupants of the premises in case of fire or to comply with any applicable provisions of this Code.

§ 107-30. Duration of license.

- A. Licenses to engage in the outdoor sales of flowers shall be effective for a specific forty-eight-hour period.
- B. Licenses to carry on the business of storage and sales of Christmas trees and related articles shall all terminate on December 27 of each year.

§ 107-31. Display of license.

All licenses provided for under this article shall be displayed at all times on the premises where such storage or sale is taking place.

ARTICLE VIII, Dry-Dock Storage Marinas [Added 7-10-1989 by L.L. No. 9-1989]

§ 107-32. License required.

No person shall load or unload boats from a boat storage rack building to or from the navigable water between June 1 and September 30 of any year unless a license shall first have been secured therefor from the Board of Trustees in the manner provided in this

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article. If any boat or watercraft stored in a boat storage rack building is removed from such building more than once between June 1 and September 30, it shall be presumed that a dry-dock storage marina business is being conducted, for which a license must be obtained.

§ 107-33. Applicability.

This article shall apply to indoor and outdoor boat storage rack buildings.

§ 107-34. Requirements for granting of license.

The following prerequisites shall be complied with before granting the license required by § 107-32:

- A. A boat storage rack building shall conform to the requirements of Chapter 183 of this Code and the further requirements of this article.
- B. A boat slip or boat ramp must be provided on the subject premises of sufficient width and length to entirely contain within its boundaries any boat stored on or in any boat storage rack building on the premises so that when any boat is launched it does not extend into a public waterway, canal, river, bay or the like.
- C. There must be available sufficient, unoccupied water surface area within the boundary lines of the subject premises and not in a public waterway, canal, river, bay or the like to accommodate boats which have been launched or are waiting to be hauled in order to prevent congestion in and hindrance of navigation in the public waterways. "Sufficient water area" shall be construed to mean no less than 80 square feet of unoccupied water surface area for every 20 feet of length of boat storage rack building on the premises, multiplied by the number of levels in said rack.
- D. The location and orientation of the boat storage rack building shall be determined by the Board of Trustees unless it has previously been approved by the Planning Board or Zoning Board of Appeals. No boat storage rack or boat storage rack building shall be used for dry-dock storage marina purposes unless it is located at least 20 feet inside all property lines and 30 feet from all paved roadways and bulkheads.
- E. No dry-dock storage marina shall be operated unless equipment owned or leased by the operator of such marina is available on site which is capable of removing all boats from the rack within a reasonable period of time in case of emergencies. All equipment shall contain engine-muffler systems which provide maximum available noise reduction.
- F. Off-street parking facilities as required by Chapter 183 of this Code must be available on site.
- G. Sanitary facilities for both men and women shall be provided on site in accordance with standard Health Department regulations. Said sanitary facilities must be connected to the public sewer system.
- H. No dry-dock storage marina shall be operated on property which is adjacent to premises zoned or used for residential or other noncommercial and nonindustrial purposes unless a planted buffer zone has been established along the property line adjacent to such premises. Said planted buffer zone shall be at least 10 feet in depth and conform to the guidelines set forth in § 183-83.1, unless the buffer zone has previously been approved by the Planning Board.

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- I. The premises shall be in compliance with all other ~~applicable~~ laws of the Village of Amityville.
- J. The payment of an annual licensing fee in a sum to be established and modified from time to time by the Board of Trustees by resolution.

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§ 107-35. Applicability to existing businesses.

Any presently permitted business or use now in existence, covered in this article, which violates or does not conform to the requirements and provisions hereof shall be altered, removed, discontinued or replaced in conformity with the provisions hereof. Any application for a license by said existing business shall be so conditioned and shall so state, and the applicant shall agree, in writing, to comply with the provisions of this article prior to the issuance of said license.

§ 107-36. Duration of license.

The license granted under this article shall be valid for one year from January 1 and shall expire on the next succeeding December 31.

§ 107-37. Hours of operation.

No watercraft shall be placed on or taken off a boat storage rack building used for dry-dock storage marina purposes prior to 8:00 a.m. or after 7:00 p.m. from June 1 through September 30.

ARTICLE IX, Landscaping and Spraying [Added 4-25-1994 by L.L. No. 3-1994]

§ 107-38. License required. [Amended 5-8-1995 by L.L. No. 2-1995]

No person shall perform any landscaping functions in the Village without a license obtained from the Board of Trustees in accordance with this article. Landscaping functions, however, may be performed without a license by the owner or occupant of the property on which the work is performed.

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§ 107-39. Activities regulated. [Amended 5-8-1995 by L.L. No. 2-1995]

The landscaping functions referred to herein shall include but are not limited to the cutting and maintenance of grass, the trimming, pruning and maintenance of shrubs, plants, trees or other foliage, the spraying of chemicals and the removal of trees and/or tree stumps. A person who engages in such landscaping functions in the Village shall hereinafter be referred to as a "landscaper."

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§ 107-40. Work done without license prohibited; responsibility for license.

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No landscaper shall perform any landscaping functions within the Village without first obtaining a license to do so from the Board of Trustees. All landscaping work by an unlicensed landscaper is prohibited. No property owner or occupant shall permit any unlicensed landscaper to perform any landscaping function on his or her property. Licenses shall be obtained by the proprietor of the landscape business or by a corporate officer.

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§ 107-41. Application procedure; insurance required. [Amended 5-8-1995 by L.L. No. 2-1995]

Any landscaper desiring a license in accordance with this article shall make application on forms prescribed by the Board of Trustees or its designee. Such application shall include proof of comprehensive liability and property insurance in an amount to be established by the Board of Trustees by resolution.

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§ 107-42. Fees.

Each applicant for a license shall pay a nonrefundable application fee with the application in an amount to be established by resolution of the Board of Trustees. The applicant shall also pay to the Village Clerk or his or her designee upon the issuance of the license a license fee in an amount to be established, from time to time, by resolution of the Board of Trustees.

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§ 107-43. Expiration of license; renewal.

All licenses issued pursuant to this article shall expire on the last day of December in the year in which they have been issued. Licenses may be renewed upon payment of an annual renewal fee in an amount to be established by resolution of the Board of Trustees. Said renewal fee must be paid before the first day of February of the next year. If the licensee fails to make proper, timely application for renewal, he or she shall be required to reapply and pay the additional license application fee as set forth in the preceding subsection as a nonrefundable application fee with the application and the license fee referred to in the above subsection upon the issuance of the license.

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§ 107-44. Conspicuous posting of Village decal.

- A. Each applicant shall fix to and display on the left front fender of each vehicle and on the left rear fender of any trailer regularly used in the course of its business an identification decal issued by the Village Clerk.
- B. Every vehicle and/or trailer used by the applicant must display identification decals.
- C. Additional identification decals for vehicles and/or trailers registered to the applicant and used for the purposes as described under this code may be obtained from the Village Clerk for a fee in an amount to be established by a resolution of the Board of Trustees.

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§ 107-45. Regulations.

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The following rules and regulations shall apply:

A. No person shall engage in the application of pesticides and insecticides unless that person has in his possession a certificate, duly issued to him by the New York State Department of Environmental Control, authorizing him to engage in such activity.

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B. Landscaping work may be performed by landscapers only during the hours of 8:00 a.m. through 7:30 p.m. Monday through Saturday and 11:00 a.m. through 5:00 p.m. on Sundays.

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C. No landscaper shall scatter, nor in using any mechanical or electrical blower, cause to be scattered, any garbage, refuse, cuttings, leaves or other waste materials on any public street, road or public property or on the private property of another person without removing and/or cleaning the same immediately; nor shall any of such material be allowed to enter any storm drains, canals, rivers or other waterways.

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D. No one shall spill or dump oil, gasoline or other petroleum products or any pesticides on a public street, road or highway or right-of-way on the ground or on the private property of another person. No equipment shall be filled or refilled except over a drop cloth or other device designed to catch and retain any accidental spillage.

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E. All vehicles and trailers are to be properly parked at a minimum of 30 feet from the corner of any intersection. Hazard warning cones are to be placed at the front and rear of any landscaping vehicles and/or trailers that are parked in or alongside the roadway.

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§ 107-46. Penalties for offenses.

Each and every violation of any provision of this article or any of the stipulations on any license issued hereunder shall be punishable by a mandatory minimum fine of not less than \$100 for each and every separate offense relating to a violation of this article.

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§ 107-47. Revocation and suspension of license.

In addition to the penalties set forth in § 107-46 of this article, the Board of Trustees may revoke or suspend any license issued pursuant to this article for good cause shown after notice to the licensee and a public hearing.

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§ 107-48. License to be in possession of person performing work.

The license issued pursuant to this article or a photocopy signed by the licensee shall be at all times in the actual possession of the person performing the work at the site.

ARTICLE X, Outdoor Public Telephones [Added 11-24-1997 by L.L. No. 11-1997]

§ 107-49. License required.

No person shall place, or suffer or allow another person to place on his property, a telephone outside of a building for use by the general public, upon payment of a fee or

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otherwise, without a license issued by the Village Clerk upon the approval of the Board of Trustees in accordance with Article I of this chapter. In no event shall a license be issued for an outdoor public telephone which is capable of receiving incoming telephone calls. The license fee shall be established by resolution of the Board of Trustees and may be so modified from time to time.

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Chapter 114, NOISE

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville 12-14-1998 by L.L. No. 8-1998.^{xxiii}EN Amendments noted where applicable.]

GENERAL REFERENCES

- Block parties -- See Ch. 46.
- Carnivals and circuses -- See Ch. 55.
- Disorderly conduct -- See Ch. 69.
- Parades -- See Ch. 120.
- Places of public assembly -- See Ch. 132.

§ 114-1. Definitions and word usage.

- A. All terminology defined herein is in conformance with the terminology of the American National Standards Institute (ANSI) or its successor body.
- B. As used in this chapter, the following terms shall have the meanings indicated:
 - ACTIVITY -- Any act or combination of acts which causes the production of sound.
 - AIR-CONDITIONING AND AIR-HANDLING DEVICE -- Any device that is designed to be used or is actually used to cool, move or condition air, including but not limited to air conditioners, cooling towers, fans and blowers.
 - AMBIENT NOISE -- The all-encompassing background noise level associated with a given environment, being usually a composite of sounds from many sources.
 - AUDIBLE -- A sound level which exceeds the background sound level by at least five dB(A).
 - AUTHORIZED EMERGENCY VEHICLE -- Every ambulance, law enforcement vehicle, fire control vehicle and civil defense emergency vehicle.
 - A-WEIGHTED SOUND LEVEL [DB(A)] -- The sound pressure level in decibels as measured on a sound-level meter using the A-weighted network slow response. The level so read is designated dB(A).
 - BUILDING APERTURE -- Any designated opening in a building to which a person may reasonably have access, including but not limited to any door, gate, window, skylight or hatch.
 - BUSINESS AREAS -- Those areas zoned as such by the Village Code.
 - CONSTRUCTION -- Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility lanes or other property, including but not limited to related activities such as land clearing, grading, earthmoving, excavating, blasting, filling and landscaping, but not including agriculture.
 - CONTAINER -- Any receptacle, regardless of contents, manufactured from wood,

Deleted: Chapter 110, MACHINES FOR HIRE ¶

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.] ¶

§ 110-1. Definitions. ¶

As used in this chapter, the following terms shall have the meanings indicated: ¶
FOR HIRE -- Includes the making available of the machine to any person for use by any means requiring the payment of money by the insertion of coins or otherwise. ¶

§ 110-2. Attendant required. ¶

Any person owning or operating any machine for on-premises hire shall provide an individual attendant at the premises where such machine is located. Said individual attendant shall be required to be familiar with the operation of any such machine at the premises and shall be in personal attendance at all times when such machine is being operated for hire. ¶

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metal, plastic, paper or any material whatsoever, including but not limited to any barrel, basket, bale, box, crate, tub, bottle, can or refuse container.

CONTINUOUS SOUND -- Any sound that is not an impulsive sound.

DECIBEL (DB) -- A unit for measuring the pressure level of a sound. For the purposes of this chapter, the standard reference pressure stated herein will be used to assure a consistent and standard reference for measuring sound. The sound pressure level measured in decibels is equal to 20 times the logarithm to the base 10 of the ratio of the effective pressures of the sound measured to the reference pressure, such reference pressure being 20 micropascals (20 micronewtons per square meter).

EMERGENCY -- Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

GROSS VEHICLE WEIGHT RATING (GV) -- The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, should be used.

IMPULSIVE SOUND -- A sound characterized by brief excursions of peak sound pressure which significantly exceed the ambient sound.

INDUSTRIAL AREAS -- Those areas zoned as such by the Village Code.

L₁₀ -- The A-weighted sound level, measured with slow response, that is exceeded 10% of the time in a one-hour interval or equivalent thereof.

L₉₀ -- The A-weighted sound level, measured with slow response, that is exceeded 90% of the time in a one-hour interval or equivalent thereof.

MOTORBOAT -- Any vessel which operates on the water and which is propelled by a motor, including but not limited to boats, barges, amphibious craft, water-ski towing devices, hovercraft and personal watercraft.

NOISE-SENSITIVE ZONE -- Any area designed pursuant to § 114-2 of this chapter for the purpose of ensuring exceptional quiet.

OFF-ROAD RECREATIONAL VEHICLE -- Any vehicle which is propelled by any power other than muscular power that is designed for or capable of cross-country travel, such as a go-cart, motorcycle, trail-bike or minibike, commercial or noncommercial racing vehicle and dune buggy.

OWNER -- Any person who has regular control of a device or site, including but not limited to the owner of the realty, tenant or an authorized agent of such person.

PEAK SOUND PRESSURE LEVEL -- The maximum absolute value of the instantaneous sound pressure level during a specified time interval.

PERSON -- Any individual, partnership, company, public or private corporation, association, firm, organization, political subdivision, governmental agency, administration or department, municipality, trust, estate, group of individuals or any other legal entity whatsoever.

RESIDENTIAL AREAS -- Those areas zoned as such by the Village Code.

SOUND -- Any variation in ambient barometric pressure.

SOUND-LEVEL METER -- An instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks, for the measure of sound levels.

SOUND PRESSURE LEVEL -- The weighted sound pressure level in decibels obtained by the use of a sound-level meter and frequency-weighting network, such as A, B or C. If

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the frequency weighting employed is not indicated, the A-weighting slow response shall apply.

SOUND REPRODUCTION DEVICE -- Any device that is designed to be used or is actually used for the production or reproduction of sound, including but not limited to any musical instrument, radio, television, tape recorder, phonograph, loudspeaker, public address system or any other sound-amplifying device.

SOUND SIGNAL DEVICE -- Any device that is designed to be used or is actually used to produce a sound signal, but not spoken language, including but not limited to any horn, whistle, bell, gong, siren, rattle, clapper, hammer, drum or air horn.

SOUND SOURCE -- Any activity or device whatsoever that produces sound.

SOUND SOURCE SITE -- A parcel of land, or a tract of land consisting of two or more parcels, which includes all contiguous land and water areas under the ownership or control of a person in or upon which one or more sound sources are located. The sound source site includes all individual sound sources that are located on such site, whether stationary, movable or mobile. A sound source site is created by the installation of one or more sound sources thereon.

UNREASONABLE NOISE -- Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business. Standards to be considered in determining whether "unreasonable noise" exists in a given situation include, but are not limited to, the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or man-made.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and the zoning district of the areas within which the noise emanates.
- (8) The time of the day or night the noise occurs.
- (9) The time duration of the noise.
- (10) Whether the sound source is temporary.
- (11) Whether the noise is continuous or impulsive.

§ 114-2. Noise-sensitive zones.

The Board of Trustees may, by resolution, designate noise-sensitive zones which will contain noise-sensitive activities. Existing quiet zones shall be considered noise-sensitive zones until otherwise designated. Noise-sensitive activities include, but are not limited to, operations of schools, public libraries, churches, hospitals and nursing homes.

§ 114-3. Unreasonable noise.

No person shall make, continue or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise which either annoys, disturbs, injures or endangers or tends to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of other persons or the public. Noncommercial public speaking activities

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conducted at any public space or public right-of-way shall comply with the Code of the Village of Amityville.

§ 114-4. Specific regulations.

A. Commercial, business and industrial operations.

- (1) No person shall operate or permit to be operated on a sound source site a commercial business or industrial operation that produces a sound level exceeding the limitations as provided in this subsection.
- (2) Sound which has entered residential or noise-sensitive zones.
 - (a) Continuous sound in air which has crossed the property line of such sound source site and enters property zoned for residential use or property within a noise-sensitive zone shall not exceed either of the following levels:
 - [1] During the hours of 7:00 a.m. to 7:00 p.m.: a sound level in excess of 65 dB(A) measured with the slow response of a sound-level meter; or L_{10} in excess of 60 dB(A).
 - [2] During the hours of 7:00 p.m. to 7:00 a.m. the following day; a sound level in excess of 55 dB(A) measured with the slow response of a sound-level meter; or an L_{10} in excess of 50 dB(A).
 - (b) The sound levels contained herein shall also apply to noise-sensitive zones when such are in use.
- (3) Continuous sound in air which has crossed the property line of a sound source site and enters property which is zoned for business or property where the public in general congregates, excepting property zoned for industrial use, shall not exceed either of the following levels: a sound level in excess of 65 dB(A) measured with the slow response of a sound-level meter; or an L_{10} in excess of 60 dB(A).
- (4) The sound levels specified in Subsection A(2) and (3) shall be decreased by five decibels if the sound contains impulsive tone characteristics.
- (5) Exposure to sound that has crossed the property line of a sound source site and enters property zoned for industrial use shall not exceed any of the following levels:
 - (a) Continuous sound in air.

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Duration Per Day (24 hours)	Sound Level
	80 dB(A) Slow Response

16	82
8	85
4	88

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2	91
1	94
1/2	97
1/4	100

- (b) Impulsive sound in air which has a peak pressure level in excess of 130 decibels.
- B. Construction. No person shall operate or permit to be operated any tools or equipment used in construction, drilling or demolition work:
- (1) Between the hours of 8:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on Sundays or legal holidays such that the sound therefrom creates unreasonable noise across a residential real property boundary line or within a noise-sensitive zone.
 - (2) At any other times such that the continuous sound in air level at or across a real property boundary exceeds an L_{10} of 80 dB(A).
 - (3) At any other time such that the impulsive sound in air has a peak sound pressure level at or across a real property boundary in excess of 130 dB(A).
 - (4) The provisions of this subsection shall not apply to emergency work or work conducted under a special permit issued pursuant to § 114-8 of this chapter.
- C. Emergency warning devices. No person shall operate or cause to be operated any emergency warning device except:
- (1) To give notice as a warning of an emergency.
 - (2) On an authorized emergency vehicle when such vehicle is engaged in emergency operations.
 - (3) When such an emergency device is being operated under test conditions.
- D. Loading and unloading. No person shall engage in, cause or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 8:00 p.m. and 6:00 a.m. the following day in such a manner as to cause unreasonable noise across a residential real property boundary.
- E. Modification of noise-control devices. No person shall operate or cause the sound emitted from such device to be greater than that emitted by such device as originally manufactured.
- F. Motor vehicle maximum sound levels.
- (1) No person shall operate or cause to be operated on a public highway any motorcycle at any time, under any condition of grade, load, acceleration or deceleration in such a manner as to exceed a sound level of 86 dB(A) measured at or adjusted to a distance of 50 feet or 15 meters from the center of the lane in which the motorcycle is traveling.
 - (2) Off-road recreational vehicles.
 - (a) No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any equipment attached to such a vehicle, for a period longer than 30 minutes in any hour while the vehicle is stationary for reasons other than traffic

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congestion on a public right-of-way or public space so that the sound therefrom is audible across a residential real property boundary or designated noise-sensitive zone between the hours of 8:00 p.m. and 7:00 a.m. of the following day.

(b) This subsection shall not apply to authorized emergency vehicles or to public utility vehicles actually engaged in any emergency repair activity.

G. Motorboats.

(1) No person shall operate or permit to be operated any engine-powered motorboat in any lake, river, stream or tidal waterway at any time, at any speed or under any condition of load, acceleration or deceleration or in any manner whatsoever, so as to exceed a sound level of 84 dB(A) at the nearest shoreline or at 50 feet or 15 meters, whichever distance is less.

(2) This provision shall not apply to races or regattas conducted under United States Coast Guard permit.

H. Noise-sensitive zone. No person shall cause or permit the creation of any sound by means of any device or otherwise on any sidewalk, street or public place adjacent to any school, court, house of worship or public library while such facility is in use, or adjacent to any hospital or nursing home at any time, so that such sound disrupts the normal activities conducted at such facilities or disturbs or annoys persons making use of such facilities. The provisions of this subsection shall only apply if there are conspicuous signs displayed indicting the presence of such facilities.

I. Places of public entertainment. No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque or dance hall in which the playing of any sound reproduction device or similar device creates a sound level in excess of 95 dB(A) sustained for more than 30 seconds at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place near each public entrance stating, "Sound Levels Within May Cause Permanent Learning Impairment."

J. Sound reproduction devices.

(1) No person shall operate or cause to be operated a sound reproduction device that produces unreasonable or unnecessary noise. The operation of any such device in such a manner as to create unnecessary or unreasonable noise across a real property boundary or the operation of such device by a passenger on a common carrier in such a way as to disturb any other person on a common carrier is prohibited.

(2) No person shall operate or cause to be operated or used any sound reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial operation, including but not limited to the sale of radios, televisions, phonographs, tape recorders, phonograph records or tapes, in front or outside of any building, place or premises, or in or through any aperture of such building, place or premises, abutting on or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or on any public street, park or place, or from any stand, platform or other structure, or from any airplane or other device used for flying over the Village of Amityville or on a boat or the waters within the jurisdiction of the Village of

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Amityville, or anywhere on public streets, parks or places. Nothing in this subsection is intended to prohibit sounds emanating from sporting, entertainment or other public events where such devices are used.

- (3) No person shall operate or use or cause to be operated or used any sound reproduction device in any public place in such a manner than the sound emanating therefrom creates unnecessary or unreasonable noise across a real property boundary.
- K. Sound signal devices. No person shall cause or permit to be caused the sounding of any sound signaling device on or in any motor vehicle or stationary sound source except:
- (1) To serve as a danger or emergency warning.
 - (2) Places of religious worship or similar activities.
- L. Street sales.
- (1) No person shall shout, yell, call, hoot, whistle or sing on public streets or in public places so as to cause unnecessary or unreasonable noise.
 - (2) No person shall call for the purpose of advertising goods, services, wares or merchandise within any area zoned for residential use so as to cause unnecessary or unreasonable noise. The provisions of this subsection shall not apply to the sale of merchandise, food and beverages at authorized entertainment events such as parades, fairs and sporting events.
- M. Vehicle or motorboat repairs and testing. No person shall cause or permit the repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle or motorboat in such a manner as to cause unreasonable noise across a residential real property boundary.

§ 114-5. Correction of excessive sound levels.

- A. The village shall have the right to order an immediate halt to any sound which exposes any person, except those excluded by Subsection B below, to continuous sound levels in excess of those shown in Table I below or to impulsive sound levels in excess of those shown in Table II below. Within three days following issuance of such an order, the village shall apply to the appropriate court for an injunction to replace such administrative order.
- B. No order pursuant to Subsection A shall be issued if the only persons exposed to sound levels in excess of those listed in Tables I and II below are exposed as a result of:
- (1) Trespass.
 - (2) Invitation upon private property by the person causing or permitting the sound.
 - (3) Employment by the person or a contractor of the person causing or permitting the sound.
- C. Tables.
- (1) Table I.

**Continuous Sound Levels
Which Pose an Immediate Threat to
Health and Welfare
[Measured at 50 feet (15 meters)]**

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Sound Level Limit	Duration
[dB(A)]	
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1-2 hours
105	45 minutes
108	22 minutes

(2) Table II.

**Impulsive Sound Levels
Which Pose an Immediate Threat to
Health and Welfare
[Measured at 50 feet (15 meters)]**

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Sound Level Limit	Number of Repetitions
[dB(A)]	(per 24-hour period)
145	1
135	10
125	100

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§ 114-6. Penalty for violation of sound-level correction order.

Any person who violates an order issued pursuant to § 114-5 shall for each day of violation be fined not more than \$500.

§ 114-7. Exceptions to provisions.

The provisions of this chapter shall not apply to the following:

- A. Sporting, amusement and entertainment events during practice, rehearsal and performance. This exception does not apply to sounds created by the sound reproduction devices of commercial operations, including but not limited to music and loudspeakers.
- B. Sounds created by the means of propulsion of railroad trains only when such railroad train is either in motion or idling for less than 30 minutes during loading.
- C. Emergency work and safety and protective devices used to alert persons of an emergency.

§ 114-8. Special permits.

- A. Any person seeking a special permit pursuant to this section shall file an application with the Village Clerk. The application shall contain information which demonstrates that bringing the source of sound or activity for which such permit is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. Such information shall further include, but not be limited to, the following:
 - (1) The plans, specifications and other information pertinent to such sources.
 - (2) The characteristics of the sound emitted by the source, including but not limited to the sound levels, the presence of impulsive sounds and the hours during which such sound is generated.
 - (3) The noise abatement and control methods used to restrict the emission of sound.
- B. Any person who claims to be adversely affected by allowance of such permit may file a statement containing any information to support his claim.
- C. In determining whether to grant or deny the application, the Board of Trustees shall consider the hardship to the applicant, the effect on the community and other persons of not granting such permit against the adverse impact on the health, safety and welfare of persons affected, adverse impact on property affected and any other adverse impacts of granting such permit.
- D. If said permit is granted, it may contain restrictions and conditions, including a time limit on the permitted activity.

§ 114-9. Penalties for offenses.

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$25 nor more than \$250 for each offense. Each day (twenty-four-hour-period) of violations of any provision of this chapter shall constitute a separate offense.

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§ 114-10. Orders for abatement.

The village shall also have the right to issue an order requiring abatement of any source of sound or vibration alleged to be in violation of § 114-4A, B or F of this chapter within 30 days of the issuance of such order.

§ 114-11. Issuance of summons.

Except where a person is acting in good faith to comply with an abatement order issued pursuant to § 114-10, violation of any provision of this chapter shall be cause for a summons to be issued.

Chapter 116, NUISANCES

[HISTORY Adopted by the Board of Trustees of the Village of Amityville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

- Advertising materials -- See Ch. 35.
- Alcoholic beverages -- See Ch. 37.
- Animals -- See Ch. 39.
- Beaches -- See Ch. 43.
- Block parties -- See Ch. 46.
- Carnivals and circuses -- See Ch. 55.
- Disorderly conduct -- See Ch. 69.
- Open fires -- See Ch. 85.
- Garage sales -- See Ch. 95.
- Garbage, rubbish and refuse -- See Ch. 97.
- Noise -- See Ch. 114.
- Property maintenance -- See Ch. 130.
- Abandoned refrigerators -- See Ch. 136.
- Signs -- See Ch. 144.
- Abandoned vehicles -- See Ch. 171.

ARTICLE I, Lighting [Adopted 5-12-1980 by L.L. No. 38-1980]

§ 116-1. Operation as nuisance prohibited.

No light or lights shall be so operated as to be a nuisance.

§ 116-2. Floodlights and spotlights.

No spot- or floodlight or lights shall shine directly on or at neighboring property or a public highway, thereby constituting a nuisance. It shall be within the discretion of the Code Enforcement Officer or Police Officer to determine if lights create a nuisance within the meaning of this section.

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§ 116-3. Hours of operation of exterior lighting in residential districts.

All exterior lighting on premises used for residential purposes, whether it be floodlighting or otherwise, shall be shut off not later than 11:00 p.m., prevailing time, at the request of an occupant of abutting premises or upon the direction of the Code Enforcement Officer or a Police Officer in the residential zoning districts of the village.

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§ 116-4. Illumination.

The illumination of all exterior lighting shall be steady in nature, not flashing, moving or changing in brilliance, color or intensity, provided that such restriction shall not apply to temporary decorative lighting placed on premises used for residential purposes during Christmas or other recognized holiday seasons.

§ 116-5. Strings of lights.

A string or strings of lights which are visible from the exterior of the premises are prohibited, provided that such restriction shall not apply to temporary decorative lighting placed on premises used for residential purposes during Christmas or other recognized holiday seasons.

§ 116-6. Applicability to existing lights.

Any prohibited light, lights or lighting now in existence, in connection with a permitted use or granted variance or in connection with a valid nonconforming use, which violates or does not conform to the provisions hereof shall be altered, removed or replaced in conformity with the provisions hereof.

ARTICLE II, Properties Used for Sale or Consumption of Controlled Substances [Adopted 2-28-2000 by L.L. No. 3-2000]

§ 116-7. Definitions.

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

PROHIBITED CONDUCT -- Any conduct or occurrence that is in violation of the following chapters or sections of the New York Penal Law:

- A. Article 220, Controlled Substances Offenses.
- B. Article 221, Offenses Involving Marijuana.
- C. Article 230, Prostitution Offenses.

PUBLIC NUISANCE -- Any building, residence, premises, structure or place where an owner or person in charge thereof has been given written notice that an arrest for prohibited conduct as defined herein has taken place at said location and within one year of that first arrest there is an additional arrest at that location for prohibited conduct as defined herein of which the owner or person in charge thereof is again notified in writing.

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§ 116-8. Notice.

- A. Notice that an arrest or arrests for prohibited conduct have occurred at a location shall be served by personal service upon the owner or person in charge of the affected building or structure or, if no such person can be reasonably found, by mailing said owner such notice by means of certified mail, return receipt requested, to the last known address as shown by the records of the Village Assessor and by securely affixing a copy of such notice upon the door of the affected building or structure. A copy of the notice shall also be mailed by certified mail to any mortgagee of record of the property to such address on file with the Collector of Taxes or, if no such address exists, to the address indicated on the recorded mortgage.
- B. The notice must contain a statement of the date or dates upon which prohibited conduct allegedly took place on the property, the nature of the prohibited conduct, a copy of this article and a warning that if a second arrest is made for prohibited conduct as defined in § 116-7 of this article within one year of the first arrest, the Village will seek action pursuant to § 116-10 of this chapter.

§ 116-9. Public hearing; police report.

- A. Upon a second arrest for prohibited conduct within one year at a premises, and in conjunction with the receipt of a second notice of such arrest as provided in § 116-8 herein, the property owner shall be notified of a public hearing to be held by the Board of Trustees to determine whether such premises shall be declared a public nuisance.
- B. Prior to such hearing the Chief of Police shall issue a report in writing to the Board of Trustees which shall include but not be limited to:
 - (1) Dates, times and general nature of the arrests and offenses which occurred at the property.
 - (2) Copies of the first and second notices sent to the property owner as defined in this chapter.
 - (3) Any relevant information as to the history of this property pertaining to the sale and/or consumption of narcotics, etc.

§ 116-10. Action by Board of Trustees.

- A. The Board of Trustees, at said public hearing, shall consider such report of prohibited conduct as well as any other information it deems relevant in determining if the location is to be deemed a public nuisance as defined in § 116-7 of this chapter.
- B. If the Board of Trustees declares said premises a public nuisance, it may immediately authorize the Superintendent of Public Works to board up and otherwise secure said premises and assess such costs as a special assessment to the property owner and further authorize the Village Attorney to bring and maintain a civil action or special proceeding in the name of the Village in a court of competent jurisdiction for equitable and legal relief including but not limited to a temporary restraining order, a preliminary injunction, a permanent injunction and other equitable remedies as well as civil penalties (fines), including the recovery of the costs of the action, litigation expenses, board-up, site cleanup and reasonable attorneys' fees.

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§ 116-11. Penalties for offenses.

- A. It shall be unlawful for anyone to own or lease any building, residence, premises, structure or place which is being used as a crack house and/or public nuisance as defined in this chapter.
- B. Any violation of this section is punishable by a fine of not more than \$1,000 for each offense and/or up to 30 days' imprisonment.

§ 116-12. Severability.

- A. The provisions of this article are severable. If any clause, sentence, paragraph, section, word or part of this Article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, word or part thereof directly involved in the controversy in which such judgment shall have been rendered. The invalidity of any word, clause, sentence, paragraph, section or part of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.
- B. If any portion of this article is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Village of Amityville, the provision which establishes the higher standard shall prevail.

Chapter 120, PARADES

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

- Block parties -- See Ch. 46.
- Carnivals and circuses -- See Ch. 55.
- Streets and sidewalks -- See Ch. 152.

§ 120-1. Permit required.

No person shall parade upon the streets or highways unless a permit for such parade shall have been obtained from the Board of Trustees.

Chapter 127, PLUMBING

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 39-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

- Building construction -- See Ch. 49.

Deleted: village authorities.

Deleted: Chapter 125, PERSONAL PROPERTY, LOST AND FOUND ¶

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.] ¶

§ 125-1. Report of finding lost money or property; notice. ¶

Any person who finds any lost money or property of or exceeding the value of \$10 shall report such finding to the Village Police Department within 10 days after the finding thereof. Such money or property must be deposited with the Police Department which shall make entry of such deposit in its records, together with the name and address of the finder thereof. The Police Department shall cause to be published semiannually in January and July of each year in the official village newspaper a description of all the money or property deposited with it pursuant to the foregoing provisions of this section. ¶

§ 125-2. Disposition of lost money or property. ¶

Any such money or property remaining in the custody of the Police Department for a period of seven months without a lawful claimant entitled thereto shall be turned over to the person who found and deposited the same. If the person who so found and deposited such money or property shall not appear and claim the same within 30 days after notice by registered mail of the expiration of said seven-month period, such money shall be paid to the Village Treasurer to be used for general village purposes. In the case of property, the same shall be sold at public auction after having been advertised once in the official village newspaper, and the proceeds of the sale thereof shall be paid to the Village Treasurer to be used for general village purposes. Any claimant for lost property who shall fail to assert his claim thereto prior to the sale thereof at public auction as herein provided shall be entitled only to the money received from such sale, less lawful service charges. ¶

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