

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.
Sewage disposal systems -- See Ch. 142.

§ 127-1. Permit required.

No person shall commence the installation or alteration of any plumbing fixtures without first obtaining a plumbing permit from the Code Enforcement Officer.

§ 127-2. Application.

An application for a plumbing permit shall be made on forms provided by the Code Enforcement Officer and shall contain all pertinent information concerning the nature and extent of such work.

§ 127-3. Exceptions.

Repair or replacement of existing plumbing fixtures shall not require a permit.

§ 127-4. Permit fees. [Amended 1-8-1990 by L.L. No. 1-1990]

There shall be a fee for a plumbing permit in an amount to be established by the Board of Trustees from time to time by resolution.

Chapter 130, PROPERTY MAINTENANCE

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

GENERAL REFERENCES

Building construction -- See Ch. 49.
Fire prevention -- See Ch. 81.
Garbage, rubbish and refuse -- See Ch. 97.
Signs -- See Ch. 144.
Streets and sidewalks -- See Ch. 152.
Storage of vehicles -- See Ch. 174.

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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ARTICLE I, Maintenance of Commercial Property [Adopted 5-12-1980 by L.L. No. 27-1980]

§ 130-1. Maintenance in Accordance with State Code
The police and the Code Enforcement Officer shall enforce the maintenance of commercial property as required under the New York State Property Maintenance Code.

§ 130-2. Notice of violation; failure to correct; assessment of costs; penalties.

- A. The Code Enforcement Officer shall issue a notice of violation of any of the provisions of this article to the property owner.
- B. Such notice of violation shall be in writing and shall be served personally or mailed by certified mail, return receipt requested, to the last known address of the property owner.
- C. In the event that the property owner fails to correct such violation within 15 days of the service of such notice, the village shall cause the necessary maintenance to be performed and shall assess all costs and expenses incurred against such property. Such assessment shall be collected in the same manner that taxes are collected as provided by law.
- D. The remedy of the village set forth in Subsection C, immediately above, shall be in addition to the penalties provided in § 1-9. [Added 6-8-1981 by L.L. No. 5-1981]

ARTICLE II, Removal of Graffiti [Adopted 9-22-1997 by L.L. No. 9-1997]

§ 130-3. Notice of violation to remove graffiti; failure to remove; assessment of costs; penalties; definitions.

- A. No owner or occupant of public or private property within the village shall place graffiti, or suffer or allow same to remain on such property. Said owner or occupant shall remove such graffiti within seven days from the receipt of a written notice of violation from the village to remove same. Said notice shall be served personally or by certified mail, return receipt requested, to the last known address of such property owner or occupant.
- B. If the owner or occupant of privately owned property shall fail to remove such graffiti within said period, the village shall cause the removal of said graffiti and shall assess all costs and expenses reasonably incurred in connection therewith against such property. Said assessment shall be a lien against such premises and shall be collected in the same manner that taxes are collected as provided by law.
- C. If the owner or occupant of publicly owned property fails to remove said graffiti within such period, the village shall cause the removal of such graffiti and the cost thereof shall be a charge against the general fund of the village.
- D. The right of the village to remove graffiti shall be in addition to the penalties provided in § 1-9 of this Code, and the failure to remove such graffiti after receipt of a notice of violation therefor shall subject the violator to the penalties provided therein.

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In order to prevent blight and the spread thereof, it is hereby declared that all commercial structures, including but not limited to shopping centers, supermarkets, retail stores, discount houses, industrial buildings and other commercial uses, whether occupied or vacant, and accessory structures and vacant lots zoned for business or industrial purposes located in the village shall be maintained in conformity with the standards set out in this article so as to assure that these structures and properties will not adversely affect the neighborhood and the community at large. It is found and declared that by reason of lack of maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered. This article has been prepared and adopted with consideration to the character of the various zoning districts and the stability for the particular uses therein. ¶

§ 130-2. Standards of maintenance. ¶
A. . Open areas. ¶
(1) . Surface and subsurface water shall be appropriately drained to protect buildings and structures. ¶
(2) . All fences shall be maintained in good repair. Such maintenance shall include but not be limited to the replacement and/or repair of fences which may become in disrepair. ¶
(3) . All recharge stormwater basins shall be maintained. Such maintenance shall include but not be limited to: ¶
(a) . The cleaning of storm sewers and other drainage appurtenances serving the said basin so that the said installat[... [1]

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§ 130-3. Enforcement. ¶
This article shall be enforced by the Building Department. ¶

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- E. For purposes of this section, "graffiti" shall be defined as provided in the Penal Law of the State of New York; "public property" shall mean real property owned by the state, county, town, school district, village or any other municipal or public benefit corporation; and "private property" shall mean property owned by anyone else.

Chapter 132, PUBLIC ASSEMBLY, PLACES OF

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-80 as LL. No. 40-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

- Alcoholic beverages -- See Ch. 37.
Carnivals and circuses -- See Ch. 55.
Disorderly conduct -- See Ch. 69.
Fire prevention -- See Ch. 81.
Noise -- See Ch. 114.
Nuisances -- See Ch. 116.
Property maintenance -- See Ch. 130.
Zoning -- See Ch. 183.

§ 132-1. Declaration of policy.

It is hereby declared the policy of the village that in order to preserve public peace and good order and to safeguard health, safety, welfare and morals, it is necessary to regulate and control the operations and conduct of places of assembly, conducted as cabarets, bars, dance halls and theaters so as to fix certain responsibilities and duties of persons owning, operating or controlling such establishments.

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§ 132-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the following definitions:

BAR -- Any place of assembly in which the business of directly or indirectly selling or serving drink to the public is conducted, and which does not provide any form of entertainment, including music, whether live or mechanical, singing, dancing or any type of game of amusement.

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CABARET -- Any place of assembly in which the business of directly or indirectly selling or serving food or drink to the public is conducted and provides any form of entertainment, including music, whether live or mechanical, singing, dancing or any type of game of amusement.

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DANCE HALL -- Any place of assembly in which dancing is carried on and to which the public may gain admittance either with or without the payment of a fee.

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PLACE OF ASSEMBLY -- Any room, place or space, whether indoors or outdoors, which is occupied or arranged to be occupied for public recreational amusement, sports or similar purposes.

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THEATER -- Any place of assembly in which dramatic presentations or stage

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entertainment, live or on film or tape, are conducted or in which motion pictures are shown to the public.

§ 132-3. Powers and duties of Board of Trustees.

The Board of Trustees, in accordance with this chapter, shall have the following functions, powers and duties in addition to those provided in any other law, rule or regulation:

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- A. To issue or refuse to issue any license or permit provided by this chapter.
- B. To revoke, cancel or suspend for cause any license or permit issued under this chapter.
- C. To inspect or provide for the inspection of any place of assembly at any reasonable time.
- D. To prescribe forms of application for licenses or permits under this chapter and of all reports which it deems necessary to be made by any licensee, permittee or applicant.
- E. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, to examine any person under oath and, in connection therewith, to require the production of any books or papers relative to the inquiry, and to otherwise fully enforce this chapter.
- F. To adopt such reasonable rules and regulations as it may deem necessary for:
 - (1) The proper control, operation and supervision of places of assembly.
 - (2) The manner, procedure and notice of hearings before the Board of Trustees.

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§ 132-4. Issuance of license; information required.

- A. It shall be unlawful for any person to conduct, maintain or operate, or engage in the business of conducting, maintaining or operating, a cabaret, dance hall or theater within the village, unless the premises wherein the same is conducted, maintained or operated is licensed in the manner prescribed herein.
- B. A license shall be issued for a place of assembly operated as a cabaret, dance hall or theater only after the Board of Trustees:
 - (1) Shall have caused an inspection to be made of the premises to be licensed and is satisfied that such premises comply with all the local laws of the village and any applicable laws, rules and regulations of any other governmental authority, including but not limited to the New York State Uniform Fire Prevention and Building Code, the National Fire Code and off-street parking requirements for places of assembly.
 - (2) Is satisfied that the applicant is a fit and proper person.
- C. In addition to such other information as the Board of Trustees may determine shall be furnished in any application for a place of assembly operating as a cabaret, dance hall or theater, the following information shall be given:
 - (1) The name, age and residence address of each applicant, and, if there is more than one and they are partners, the partnership name and the age and residence address of each partner.
 - (2) If such applicant is a corporation, the name of the corporation, the names and residence addresses of its directors or other governing body, the names and residence addresses of its officers and, except in the discretion of the Board of

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Trustees, the stockholders and the state under the laws of which it is organized.

- (3) The premises to be licensed, stating the street and number, if the premises have a street and number, otherwise such description as will reasonably indicate the locality thereof.
- (4) The name and address of the owner of the building or premises wherein or whereon the licensed premises are located.
- (5) Whether the applicant is a lessee and, if so, the name and residence address of the lessor.
- (6) If the applicant does not reside in the village, the name and address of an agent who shall be a natural person and shall reside or have a place of business in the village and who shall be authorized to and shall agree by verified statement to accept notices or summonses issued by the Code Enforcement Officer or the Police with respect to a violation of any local law or rule or regulation thereunder.
- (7) The name and residence address of each person interested or to become interested in the business to be covered by the license for which the application is made, together with the nature of such interests.
- (8) The nature of the applicant's interest in the business to be covered by the license for which application is made, and the name of any other person, either as principal or associate, interested in the licensed premises or in the business to be covered by the license applied for.
- (9) Whether the person applying for a license has been convicted of any crime, misdemeanor or violation of any local law or municipal ordinance and, if the person has been convicted, the nature of the crime or violation, the court where convicted and the date of the penalty assessed or sentence imposed.

(10) Fingerprints of the applicant, and in the case of a corporation or LLC, the shareholders or members thereof, taken as provided in Section 7-3 of the Code, unless the applicant has a valid SLA license for said premises.

- D. If there is any change, after the granting of a license, in any of the facts required to be set forth in such application, a supplemental statement giving notice of such change, duly verified, shall be filed with the Board of Trustees within 10 days after such change. Failure to do so shall be cause for suspension or revocation of the license. In giving any notice, or taking any action in reference to a licensee of licensed premises, the Board of Trustees or the Code Enforcement Officer may rely upon the information furnished in such application and in any supplemental statement connected therewith, and such information may be presumed to be correct and shall be binding upon a licensee or licensed premises as if correct. This supplemental statement may be waived by the Board of Trustees in its discretion for any corporation with regard to stockholders holding less than 10% of the issued stock.

§ 132-5. Term of licenses; renewals.

The term of licenses shall be for a period of one year, commencing on February 1 and terminating at the end of the following January, except that an original license shall be effective from the date on which the license is granted to the end of the month of January following. Renewal applications shall be submitted to the Board of Trustees at least 30

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days prior to expiration of the license. Renewals of licenses shall be effective for the one-year term above described.

§ 132-6. Fees. [Amended 2-25-1985 by L.L. No. 2-1985; 1-8-1990 by L.L. No. 1-1990]

Fees for such cabaret, dance hall or theater licenses issued under this chapter shall be payable annually and shall be based on the number of persons such place is designed to lawfully accommodate. The table of annual fees for cabaret, dance hall or theater licenses shall be based on the capacity in persons and shall be established by the Board of Trustees by resolution.

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§ 132-7. Waiver of fees.

The Board of Trustees may waive the payment of any fees established by this chapter in favor of any applicant whose activities are deemed to be benevolent by the Board of Trustees.

§ 132-8. Retention of fee upon denial. [Amended 1-8-1990 by L.L. No. 1-1990]

The total fee shall be paid upon submission of the application for a license. In the event that a license is denied, a fee in an amount to be established by the Board of Trustees by resolution shall be retained for the processing of such application, and the remainder of the fee submitted shall be returned to the applicant. No fee or part thereof shall be returnable if a license is suspended or revoked.

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§ 132-9. Denial of license.

If the Board of Trustees shall disapprove an application for license under this chapter, the Board of Trustees shall cause to be endorsed upon such application its disapproval thereof and shall attach thereto a statement of its reasons therefor. The Village Clerk thereafter shall notify the applicant of such action by regular mail.

§ 132-10. Suspension or revocation of license.

The Board of Trustees, after a hearing, upon notice, at which the licensee shall be given an opportunity to be heard, may suspend or revoke any license issued, in its discretion, for any of the following causes:

- A. Material misrepresentation in the application for license by a person licensed hereunder.
- B. Suffering or permitting, by a person licensed hereunder, any waitress, barmaid or other person who comes in contact with, or who is likely to come in contact with, the patrons of the licensed establishment to appear in the presence of such patrons with breasts or the lower part of the torso uncovered, or so thinly covered or draped as to appear uncovered, or suffering or permitting any person to appear in any scene, sketch, act or entertainment with breasts or the lower part of the torso uncovered, or so thinly covered or draped as to appear uncovered.

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- C. Violation of any provision of this chapter.
- D. Violation of any law, ordinance, rule or regulation applicable to the licensed premises or enforceable by any governmental authority.
- E. Conviction of any crime.
- F. Failure to provide for the health, safety or welfare of any persons frequenting the licensed premises.
- G. Any series of occurrences which cumulatively has the effect of disturbing the tranquility of the village or a part thereof or causes reasonable apprehension of there being a disturbance of such tranquility.
- H. Violation of any stipulation or condition imposed by the Board of Trustees upon the granting or renewal of any such license.

§ 132-11. Effect of suspension or revocation of license.

Upon a license for premises hereunder being suspended or revoked, it shall be unlawful to use or occupy any portion of said premises as a cabaret, dance hall or theater during such period of suspension.

§ 132-12. Notice of suspension or revocation of license.

The Board of Trustees shall send notice of the suspension or revocation to the person licensed hereunder and shall cause to be attached thereto a statement of its reasons therefor.

§ 132-13. Service of notice.

Any notice to be given by the Board of Trustees under this chapter shall be deemed to have been duly given when:

- A. Served personally upon the licensed person, or sent by registered or certified mail addressed to his residence; or
- B. In the case of a corporate licensee, served personally upon an officer of said corporate licensee or sent by registered or certified mail addressed to an officer thereof at his residence, together with a copy of the notice by ordinary mail to the address of the licensed premises; or
- C. Served personally upon or sent by registered or certified mail to the agent designated under § 132-4C(6); or
- D. Served in any manner otherwise specifically provided in this chapter or in any other lawful manner.

§ 132-14. Posting of license.

Each license issued hereunder shall be kept conspicuously posted at the main entrance of every place licensed hereunder. It shall be unlawful to remove, deface or alter such license.

§ 132-15. Transferability of license.

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No license issued under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued, nor shall such license be used on any location other than the location stated in such license.

§ 132-16. Maximum occupancy.

The number of persons permitted to occupy a place of assembly operated as a cabaret or dance hall shall be determined in accordance with the New York State Unified Fire Prevention and Building Code.

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Deleted: as follows: 15 square feet of usable floor area per person. "Usable floor area" shall mean the areas of those spaces generally used or occupied by the public for public assembly purposes.

§ 132-17. Additional regulations.

Every person holding a license under this chapter and every place of assembly shall comply with the following provisions. Violation of any of these provisions shall be unlawful.

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A. No light on any part of premises licensed hereunder or on any place of assembly shall be permitted to shine beyond the property line of the premises. All exterior lights on such premises shall be equipped with shielding devices so that the glow emanating therefrom shall be directed only on and toward such premises.

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B. All garbage, rubbish and other refuse shall be stored until removed at the rear of the premises in watertight receptacles, securely covered. Such receptacles shall be maintained in a sanitary condition. No garbage, rubbish or other refuse shall be removed from the premises between the hours of 6:00 p.m. and 6:00 a.m.

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C. No soot, cinders, smoke, noxious acids, fumes, gases or disagreeable or unusual odors shall be permitted to emanate from the premises so as to be detrimental to any person or to the public, or which either annoys, disturbs, injures or endangers, or may have a tendency to annoy, disturb, injure or endanger, the comfort, repose, health, peace or safety of any person or the public.

D. At no time shall music be played either by mechanical device or live performance in a manner 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.

E. No loud, unnecessary or unusual noise or any noise shall be permitted to be made, continued or caused to be made or continued, 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.

F. No person operating a place of assembly, although not required to be licensed under this chapter, shall permit any waitress, barmaid or any other person who comes in contact with, or who is likely to come in contact with, the patrons of such place of public assembly to appear in the presence of such patrons with breasts or the lower part of the torso uncovered, or so thinly covered or draped as to appear uncovered, nor shall he permit any person to appear in any scene, sketch or act with breasts or the lower part of the torso uncovered, or so thinly covered or draped as to appear uncovered.

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Chapter 137, RESIDENTIAL PROPERTY, RENTAL OF

Article I Rental Permits

§ 137-1. Construal of provisions.

Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the village, county or state or existing requirements of any other provision, of local laws or ordinances of the village or county or state laws and regulations. In the case of a conflict between this article and other regulations, that which sets the more stringent requirement will prevail.

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§ 137-2. Permit required.

It shall be unlawful for the owner of any residential building or dwelling unit therein to allow, permit or suffer the occupancy of any residential building or dwelling unit therein which is not the residence of the owner without having first obtained a rental permit pursuant to this article. It shall be immaterial whether or not rent or any other consideration is paid to the owner by the occupant of the dwelling unit.

§ 137-3. Application for permit.

- A. Application for such permit shall be made, in writing, to the Code Enforcement Officer on a form provided therefore and shall contain the name of the applicant, the location of the premises and the number of dwellings and units and persons to be accommodated.
- B. Each application shall be accompanied by a survey or sketch to scale showing the size and location of the premises, all buildings and structures and a floor plan to scale of each dwelling unit and accommodation.
- C. Each application shall be executed by and sworn to by the owner of the premises or such person who operates such premises if other than the owner with a written authorization by the owner.

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§ 137-4. Compliance required.

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- A. No permit or renewal thereof shall be issued under any application unless the property shall be in compliance with all the provisions of the Code of the Village of Amityville, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.
- B. Prior to the issuance of any such permit or renewal thereof, the property owner shall provide a certification from a licensed architect, a licensed professional engineer or the Code Enforcement Officer or his designee based upon a physical inspection of the premises that the property which is the subject of the application

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is in compliance with all the provisions of the village code, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.

§ 137-5. Term of permit.

The permit shall be valid for a period of two years from the date of issuance.

§ 137-6. Permit fees; late charge for overdue permit renewals.

A. Permit fees shall be set by resolution of the Board of Trustees from time to time for the following classes:

(1) Class I: one- or two-family homes, units providing two or three rooming or boarding units.

(2) Class II: units for three families or more; units containing four or more rooming or boarding units; hotels and all others.

B. A late charge equal to two times the amount of the applicable permit fee, prorated for the period of time constituting the overdue period, shall be paid for the renewal of any expired rental permit required by this article. Said late charge shall be in addition to the basic permit fee.

§ 137-7. Authorization for inspections.

The submission of an application for a rental permit or the receipt of such permit shall be deemed an authorization by the owner to the Code Enforcement Officer or his designee to make or cause to be made inspections to determine the condition of the premises and to safeguard the health, safety, morals and welfare of the public. Such inspection shall be made at any reasonable time during daylight hours or at such other time as may be necessary in an emergency, without the further consent of the owner.

§ 137-8. Penalties for offenses.

A first violation of this article shall be punishable by a fine of not less than \$250 and not more than \$1,000 or imprisonment for a period not to exceed six months, or both. A second violation of this article within five years of a previous conviction of the offense shall be punishable as a misdemeanor and by a fine of not less than \$500 and not more than \$1,500 or imprisonment for a period not to exceed one year, or both. A third violation of this article within five years of the second conviction of the offense shall be punishable as a misdemeanor and by a fine of not less than \$1,000 and not more than \$2,000 or imprisonment for a period not to exceed one year, or both.

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Chapter 142, SEWAGE DISPOSAL SYSTEMS

[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.**
- Freshwater wetlands -- See Ch. 92.**
- Garbage, rubbish and refuse -- See Ch. 97.**
- Plumbing -- See Ch. 127.**
- Property maintenance -- See Ch. 130.**
- Trailers and trailer parks -- See Ch. 166.**

ARTICLE I, Connections to Suffolk County South West Sewer District
[Added 11-23-1981 by L.L. No. 10-1981]

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§ 142-1. Required permits.

- A. No connection shall be made to the South West Sewer District (S.W.S.D.) before the following permits are obtained from or presented to the Village of Amityville:
- (1) A valid Suffolk County sewer connection permit.
 - (2) A street opening permit from the Village Superintendent of Public Works, pursuant to Chapter 152 of this Code, if appropriate.
 - (3) A plumbing permit from the Code Enforcement Officer, pursuant to Chapter 127 of this Code, if appropriate; the term "plumbing fixtures" as applied in Chapter 127 shall be defined to include plumbing traps.
 - (4) A sewer connection permit from the Code Enforcement Officer.
- B. No other permits shall be required and all fees and deposits obtained incidental to the issuance of the above permits are hereby waived.

§ 142-2. Application for permit.

An application for a sewer connection permit shall be made on forms provided by the Code Enforcement Officer and shall contain all pertinent information concerning the nature and extent of such work along with a diagram of the subject parcel illustrating the proposed installation, the sewer connection, property lines, underground utilities, poles, structures and trees within 10 feet of the installation.

§ 142-3. Inspections.

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Deleted: § 142-1. Cesspools. ¶

A. . All cesspools shall be of precast concrete construction with a reinforced concrete cover and a manhole opening. ¶
B. . No cesspool shall be less than 100 feet from any well or 15 feet from the building which it serves, nor less than 10 feet from any property line, nor less than 50 feet from the shoreline of any canal, bay, creek, river, stream or other waterway. In cases where cesspools cannot be located in compliance with this section with respect to the shoreline of waterways without causing unnecessary hardship, the Building Inspector shall have power in a proper case upon application to grant a special exception from the terms of this section. ¶

§ 142-2. Septic tanks. ¶

A. . Septic tanks may be of steel, brick or concrete construction, must be airtight and located not less than five feet from the building which it serves and not less than 10 feet from any adjoining property. ¶
B. . Septic tanks shall overflow into a cesspool or a leach field constructed of tile pipe laid not less than one foot below the grade and terminating not less than 10 feet from any property line nor less than 50 feet from the shoreline of any canal, bay or other waterway. ¶

ARTICLE II, Treatment Facilities for Certain Nonresidential Uses ¶

§ 142-3. Permit required. ¶

No sewage system or plant or facility for disposal of sewage, waste or by-products, except where the same is for use in connection with a private one- or two-family dwelling, shall be constructed until application for a permit for construction of the same with detailed plans and specifications therefor shall have been submitted to and approved by the Board of Trustees and a permit issued by the Building Inspector after such approval. ¶

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In the event of any conflict between provisions of this Article and any other articles of the Village Code, the ... [3]

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- A. All exterior plumbing work incidental to connection to the South West Sewer District shall be subject to inspection by Suffolk County. Said exterior plumbing work shall be performed by such persons and in such a manner as are approved by the County of Suffolk.
- B. All interior plumbing work incidental to connection to the South West Sewer District must be performed by a plumber duly licensed by the Town of Babylon and the County of Suffolk, or may be done by the homeowner. All interior plumbing work must be inspected by the Code Enforcement Officer. The property owner and/or contractor shall each be responsible for notifying the Code Enforcement Officer within 30 days after the completion of interior work.

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§ 142-4. Abandoned septic tanks and cesspools.

Abandoned septic tanks and cesspools are a potential safety hazard and, therefore, it shall be required that they be pumped empty of wastes and completely backfilled with granular material upon connection to the South West Sewer District, except by permission of the Code Enforcement Officer.

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§ 142-5. Performance bond and certificate of insurance to be filed.

In each case wherein any street or sidewalk opening or exterior plumbing work incidental to a sewer connection is to be performed by a person or persons other than the property owner, such person or persons must submit to the Village with their application for a sewer connection permit a performance bond and a certificate of insurance each naming the County of Suffolk and the Village of Amityville as insureds thereon. Said insurance shall provide coverage of \$100,000/\$300,000 against bodily injury, \$100,000 against property damage and \$100,000 for workmen's compensation and employer's liability.

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§ 142-6. Owner's indemnity; notice; noncompliance; assessment of costs.

- A. In each case wherein all of the street and sidewalk opening and exterior plumbing work incidental to the sewer connection is to be performed by the property owner, no bond or certificate of insurance shall be required. In lieu of such bond or certificate, the village will require the property owners to execute and submit with their application for a sewer connection permit the following indemnification agreement:

_____ agrees to indemnify

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[Name of Owner(s)]

and hold harmless the Village of Amityville in connection with the sewer connection(s) to be made on premises known as _____

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(address)

owned by the undersigned; and further agrees to indemnify and hold harmless any of its departments or agencies, its officers, employees, agents or tenants of and from all damages or claims of damages to a public sewer, water service main, water pipe to a highway or the surface thereof; to public property; or to any other

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person or persons arising from negligent acts of commission or omission in any way relative to said sewer connection; or damage to any other municipal facility in making connection with a public sewer; in opening a public sewer or in making an opening or excavation in a public highway, street or sidewalk or in maintaining, guarding, refilling, dewatering or working in or about such openings or excavations; or used in connection therewith.

Signature

Sworn to before

me this _____

day of _____, 19_____

Notary Public

- B. In the event that the property owner fails to repair or restore the streets, sidewalks or other municipal property disturbed by the sewer connection work done by him or in his behalf according to applicable specifications, the Code Enforcement Officer shall issue a notice to the owner setting forth what additional work or corrections need to be performed and the date by which said work or corrections are to be completed.
- C. Such notice shall be in writing and shall be served personally on the property owner at the address set forth on the Real Property Tax Rolls for the owner.
- D. In the event that the property owner fails to complete such additional work or correction within the time prescribed by the Code Enforcement Officer, the village shall cause the necessary work to be performed and shall assess all costs and expenses incurred against such property. Such assessment shall be collected in the same manner that taxes are collected as provided by law.
- E. The amount of the costs and expenses to be assessed shall be determined by the Board of Trustees following a public hearing at which testimony will be taken as to the nature and cost of the work performed. The property owner shall be given no less than 10 days' written notice of said hearing and shall be given an opportunity to testify therein.

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Chapter 144, SIGNS

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 12-8-1980 by L.L. No. 52-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

Advertising materials -- See Ch. 35.

Garage sales -- See Ch. 95.

Nuisances -- See Ch. 116.

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Property maintenance -- See Ch. 130.
Streets and sidewalks -- See Ch. 152.
Zoning -- See Ch. 183.

§ 144-1. Legislative intent; definitions. [Amended 6-26-1989 by L.L. No. 7-1989]

- A. The purpose of this chapter is to regulate existing and proposed signs in order to:
- (1) Protect property values.
 - (2) Create and promote an attractive economic business climate.
 - (3) Enhance and protect Amityville's physical appearance and environment.
 - (4) Preserve the scenic and natural beauty of the village.
 - (5) Provide a more enjoyable and pleasing community.
 - (6) Reduce sign or advertising distractions and obstructions that may contribute to traffic accidents.
 - (7) Reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way.
 - (8) Avoid unconstitutional prohibitions of noncommercial speech.
- B. As used in this chapter, the following terms shall have the meanings indicated:
SIGN -- Any structure or part thereof or any device for visual communication, either illuminated or nonilluminated, attached to a building or painted or represented thereon or displayed from the inside thereof, which shall display or include any letter, word, model, banner, pennant, logo, insignia, device, trade, flag, symbol or representation which is in the nature of or which is used for the purpose of bringing the subject thereof to the attention of the public as an announcement, direction or advertisement for commercial purposes or otherwise. A "sign" includes any message and any billboard, neon tube, string of lights or similar device placed upon, outlining, hung, painted upon, displayed from within or attached to part of a building or lot, but does not include the flag or insignia of any nation or group of nations or of any governmental agency or subdivision or of any political, educational, charitable, civic, philanthropic, professional, religious or like campaign, drive, movement or event.

§ 144-2. Illumination.

- A. The area, brilliance, character, degree, density, intensity, location and type of illumination shall be the minimum necessary to provide for the security of the property and the safety and welfare of the public.
- B. All sources of illumination on front-lighted signs shall be indirect and shall be positioned so that the direct rays of such sources are cast upon the sign from in front thereof. Such sources of illumination shall also be shielded so that the direct rays therefrom are not cast upon any property other than the lot on which such illumination is situated.
- C. Illumination on front-lighted signs shall be white, fluorescent or incandescent, steady in nature and not flashing or moving or changing in brilliance, color or intensity.
- D. Back-lighted signs shall have an opaque face; only the letters and business symbols set forth thereon may consist of translucent material which shall be made of white or colonial colors.
- E. Back-lighted signs. Illumination shall be white, steady in nature and not flashing,

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moving or changing in brilliance, color or intensity.^{1EN}

§ 144-3. Restrictions. [Amended 6-26-1989 by L.L. No. 7-1989]

No types of signs shall be erected or maintained except as provided in this chapter. Billboards, whether freestanding or attached to a building or other structure, are hereby specifically prohibited in the Village of Amityville.

§ 144-4. Classification.

- A. Wall signs. A sign painted on or recessed or affixed in any manner to any wall of a structure shall be classified as a wall sign.
 - (1) No such sign shall project above the parapet or eaves or roofline, whichever shall be the lowest part of the structure on which it is erected.
 - (2) No such sign or any part thereof shall project more than 12 inches from the wall to which it is affixed.
 - (3) The bottom edge of or any appendage to such sign shall be not less than 10 feet above grade at such sign.
 - (4) No such sign or signs shall cover wholly or partially any wall opening or project beyond the ends of the wall to which it is attached.
- B. Freestanding signs. A sign freestanding on the ground or supported by one or more uprights upon the ground, with or without braces and not attached to a structure, shall be classified as a freestanding sign. No such sign or any part thereof shall project beyond any property line.
- C. Window or inside signs. A sign erected or maintained in the interior of a building, visible from any public or private street or highway or any public or private parking lot or facility, shall be classified as a window or inside sign. [Amended 7-14-1986 by L.L. No. 7-1986]

§ 144-5. General regulations.

- A. A sign may be permitted only in connection with a permitted use or for constitutionally protected noncommercial messages. [Amended 6-26-1989 by L.L. No. 7-1989]
- B. Signs shall relate solely to constitutionally protected noncommercial messages or to the business or profession conducted on the premises. Such business or professional signs shall advertise only the name of the owner or lessee, the name, address and telephone number of the establishment, the type of establishment, the goods manufactured or sold or the services rendered, or any symbol, logo or icon customarily used or reasonably related to such establishment, goods or services. [Amended 6-26-1989 by L.L. No. 7-1989; 7-12-1999 by L.L. No. 4-1999]
- C. No sign shall be constructed, erected or located which will obstruct the visibility with respect to the safety of the motorist or pedestrian proceeding along the public way or entering or leaving a lot.
- D. All illuminated signs shall be illuminated by a steady source and shall contain no moving or flashing parts. The illumination, if located so as to be confused with traffic

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signals, shall not be green, red or orange-yellow.

- E. No signs may be constructed, erected, provided, maintained, altered or moved on a lot on which exists a nonconforming sign, unless all signs on such lot are made to conform.
- F. A canopy, projecting or wall business sign shall be permitted only on the front face of a structure, except that on a corner lot situated in a business district, a second wall business sign facing a side street may be permitted.
- G. A freestanding business sign shall be located only in a front yard and no closer to side lot lines than the required side yard and shall be limited to one on a lot, unless otherwise specified in § 144-8.
- H. No signs, except directional or traffic signs, shall be permitted on public streets or rights-of-way.
- I. Nonilluminated directional signs are permitted in any district, provided that such sign or signs shall not exceed two square feet in area and that the number on a lot applicable to a use thereon shall not exceed the number of approved ingresses and egresses thereon.
- J. All signs shall be compatible with the Bay Village architectural theme as to design and color, which is hereby defined to include the following: [Amended 3-20-1989 by L.L. No. 1-1989; 7-12-1999 by L.L. No. 4-1999]
 - (1) The following designs. (See Exhibit A at end of chapter.)
 - (2) Colors from the following paint charts:
 - (a) Benjamin Moore Paints: Historical Color Collection, Interior/Exterior.
 - (b) Pittsburgh Paints: Historic Colors.
 - (c) Turco Paint and Varnish Company: Old Sturbridge Colors.
 - (d) Equivalent colors from other manufacturers, as approved from time to time by the Planning Board.
- K. No billboards shall be permitted. [Added 6-26-1989 by L.L. No. 7-1989]
- L. No neon illuminated signs shall be permitted without a variation from the Planning Board. [Added 7-12-1999 by L.L. No. 4-1999]

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§ 144-6. Signs in residence districts.

No sign shall be erected in any residence district, except the following:

- A. Name signs consisting of name and address or profession.
 - (1) Number permitted: one per lot.
 - (2) Maximum area: two square feet.
 - (3) Maximum height of bottom of sign above ground level: five feet.
- B. Real estate signs.
 - (1) Number permitted: one per lot.
 - (2) Maximum area: four square feet.
 - (3) Maximum height of bottom of sign above ground level: five feet.
 - (4) Location: at least 15 feet from the property line.
- C. Signs conveying a constitutionally protected noncommercial message. [Added 6-26-1989 by L.L. No. 7-1989]
 - (1) Number permitted: one per lot.
 - (2) Maximum area: four square feet.

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- (3) Maximum height of bottom of sign above ground level: five feet.
- (4) Location: at least 15 feet from all property lines.
- D. Signs in SC Senior Citizen Residence District. No sign shall be erected in the SC Senior Citizen Residence District except one freestanding sign per parcel, which sign shall not be higher than 10 feet above ground level and shall not exceed 20 square feet, and shall contain only the name of the complex and may contain the words "for senior citizens." [Added 12-10-1990 by L.L. No. 18-1990]

§ 144-7. Signs in H Historical District. [Amended 26-1989 by L.L. No. 7-1989; 7-12-1999 by L.L. No. 4-1999]

No sign shall be permitted in the H Historical District with an area in excess of 20 square feet nor a maximum height above ground level in excess of 10 feet, and a minimum setback from the front property line of five (5') feet.

§ 144-7.1. Signs in PM Professional-Mixed Use District. [Added 3-12-1990 by L.L. No. 11-1990]

- A. No sign shall be erected in the PM Professional-Mixed Use District except one freestanding sign per parcel, which sign shall not be higher than 10 feet above ground level and shall not exceed 12 square feet for one office on the premises nor a total of 16 square feet if more than one office is referred to thereon.
- B. If no signs exist on a parcel in the PM Professional-Mixed Use District, then the provisions of § 144-6 of this chapter shall apply to such parcel.

§ 144-8. Signs in business and industrial districts.

Signs erected in the business and industrial districts shall be governed by the following regulations:

- A. Freestanding signs.
 - (1) Number permitted: one outside of every building on the lot.
 - (2) Maximum area: 40 square feet.
 - (3) Maximum height of sign above ground level: 16 feet.
- B. Wall signs. [Amended 7-12-1999 by L.L. No. 4-1999]
 - (1) Maximum permitted: one per lot, except for corner lots where one is permitted facing each street, and one additional wall sign on the rear wall for a building with a rear entrance facing a municipal parking lot.
 - (2) Size: shall not exceed an area of 1.5 square feet for each horizontal foot of the wall to which it is attached, except for rear entrance wall signs which shall have a maximum area of one square foot for each horizontal foot of the rear wall of such building.
- C. Window signs.
 - (1) Nonpaper signs.
 - (a) Number permitted: one per window.
 - (b) Maximum area: six square feet.
 - (2) Paper or temporary signs.
 - (a) Maximum area: cumulative area of such signs not to exceed 30% of the

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window area in size.

- (b) Paper or temporary signs may be placed in a window for not more than 60 consecutive days without a permit, provided that the date such signs are placed in the window shall be conspicuously set forth on the face of each sign. The Code Enforcement Officer shall also have the right to date stamp any such sign. [Amended 7-14-1986 by L.L. No. 7-1986]

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- (c) The minimum size of any paper or temporary sign shall be two square feet.

D. Theater signs.

- (1) Number permitted: one on the front wall of the building in which the theater is located, above the front entrance door, advertising the name of the theater only or displaying a constitutionally protected noncommercial message. [Amended 6-26-1989 by L.L. No. 7-1989]
- (2) Maximum dimensions: 30 square feet.
- (3) Marquee-type signs shall be permitted only upon approval by the Board of Trustees.

§ 144-9. Temporary signs or banners.

- A. The Board of Trustees may grant permits for the erection of temporary signs, banners or transparencies intended for special events or other uses not exceeding 30 days, upon such conditions as it may determine.
- B. No permit shall be required for a contractor's sign, not exceeding 16 square feet in area, which is displayed during the course of construction.

§ 144-10. Exceptions.

- A. The provisions of this chapter shall not prohibit the erection and maintenance of signs on a marquee or canopy, provided that permission for the erection and maintenance of such marquee or canopy has been duly obtained and is in effect. The Board of Trustees may grant such permit, revocable at its pleasure, upon such conditions and for such period as it may determine.
- B. Notwithstanding the provisions of this chapter, signs not exceeding six inches in height may be painted on or applied to the valance of awnings over a shop window facing a public street or parking area.

§ 144-11. Roof and parapet signs prohibited. [Amended 6-26-1989 by L.L. No. 7-1989; 3-12-1990 by L.L. No. 11-1990]

No sign shall be erected on a roof or extend above a parapet wall.

§ 144-12. Maintenance.

Every sign shall be maintained in a good state of repair and shall be kept neatly painted.

§ 144-13. Inspection; report of conditions.

The Code Enforcement Officer may enter any premises to inspect signs and report

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whether same are in a safe condition.

§ 144-14. Permit required. [Amended 7-14-1986 by L.L. No. 7-1986; 3-20-1989 by L.L. No. 1-1989; 7-12-1999 by L.L. No. 4-1999]

It shall be unlawful for any person to erect, construct, alter, paint, repaint, relocate, reconstruct, upgrade or display, or cause to be erected, constructed, altered, painted, repainted, relocated, reconstructed, upgraded or displayed any illuminations or signs, except an authorized sign in a residence district, without first having obtained a sign permit from the Code Enforcement Officer. Such permit may be issued by the Code Enforcement Officer if the proposed sign conforms to all applicable provisions of the Code. If said proposed sign does not so conform, no permit shall be issued unless and until a variation for such nonconformity has been granted by the Planning Board. The Code Enforcement Officer may refer any permit application to the Planning Board for a preliminary determination as to whether the proposed sign is in conformity with this chapter prior to the issuance of such permit.

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§ 144-15. Permit application; fee.

- A. Application for the permit shall be made in writing to the Code Enforcement Officer and shall contain the following information:
- (1) The name, address and telephone number of the applicant.
 - (2) The location of the building, structure or land to which or upon which the sign is to be erected.
 - (3) A detailed drawing or blueprint showing a description of the construction details of the sign and showing the color, lettering and/or pictorial matter composing the sign, the position of lighting or other extraneous devices and a location plan showing the position of the sign on any building or land.
 - (4) Written consent of the owner of the building, structure or land to which the sign is to be erected, in the event that the applicant is not the owner thereof.
 - (5) Certification of an electrical inspection by a qualified person or firm.
- B. A fee shall be paid to the Code Enforcement Officer with each sign permit application. The amount of said fee shall be established by resolution by the Board of Trustees. Where work for which a sign permit is required is begun prior to obtaining a permit therefor, the fee will be doubled, but the payment of such fee shall not release any person from fully complying with the requirements of this chapter in the execution of the work nor from the penalties prescribed in Chapter 1, Article II. [Amended 6-24-1985 by L.L. No. 8-1985; 3-20-1989 by L.L. No. 1-1989]
- C. Notwithstanding the foregoing, no permit fee shall be charged by the Code Enforcement Officer to repaint, reconstruct or upgrade an existing sign for which a sign permit had previously been issued unless there is a substantive change in the content, design or color thereof. [Added 7-12-1999 by L.L. No. 4-1999]

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§ 144-16. Revocation of permit.

The Code Enforcement Officer may revoke any sign permit after inspection in the event that there is any false statement or misrepresentation as to a material fact in the

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application upon which the permit was based or if the sign is not erected in accordance with the permit.

§ 144-17. Variations. [Amended 6-26-1989 by L.L. No. 7-1989; 7-12-1999 by L.L. No. 4-1999]

- A. The Planning Board may, in a specific case, after public notice and hearing in accordance with the requirements of Chapter 24, determine and vary the provisions of this chapter as a variation only upon the following terms and conditions:
 - (1) In all districts, only if the Planning Board finds that the proposed sign is in harmony with and is consistent in appearance with and will preserve or enhance:
 - (a) The value of neighboring and adjacent buildings and structures and the district as a whole or a part thereof.
 - (b) The visual relationship between the property in question and existing structures and the character of the district as regards architectural style in relationship to properties which are within view of existing structures or buildings of historical significance or meritorious architectural quality.
 - (c) The maintenance of the visual character of the district as indicated by such matters as setbacks, heights, materials, mass, line, color and detail.
- B. In granting a variation pursuant to this section, the Planning Board shall also consider the following:
 - (1) Whether such sign will contribute to the devaluation of any property in the area, or to the general deterioration of the neighborhood in which it is placed, by reason of size, location on a premises or aesthetic appearance.
 - (2) Whether such sign will interfere in any way with automotive visibility or create or contribute to the creation of any traffic hazard.

§ 144-18. Phaseout of nonconforming signs. [Amended 6-24-1985 by L.L. No. 8-1985; 7-12-1999 by L.L. No. 4-1999]

- A. Any legal sign, whether by permit, special exception or by virtue of such sign having existed before the Sign Ordinance or by being legally nonconforming, in existence on the effective date of this section, which violates or does not conform to the provisions of this Code shall be altered, removed or replaced to comply with such provisions within five years of the effective date hereof.
- B. Any illegal sign shall be immediately altered, removed or replaced to comply with the provisions of this chapter.

§ 144-19. Abandoned signs. [Added 7-12-1999 by L.L. No. 4-1999]

Any sign which ceases to advertise or identify a person, trade or business located at a premises shall be removed within 30 days of the departure of such person or the discontinuance or termination of said trade or business. Failure of the owner or occupant to remove such sign within said period, after written notice, shall be an offense punishable as provided in § 1-9 of this Code.

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Exhibit A

**Chapter 150, STORMWATER MANAGEMENT AND EROSION
AND SEDIMENT CONTROL**

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville 9-25-2006 by L.L. No. 5-2006. Amendments noted where applicable.]

GENERAL REFERENCES

- Flood damage prevention -- See Ch. 88.
- Freshwater wetlands -- See Ch. 92.
- Garbage, rubbish and refuse -- See Ch. 97.
- Nuisances -- See Ch. 116.
- Property maintenance -- See Ch. 130.
- Sewage disposal systems -- See Ch. 142.
- Waterways -- See Ch. 178.
- Zoning -- See Ch. 183.

ARTICLE I, General Provisions

§ 150-1. Applicability.

- A. All land development activities, as hereinafter defined in § 150-3, within the Village are hereby regulated by this chapter.
- B. The Code Enforcement Officer is hereby designated as the Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
 - (1) Review the plans;
 - (2) Upon authorization by the Board of Trustees, engage the services of the Village Engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
 - (3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter.
- C. All land development activities subject to review and approval by the applicable board under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter.
- D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this chapter.

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§ 150-2. Exemptions.

Exemptions are as follows:

- A. Agricultural activity as defined in § 150-3.
- B. Silvicultural activity, except that landing areas and log haul roads are subject to this chapter.
- C. Routine maintenance activities that disturb less than one acre and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- E. Any part of a subdivision if a plat for the subdivision has been approved by the Planning Board of the Village of Amityville on or before the effective date of this chapter.
- F. Land development activities for which a building permit has been approved on or before the effective date of this chapter.
- G. Cemetery graves.
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- I. Emergency activity immediately necessary to protect life, property or natural resources.
- J. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- K. Landscaping and horticultural activities in connection with an existing structure.

§ 150-3. Definitions.

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

AGRICULTURAL ACTIVITY -- The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT -- A property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING -- Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL -- A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING -- Any activity that removes the vegetative surface cover.

DEDICATION -- The deliberate appropriation of property by its owner for general public use.

DEPARTMENT -- The New York State Department of Environmental Conservation.

DESIGN MANUAL -- The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

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DEVELOPER -- A person who undertakes land development activities.

EROSION CONTROL MANUAL -- The most recent version of the New York Standards and Specifications for Erosion and Sediment Control manual, commonly known as the "Blue Book."

GRADING -- Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER -- Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT -- A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION -- The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND -- An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY

- A. Construction activity within the Village of Amityville including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 1/2 acre, or activities disturbing less than 1/2 acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.
- B. Construction activity within the Village of Amityville and adjacent to watercourses and municipal parklands, including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 1/8 acre, or activities disturbing less than 1/8 acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER -- The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT -- A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION -- Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING -- Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN -- Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

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PROJECT -- Land development activity.

RECHARGE -- The replenishment of underground water reserves.

SEDIMENT CONTROL -- Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS -- Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs or habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 -- A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 -- A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION -- The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER -- An order issued which requires that all construction activity on a site be stopped.

STORMWATER -- Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT -- A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT -- The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY -- One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER -- An employee or officer designated by the Trustees of the Village of Amityville to accept and review stormwater pollution prevention plans, forward the plans to the applicable board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs) -- Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) -- A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF -- Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK -- Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public

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or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE -- A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY -- A channel that directs surface runoff to a watercourse or to the public storm drain.

ARTICLE II, Stormwater Pollution Prevention Plans

§ 150-4. Required.

No application for approval of land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

§ 150-5. Contents.

- A. All SWPPPs shall provide the following background information and erosion and sediment controls:
- (1) Background information about the scope of the project, including location, type and size of project.
 - (2) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s). Maps shall be of a scale no smaller than one inch equals 50 feet.
 - (3) Description of the soil(s) present at the site;
 - (4) Construction phasing plan describing the intended sequence of construction activities, including clearing, grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than two acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
 - (5) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

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- (6) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout;
 - (8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
 - (9) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (10) Temporary practices that will be converted to permanent control measures;
 - (11) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - (12) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (13) Name(s) of the receiving water(s);
 - (14) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (15) Description of structural practices designed to divert flows from exposed soils, storm flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
 - (16) Any existing data that describes the stormwater runoff at the site.
- B. Land development activities as defined in § 150-3 of this chapter and meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection C below as applicable:
- (1) Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (2) Condition B: Stormwater runoff from land development activities disturbing two or more acres.
 - (3) Condition C: Stormwater runoff from land development activity disturbing between one and two acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- C. SWPPP requirements for Conditions A, B, and C:
- (1) All information in Subsection A of this section.
 - (2) Description of each postconstruction stormwater management practice;
 - (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;
 - (4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;

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- (5) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions;
- (6) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;
- (7) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
- (8) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- (9) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article IV of this chapter.

§ 150-6. Plan certification.

The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements of this chapter.

§ 150-7. Other environmental permits.

- A. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- B. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
- C. The certification statement (s) shall become part of the SWPPP for the land development activity.

§ 150-8. (Reserved)

ARTICLE III, Performance and Design Criteria

§ 150-9. Technical standards.

For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

- A. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").

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- B. New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

§ 150-10. Water quality standards.

No land development activity shall cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

ARTICLE IV, Maintenance and Repair of Stormwater Facilities

§ 150-11. Maintenance during construction.

- A. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- B. The applicant or developer or its representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.

§ 150-12. Maintenance easement(s).

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Amityville to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Village Attorney.

§ 150-13. Maintenance after construction.

The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall be operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

- A. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the

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- owner or operator to achieve the goals of this chapter.
- B. Written procedures for operation and maintenance and training new maintenance personnel.
 - C. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 150-10.

§ 150-14. Maintenance agreements.

The Village of Amityville shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of a standard form entitled "Sample Stormwater Control Facility Maintenance Agreement." The Village of Amityville, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

ARTICLE V, Administration and Enforcement

§ 150-15. Erosion and sediment control inspection.

- A. The Village of Amityville Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Amityville enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:
 - (1) Start of construction.
 - (2) Installation of sediment and erosion control measures.
 - (3) Completion of site clearing.
 - (4) Completion of rough grading.
 - (5) Completion of final grading.
 - (6) Close of the construction season.
 - (7) Completion of final landscaping.
 - (8) Successful establishment of landscaping.
- B. If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted, except for site stabilization, until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

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§ 150-16. Stormwater management practice inspections.

The Village of Amityville Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

§ 150-17. Inspection of stormwater facilities after project completion.

Inspection programs shall be established on any reasonable basis, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

§ 150-18. Submission of reports.

The Village of Amityville Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.

§ 150-19. Right of entry for inspection.

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village of Amityville the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.

§ 150-20. Construction completion guarantee.

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Amityville in its approval of the stormwater pollution prevention plan, the Village of Amityville may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Amityville as the beneficiary. The security shall be in an amount to be determined by the Village of Amityville based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in

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force until the surety is released from liability by the Village of Amityville, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has (have) been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village of Amityville. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

§ 150-21. Maintenance guarantee.

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer, or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Amityville with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Amityville may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

§ 150-22. Recordkeeping.

The Village of Amityville may require entities subject to this chapter to maintain records demonstrating compliance herewith.

§ 150-23. Notice of violation.

When the Village of Amityville determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- A. The name and address of the landowner, developer or applicant;
- B. The address, when available, or a description of the building, structure or land upon which the violation is occurring;
- C. A statement specifying the nature of the violation;
- D. A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
- E. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- F. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of the service of the notice of violation.

§ 150-24. Stop-work orders.

The Village of Amityville may issue a stop-work order for violations of this chapter.

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Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village of Amityville confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

§ 150-25. Other remedies for violations.

Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.

§ 150-26. Penalties for offenses.

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

§ 150-27. Withholding of certificate of occupancy.

If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.

§ 150-28. Restoration of lands.

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Amityville may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 150-29. Fees for services.

The Village of Amityville may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Amityville or

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performed by a third party for the Village Amityville.

Chapter 152, STREETS, SIDEWALKS AND DRIVEWAYS

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville 5-12-1980 by L.L. No. 41-1980. Amendments noted where applicable.]

GENERAL REFERENCES

- Advertising materials -- See Ch. 35.
- Alcoholic beverages -- See Ch. 37.
- Block parties -- See Ch. 46.
- Building construction -- See Ch. 49.
- Disorderly conduct -- See Ch. 69.
- Fire prevention -- See Ch. 81.
- Conduct at fires -- See Ch. 83.
- Garbage, rubbish and refuse -- See Ch. 97.
- Parades -- See Ch. 120.
- Property maintenance -- See Ch. 130.
- Signs -- See Ch. 144.
- Towing -- See Ch. 164.
- Abandoned vehicles -- See Ch. 171.
- Vehicles and traffic -- See Ch. 172.
- Storage of vehicles -- See Ch. 174.

ARTICLE I, General Regulations

§ 152-1. Encumbering streets.

No person shall encumber or disturb any street of the village nor allow any vehicle to back up against any curb or building bordering on the sidewalk so as to hinder, impede or delay travel along the same, nor shall any person deposit material for building or other purposes in any street of the village.

§ 152-2. Encumbering sidewalks.

No person shall encumber the sidewalks with boxes, barrels, casks, crates, goods, wares, merchandise, building materials, barriers or with any material whatever, except that merchandise and material may be placed on a sidewalk for a reasonable time for the purpose of loading and unloading the same, provided that such sidewalk is not wholly obstructed thereby.

§ 152-3. Street openings.

- A. Permit required. No person shall disturb the surface of any village street, avenue, highway or sidewalk or open or excavate in the same without first obtaining a permit from the Superintendent of Public Works. The applicant shall submit a plan for such

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work in detail satisfactory to said Superintendent.

B. Performing work. Any opening in any pavement shall extend at least two feet in all directions beyond the edge of the excavation or as shall be directed by the Superintendent of Public Works. In any sidewalk opening in which a slab is broken or damaged, the entire slab shall be replaced. All replacement or restoration of pavement or sidewalk shall comply with the requirements of the Superintendent of Public Works.

C. Deposit required. A deposit in an amount to be established by the Board of Trustees by resolution on a per square foot basis of blacktop pavement removed or concrete pavement or sidewalk removed shall be required on issuance of a permit, to be held as a guaranty of payment for proper replacement or restoration, as the case may be, unless otherwise permitted under special conditions by the Superintendent of Public Works. [Amended 1-8-1990 by L.L. No. 1-1990]

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D. There shall be a fee in an amount to be established by the Board of Trustees by resolution for each street opening permit. [Amended 1-8-1990 by L.L. No. 1-1990]

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§ 152-4. Restoration or replacement of surface after opening.

When the surface of any village street, avenue, highway or sidewalk has been disturbed or an opening or excavation therein has been made pursuant to the provisions of this chapter, it shall be the duty of the person performing such work to replace or restore the surface, as the case may be, as soon as practicable, and if such replacement or restoration is not performed promptly, the Superintendent of Public Works shall be authorized to do such work and apply the deposit to the expense thereof.

§ 152-5. Drains across sidewalks.

No drain installed to lead from any building across or underneath any sidewalk in any street, road or highway in the village shall be constructed or laid down without the approval of the Board of Trustees. A condition of approval shall be the furnishing of a deposit in accordance with § 152-3C. If approved, it shall be the duty of the applicant to restore the pavement after the installation of a drain.

§ 152-6. Construction of curb, gutter, pavement or sidewalk.

A. Grade to be furnished. No person shall construct or permit to be constructed gutter or pavement of concrete or similar material of a permanent nature in any public street or private street or on the streets of any new development without first obtaining from the Board of Trustees the proper grade and line for such gutter or pavement. The Board of Trustees may require that the cost of furnishing such grade and line shall be paid by the person making application therefor.

B. Scope. All gutters or pavement laid on any private street or on the streets of any new development shall be subject to the same regulations and must comply in all respects with the regulations governing streets, the title of which is vested in the village. Failure to comply with the above will be sufficient cause for the village to reject any proffered dedication of such streets.

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§ 152-7. Guarding of construction and road defects.

No person shall remove, displace or in any manner interfere with any barrier, guardrail, lantern or other object which shall have been placed along or across any public street in the village for the purpose of guarding or warning of construction, potholes, or other defects in such street. No person shall enter upon any street or part of a street when so barred or guarded.

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§ 152-8. Maintenance of sidewalks; liability.

A. Duty. It shall be unlawful for the owner or occupant of any real property or premises in the village to suffer the sidewalk or sidewalk area adjacent to or in front of the same to become out of repair and in an unsafe and dangerous condition. Such owner or occupant, and each of them, shall be liable for any injury or damage by reason of omission, failure or negligence to maintain or repair such sidewalk or sidewalk area and shall indemnify and hold the village harmless from any such claim for injury or damage. [Amended 9-22-1997 by L.L. No. 8-1997] Said sidewalk area shall mean the land between the property line and the paved surface of the street, including any portion thereof which is covered by grass, bushes, trees or dirt. Such adjacent owner or occupant shall be responsible for cutting or trimming the grass in such area to a height of not more than eight (8) inches.

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B. Authority of village. Upon the failure of the owner or occupant to make repairs to the sidewalk, or sidewalk area after 10 days' notice in writing specifying the repairs to be made, such repairs may be made by the Superintendent of Public Works by order of the Board of Trustees and the expense therefor charged against such property.

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§ 152-9. Removal of snow and ice from sidewalks; liability.

A. Duty. It shall be the duty of the owner or occupant of any real property or premises in the village to keep the sidewalk or sidewalk area adjacent to or in front of the same free from snow and ice. Such owner or occupant, and each of them, shall be liable for any injury or damage by reason of omission, failure, or negligence to keep such sidewalks or sidewalk area free of snow and ice and shall indemnify and hold the village harmless from any such claim for injury or damage. [Amended 9-22-1997 by L.L. No. 8-1997]

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B. Authority of village. Upon failure of the owner or occupant of real property or premises in the village to comply with the provisions of Subsection A, after 48 hours notice in writing directing him so to do, such work may be done by the Superintendent of Public Works by order of the Board of Trustees and the expenses therefor charged against such property.

§ 152-10. Trimming of trees. [Amended 4-12-1982 by L.L. No. 2-1982]

A. Duty. It shall be the duty of every owner or occupant of real property in the village to keep the trees on his premises trimmed so as to avoid the existence of a dangerous condition for passersby on the sidewalk or roadway and so that overhanging limbs

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will not interfere with passersby on the sidewalk or roadway.

B. Clearance. All overhanging limbs shall be at least eight feet above the center of the sidewalk and 13 feet above the roadway.

C. Authority of Village. Upon the failure of the owner or occupant of real property or premises to comply with the provisions of Subsection A or B of this section, after 48 hours notice in writing directing him to do so, such work may be done by the Superintendent of Public Works by order of the Board of Trustees and the expenses therefor charged against such property.

§ 152-11. Height of fences, trees and shrubs on corner lots.

No fence, hedge, tree, shrub or other growth or structure which obstructs visibility shall be erected or maintained on any part of any corner lot of land which lies within a distance of 30 feet from the intersection along each of the streets, avenues or highways on which such lot abuts, at or to a height which exceeds three feet, measured from the level of the said streets, avenues or highways.

§ 152-12. Awnings.

No person shall erect or hang, or permit or allow to be erected or hung, upon any building owned or occupied by him any awning or canopy, part of which shall project in, over or upon any of the streets or public places in the village, unless the lowest part of such awning when in a lowered position shall be at least eight feet above the sidewalk level.

§ 152-13. Moving structures across streets or sidewalks. [Amended 1-8-1990 by L.L. No. 1-1990]

No dwelling house, barn, outbuilding or any other structure shall be moved upon or across any street or sidewalk within the village unless a permit shall first be obtained from the Board of Trustees. The fee for such permit shall be in the amount established by the Board of Trustees by resolution for each structure so moved. No such permit shall be granted except upon the application of the owner of such structure stating the route intended to be pursued and the size of the structure. Such permit, if granted, shall be under such restrictions and conditions as the Board of Trustees may deem proper, including the furnishing of the appropriate certificates of insurance in amounts fixed by said Board.

ARTICLE II, Sidewalks, Curbing and Driveway Aprons

§ 152-14. Curbing, sidewalks and driveway aprons required; exceptions.

No building permit shall be issued for new construction until an application shall have been made to install, at the applicant's own cost and expense, curbing, sidewalks and driveway aprons in front of the subject premises, provided that this requirement may be modified or waived as a special exception by the Zoning Board of Appeals. This

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(1) . It shall be the duty of the Superintendent of Public Works to see that the provisions of this section are enforced, and it shall be within his sole discretion to determine whether or not a dangerous condition exists. ¶
(2) . The Superintendent of Public Works shall issue a notice of violation of the provisions of this section to the property owner. ¶
(3) . Such notice of violation shall be in writing, shall explain with sufficient particularity the facts constituting the violations and shall be served personally or by substituted service as provided for in the Civil Practice Law and Rules of the State of New York. ¶
(4) . Such notice shall further contain a direction that the trees shall be trimmed to meet the requirements of this section within five days after the service of the notice. ¶
(5) . In the event that the property owner fails to correct such violation within five days of the service of such notice, the village shall cause the necessary work to be performed and shall assess all costs and expenses incurred against such property. Such assessment shall be collected in the same manner that taxes are collected as provided by law.

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§ 152-14. Permit required for installation. ¶
No tank for gasoline or fuel oil shall hereafter be placed beneath the sidewalks or roadways within the village, unless a permit for such installation shall have been granted by the Board of Trustees of the village. ¶

§ 152-15. Indemnification of village; consent of owner. ¶
Application for a permit under this Article shall contain an agreement(... [4]

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provision shall apply to all zones within the village.

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§ 152-15. Compliance with specifications.

All sidewalks, curbing and driveway aprons shall be constructed in accordance with the specifications established by the Board of Trustees and to the line and grade established by the Village Engineer after issuance of a street opening permit as provided in §152-3.

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§ 152-16. Posting of bond.

The village may require the posting of a bond or other security with the village to ensure satisfactory completion of curbs, sidewalks and driveway aprons.

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§ 152-17. Applicability to existing premises.

The provisions of this Article shall apply to any premises changed in use, or to a building built or changed in use after September 19, 1955, except that an existing building may be rebuilt or enlarged for the continuance of an existing permitted use without regard to the provisions of this Article.

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§ 152-18. Village participation in cost of construction.

Applications may be presented by any person, firm or corporation for the construction of sidewalk and/or curbing adjacent to the premises which he or they own or occupy, requesting that the village bear a share of the cost of such construction. On approval of such applications, the Board of Trustees shall determine the cost of such construction, and the applicant shall be required to deposit with the Village Clerk an amount to cover such proportion of the cost as the Board of Trustees may fix from time to time, but not less than 1/2 of such cost. Funds so deposited shall be transmitted to the Village Treasurer and become a part of the general funds of the village.

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§ 152-19. Construction with village participation.

Sidewalks and curbs constructed under the provisions of § 152-18 hereof shall be constructed by the employees of the Village of Amityville or by a contractor or contractors selected by the Board of Trustees and shall be subject to the approval of the Superintendent of Public Works and the Village Engineer.

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§ 152-20. Construction without village participation.

Any person, firm or corporation desiring to construct a sidewalk or curb entirely at his or their own expense shall comply with the provisions of § 152-15. The line and grade will be furnished by the Village Engineer, on application to the Village Clerk, at the expense of the applicant.

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§ 152-21. Application of regulations to public and private streets.

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The foregoing regulations shall apply with full force and effect to public and private streets, except that no grant shall be made for the village to share in the construction in any street in which title is not vested in the village or which is not recognized as a Village street by prescription.

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ARTICLE III, Trees and Plants [Added 3-25-1985 by L.L. No. 4-1985]

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§ 152-22. Care and jurisdiction in public places.

All trees, shrubs, plants, flowers and lawns in or upon property owned or controlled by the village including the streets, public places and parks within the Village of Amityville shall be under the care and jurisdiction of the Board of Trustees.

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§ 152-23. Permit required to plant.

No shade or ornamental tree or shrub or any fence or other structure shall be placed on any property owned or controlled by the village without a permit from the Board of Trustees.

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§ 152-24. Cutting and removal.

No tree or shrub, or any stem, branch or leaf thereof, shall be cut, broken, removed or otherwise distributed or interfered with in any way, by an individual or by the officer or employee of any corporation, on any property owned or controlled by the village without the written permission of the Board of Trustees.

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§ 152-25. Mutilation.

No person shall cut, deface, mutilate or in any way misuse any tree, shrub, plant, flower or lawn in or upon any property owned or controlled by the village nor shall any vehicle, structure or animal be permitted to stand in such manner or position where it may cut, deface or mutilate the same. No building material or debris of any kind shall be piled or maintained in any highway against any tree or shrub or cause any injury to any plant, flower or lawn upon the streets, public places and parks within the Village of Amityville.

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§ 152-26. Application for permits.

Application for permits required by this Article shall be filed with the Village Clerk and issued by the Board of Trustees, without charge, on such terms and conditions as the Board of Trustees may impose.

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Deleted: , execute and deliver said permits, for which no fee shall be charged.

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§ 152-27. Penalties for offenses. [Amended 10-23-1989 by L.L. No. 11-1989]

Every person or corporation violating the provisions of this article shall be subject to a penalty as provided for in § 1-9 of this Code for each and every offense.

ARTICLE IV, Driveways [Added 9-13-1999 by L.L. No. 5-1999]

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§ 152-28. Driveways; approval by Superintendent of Public Works; special permit by Board of Trustees.

No building permit shall be issued for new construction for any premises which will have a driveway or off-street parking, nor shall any existing driveway or off-street parking space be changed in location or increased in area for a dwelling in the A, BB, B or C Residence Districts without the approval of the Superintendent of Public Works after submission of an application to such Superintendent, including a survey or other drawing to scale showing the location and dimensions of said proposed driveway and parking space. No such application shall be approved by said Superintendent if the area of such driveway and off-street parking located in the front yard of such premises exceeds 40% of such front yard unless a special permit for said driveway and parking space has been granted by the Board of Trustees.

Chapter 157, SWIMMING POOLS

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 42-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 49.

Noise -- See Ch. 114.

Nuisances -- See Ch. 116.

Zoning -- See Ch. 183.

§ 157-1. Conformance required.

No swimming pool shall be erected, constructed or maintained unless it is in conformity with the Uniform Fire Prevention and Building Code.

Deleted: § 157-1. Definitions. ¶
As used in this chapter, the following terms shall have the meanings indicated: ¶
SWIMMING POOL -- Any outdoor water pool, including but not limited to any pool, tank, depression or excavation in any material, dike or beam constructed, erected, excavated or maintained which will cause the retaining of water to a depth greater than 18 inches or having a plane surface area of water greater than 100 square feet, except such as shall hereinafter be excluded. ¶

§ 157-2. Setback and yard requirements.

All swimming pools shall have a minimum setback of 30 feet from the property line abutting any street and a minimum side yard and rear yard of six (6) feet each.

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§ 157-3. Permit required.

No swimming pool shall be erected or altered without a permit issued by the Code Enforcement Officer.

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§ 157-4. Water disposal.

No water from a swimming pool shall be permitted to flow onto any abutting premises.

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Such water shall not be permitted to flow into any street without the approval of the Board of Trustees.

§ 157-5. Abandonment.

Should the owner abandon an outdoor water pool, he shall arrange to remove the depression and return the surface of the ground to its original grade and approximately in the same condition as before the pool was constructed, and he shall further notify the Code Enforcement Officer of the abandonment so that an inspection of the site may be made and the records of the permit marked accordingly. The assessor shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the Village Treasurer; however, no refund shall be made of a tax or penalty paid pursuant to a determination of the Treasurer as hereinbefore provided unless he, after a hearing as hereinbefore provided, or of his own motion, shall have reduced the tax or penalty or it shall have been established in a certiorari proceeding that such determination was erroneous or illegal. An application for refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of and the Treasurer may receive additional evidence with respect thereto. After making his determination, he shall give notice thereof to the utility interested, and said utility shall be entitled to a certiorari order to review in accordance with the provisions of § 159-15 hereof.

Deleted: § 157-6. Fencing.

A. Requirement. Adequate fencing shall be provided to prevent accidental entry and unauthorized use of an outdoor water pool. Such fencing may be erected so as to completely enclose the pool itself or the particular yard in which the pool is situated or the entire property.

B. Construction.

(1) Such fencing shall be constructed of chain-link fabric four feet high, of No. 9 gauge wire erected on a framework of galvanized steel members as listed below, or other approved equal. No such fence shall exceed four feet in height without a special exception issued by the Board of Appeals.

(a) Line posts shall be 1 5/8 inches outside diameter (OD) round posts or equivalent structural section.

(b) End and gate posts shall be two inches OD round posts or equivalent structural section.

(c) Top rail shall be 3/8 inch OD pipe.

(2) All posts shall be set in concrete to a depth of 30 inches, eight inches in diameter, spaced not over 10 feet apart.

C. Gates. Gates to give entrance to the enclosure shall be locked whenever the pool shall be unattended.

D. Variations. If some type of fencing other than that specified above is preferred, plans and specifications therefor may be submitted for the approval of the Building Department. In evaluating such request for approval, the Building Inspector shall give due consideration to the adequacy and the durability of the proposed fence to ensure the safety and welfare of the general public.

§ 157-7. Exclusions; provisions for storage tanks.

A. Excluded from the provisions of this chapter shall be outdoor ice skating rinks or surfaces of water used for ice skating, water storage tanks when such tanks are completely enclosed by the principal material of their construction, and portable swimming pools retaining water less than 18 inches in depth and having a plane surface area of water less than 100 square feet.

B. Access doors to the interior of any such tanks shall be securely locked, except when personally attended by a regular employee or the owner.

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Declaration of purpose.

In order to prevent blight and the spread thereof, it is hereby declared that all commercial structures, including but not limited to shopping centers, supermarkets, retail stores, discount houses, industrial buildings and other commercial uses, whether occupied or vacant, and accessory structures and vacant lots zoned for business or industrial purposes located in the village shall be maintained in conformity with the standards set out in this article so as to assure that these structures and properties will not adversely affect the neighborhood and the community at large. It is found and declared that by reason of lack of maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered. This article has been prepared and adopted with consideration to the character of the various zoning districts and the stability for the particular uses therein.

§ 130-2. Standards of maintenance.**A. Open areas.**

- (1) Surface and subsurface water shall be appropriately drained to protect buildings and structures.
- (2) All fences shall be maintained in good repair. Such maintenance shall include but not be limited to the replacement and/or repair of fences which may become in disrepair.
- (3) All recharge stormwater basins shall be maintained. Such maintenance shall include but not be limited to:
 - (a) The cleaning of storm sewers and other drainage appurtenances serving the said basin so that the said installations function as designed.
 - (b) The removal of any garbage, rubbish, silt, topsoil or other foreign material which creates an unsanitary condition or prevents or impedes the leaching action of the said basin.
- (4) Steps, walks, driveways, parking lots, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled or necessary repairs or replacement carried out.
- (5) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent rubbish from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access by the public.

B. Buildings and structures.

- (1) All exterior exposed surfaces not inherently resistant to deterioration shall be

repaired, coated, treated or sealed to protect them from deterioration or weathering.

(2) Floors, walls, ceilings, stairs, furnishings and fixtures of buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof and porch or appurtenance thereto shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public.

(3) The foundation walls of every building shall be maintained in good repair and shall be structurally sound.

(4) Exterior walls (including doors and windows), roofs and the areas around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from loose and unsecured objects and materials. Such objects or materials shall be removed, repaired or replaced.

(5) The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public.

(6) Buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall conform with generally accepted practices.

§ 142-1. Cesspools.

- A. All cesspools shall be of precast concrete construction with a reinforced concrete cover and a manhole opening.
- B. No cesspool shall be less than 100 feet from any well or 15 feet from the building which it serves, nor less than 10 feet from any property line, nor less than 50 feet from the shoreline of any canal, bay, creek, river, stream or other waterway. In cases where cesspools cannot be located in compliance with this section with respect to the shoreline of waterways without causing unnecessary hardship, the Building Inspector shall have power in a proper case upon application to grant a special exception from the terms of this section.

§ 142-2. Septic tanks.

- A. Septic tanks may be of steel, brick or concrete construction, must be airtight and located not less than five feet from the building which it serves and not less than 10 feet from any adjoining property.
- B. Septic tanks shall overflow into a cesspool or a leach field constructed of tile pipe laid not less than one foot below the grade and terminating not less than 10 feet from any property line nor less than 50 feet from the shoreline of any canal, bay or other waterway.

ARTICLE II, Treatment Facilities for Certain Nonresidential Uses

§ 142-3. Permit required.

No sewage system or plant or facility for disposal of sewage, waste or by-products, except where the same is for use in connection with a private one- or two-family dwelling, shall be constructed until application for a permit for construction of the same with detailed plans and specifications therefor shall have been submitted to and approved by the Board of Trustees and a permit issued by the Building Inspector after such approval.

§ 142-4. Referral of application; public hearing.

Such application shall be referred to the Suffolk County Board of Health for its recommendations before action is taken by the Board of Trustees. The Board of Trustees may also call a public hearing upon such application before approving the same.

§ 142-5. Factors affecting consideration of permit application.

In the consideration of such application, the Board shall consider the topography and nature of the soil where any drainage facilities in connection with such system are proposed, the character of and structures upon adjacent properties, proposed location of such system and all other factors, to the end that such system will accomplish the purposes for which it is designed and will not cause offensive odors or fumes or hazards to the public health.

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142-6. Conflicting provisions.

In the event of any conflict between provisions of this Article and any other articles of the Village Code, the provisions contained in this Article III shall govern.

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ARTICLE II, Gasoline and Oil Tanks

§ 152-14. Permit required for installation.

No tank for gasoline or fuel oil shall hereafter be placed beneath the sidewalks or roadways within the village, unless a permit for such installation shall have been granted by the Board of Trustees of the village.

§ 152-15. Indemnification of village; consent of owner.

Application for a permit under this Article shall contain an agreement on the part of the applicant that such applicant will save and keep harmless the village from any liability for or by reason of any injury to person or property as a result of installation thereunder and shall be accompanied by a written consent of the owner of the property in front of which a tank installation thereunder is proposed.

§ 152-16. Removal upon discontinuance.

Upon the discontinuance of use of any tank for gasoline or fuel oil installed under a sidewalk or roadway, such tank shall be removed by the grantee to whom a permit was issued, within 10 days, and on the failure of the grantee to do so, it shall be the duty of the owner of the property affected to cause such removal.

§ 152-17. Replacement of pavement.

Any pavement disturbed in the installation or removal of a tank for gasoline or fuel oil beneath the sidewalks or roadways within the village shall be replaced by the village at the expense of the holder of the permit or of the owner of the property affected.

§ 152-18. Permit for street opening required.

A permit for a street opening shall be required for either installation or removal of a tank for gasoline or fuel oil beneath the sidewalks or roadways within the village, and the conditions of § 152-3 shall apply in addition to the provisions of this Article.