

Chapter 39, ANIMALS

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 10-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

Beach regulations -- See Ch. 43.
Carnivals and circuses -- See Ch. 55.
Noise -- See Ch. 114.
Zoning -- See Ch. 183.

ARTICLE I, General Regulations

§ 39-1. Appointment of Dog and/or Animal Control Officer. [Amended 7-11-1983 by L.L. No. 5-1983]

The Board of Trustees of the village is hereby authorized and empowered to appoint a Dog and/or Animal Control Officer on a temporary basis for the village. Said officer shall be appointed from time to time and for such period as the Board may deem necessary and may be paid on a per diem basis at such rate as the Board may deem proper. Said officer shall not be appointed in any event for more than one official year, and his services may be dispensed with at any time by the Board of Trustees. Said officer shall have all of the powers and duties provided to a dog control officer as set forth in Article 7 of the New York State Agriculture and Markets Law, except as otherwise set forth herein.

Deleted: Village

Deleted: of Trustees

§ 39-2. Animals off premises of owner; sanitation requirements.

- A. The owner or custodian of or the person possessing, keeping or harboring any dog, animal or fowl shall be in violation of this section if that dog, animal or fowl is found to be running loose or to be at large upon any public highway, street, sidewalk or other public place or on the land of one other than the owner of said dog, animal or fowl in the village. [Amended 7-11-1983 by L.L. No. 5-1983]
- B. Such dog or animal, when off the premises of the owner or person possessing the same, shall be tethered or leashed and under the full and immediate control of the owner or person possessing or in charge thereof. [Amended 7-11-1983 by L.L. No. 5-1983]
- C. No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, beach area, park or any place where people congregate or walk or on any public property whatsoever or on any private property without the permission of the owner of said property. The restriction in this subsection shall not apply to that portion of the street lying between the curblines which shall be used to curb such dog

under the following conditions: [Added 3-28-1983 by L.L. No. 2-1983]

- (1) The person who so curbs such dog shall immediately remove, in a sanitary method, all feces deposited by such dog; provided, however, that the disposal of said feces by the depositing thereof in storm sewers within the village shall not be deemed to be a sanitary method of disposal of such feces.
 - (2) The feces removed from the aforementioned designated area shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this chapter.
- D. The term "sidewalk," as used herein, shall mean the area between the curb or traveled portion of the street if there is no curb and the property line of the abutting property owner. [Added 3-28-1983 by L.L. No. 2-1983]

§ 39-3. Prohibition on outdoor keeping or harboring of dogs. [Amended 7-11-1983 by L.L. No. 5-1983]

A. Any owner or custodian of and any person possessing, keeping or harboring any dog or dogs shall be in violation of this section if said dog or dogs are found outside of an enclosed building, whether on or off the owner's premises, between the hours of 10:00 p.m. and 7:00 a.m., except for such brief periods as may be required to allow such dog or dogs to relieve themselves, provided that during such periods such dog or dogs are tethered or leashed and held by and under the full, immediate and personal control of the owner or person possessing or in charge thereof.

Formatted: Font: Not Bold

B. No person shall be permitted to keep or harbor a dog outside of an enclosed building between the hours of 10:00 p.m. and 7:00 a.m. unless the permission of the Board of Trustees is first obtained, which permission can be revoked at any time for good cause shown.

§ 39-4. Number of dogs restricted; applicability. [Amended 8-9-2005 by L.L. No. 21-2005]

A. It shall be unlawful for any person to own, harbor or possess more than four dogs on any residential parcel of property.

B. This restriction shall not apply to the live issue of a litter of any lawfully owned and licensed dog, except that the issue of such litter shall be removed from the premises within 12 weeks after birth if the continued presence of such dog would violate this section.

Deleted: A. Any owner or custodian of and any person possessing, keeping or harboring any dog or dogs shall be in violation of this section if said dog or dogs are found outside of an enclosed building, whether on or off the owner's premises, between the hours of 10:00 p.m. and 7:00 a.m., except for such brief periods as may be required to allow such dog or dogs to relieve themselves, provided that during such periods such dog or dogs are tethered or leashed and held by and under the full, immediate and personal control of the owner or person possessing or in charge thereof. ¶
B. No person shall be permitted to keep or harbor a dog outside of an enclosed building between the hours of 10:00 p.m. and 7:00 a.m. unless the permission of the Village Board of Trustees is first obtained, which permission can be revoked at any time for good cause shown.

Deleted: 4

§ 39-5. Seizure of dogs, animals and fowl; redemption periods; impoundment fees. [Amended 7-11-1983 by L.L. No. 5-1983]

A. A police officer, peace officer acting pursuant to his special duties or the Dog Control Officer may seize and impound or cause to be impounded any dog, animal or fowl running at large or

loose in violation of § 39-2 or found outside an enclosed building between 10:00 p.m. and 7:00 a.m. in violation of § 39-3 or if not securely enclosed in violation of § 39-9 or if kept or housed within 200 feet of the dwelling of another person in violation of § 39-10.

B. Each dog, animal or fowl which does not have an identification tag attached to it, whether or not licensed, shall be held for a period of up to five days from the day seized, during which period the dog, animal or fowl may be redeemed by its owner, provided that in the case of a dog such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of Article 7 of the New York State Agriculture and Markets Law, and further provided that the owner pays an impoundment fee as established by the Board of Trustees by resolution, plus the cost of keeping such impounded fowl, animal or dog as follows: [Amended 1-8-1990 by L.L. No. 1-1990]

Deleted: c

Deleted: Village

Deleted: duly adopted

- (1) A fee for the impoundment of any fowl or animal other than a dog.
- (2) A fee for the first impoundment of any dog.
- (3) A fee for the first 24 hours or part thereof and an additional amount for each additional 24 hours or part thereof for the second impoundment within one year of the first impoundment of any dog owned by that person.
- (4) A fee for the first 24 hours or part thereof and an additional amount for each additional 24 hours or part thereof for the third and subsequent impoundments within one year of the first impoundment of any dog owned by that person.

C. Promptly upon seizure of any identified dog, animal or fowl, the owner of record of same shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of three days after the day of notice, during which period the dog, animal or fowl may be redeemed by the owner. If such notification is made by mail, such dog, animal or fowl shall be held for a period of seven days from the date of mailing, during which period the dog, animal or fowl may be redeemed by the owner. In either case, the owner may redeem such dog, animal or fowl upon payment of the impoundment fees prescribed in Subsection B of this section and by producing proof that the dog has been licensed, as appropriate.

D. An owner shall forfeit title to any dog, animal or fowl unredeemed at the expiration of the appropriate redemption period, and the dog, animal or fowl shall then be made available for adoption or euthanized subject to the provisions of Subdivision 2-a of § 374 of Article 26 of the New York State Agriculture and Markets Law, provided that no such dog shall be delivered for adoption unless it has been licensed pursuant to the provisions of Article 7 of the New York State Agriculture and Markets Law prior to its release from the custody of a pound or shelter.

E. The seizure of any dog, animal or fowl shall not relieve any person from any violation provided for by §§ 39-2, 39-3, 39-10 and 39-11.

Deleted: 9

Deleted: 0

Deleted: 5

Deleted: A.

§ 39-6. Keeping of certain animals prohibited; exemption.

Deleted: B. . Notwithstanding the prohibition set forth in Subsection A above, any person who kept, housed, stabled or harbored any horse, farm animal or draft animal on September 2, 1975, may retain said animal, provided that said animal and the premises upon which said animal is kept, housed, stabled or harbored were registered in the office of the Village Clerk on or before November 1, 1975.

No person shall keep, house, stable or harbor any horse, farming animal or draft animal within the village.

§ 39-7. Wild animals.

Deleted: 6

- A. ~~No person shall keep, harbor or maintain any wild animals at any place in the village.~~
- B. The term "wild animals" shall be taken to mean and include lions, tigers, cheetahs, bears, wolves, snakes or other animals which endanger the public health, safety and welfare.

Deleted: 7

§ 39-8. Disturbing noises.

No person who owns, possesses or harbors a dog shall permit or allow such dog to bark, howl or whine in a loud or prolonged manner which shall unreasonably disturb any other person.

ARTICLE II, Fowl

Deleted: 8

§ 39-9. Definitions.

As used in this Article, the following terms shall have the meanings indicated:
FOWL -- Includes chickens, ducks, geese, turkeys and other poultry or domestic birds used for food purposes, and shall include pigeons.

Deleted: 9

§ 39-10. Running at large prohibited.

No person shall keep, maintain or possess any fowl within the village unless the same shall be securely enclosed at all times within a yard or enclosure in such a manner as to prevent the running at large of such fowl.

Deleted: 0

§ 39-11. Location of enclosure restricted.

No person shall keep or house any fowl in any structure within the village which shall be within a radius of 200 feet from the dwelling house or living quarters of any person other than the owner.

Deleted: 1

§ 39-12. Number restricted.

Not more than 12 fowl shall be kept, maintained or possessed by any person on or in any yard, enclosure or premises within the village.

Chapter 49, BUILDING CONSTRUCTION

[HISTORY Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1982 by L.L. No. 34-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

Unsafe buildings - See Ch. 51.
Fire prevention - See Ch. 81.
Flood hazard areas - See Ch. 88.
Freshwater wetlands - See Ch. 92.
Property maintenance - See Ch. 130.
Places of public assembly - See Ch. 132.
Zoning - See Ch. 183.

ARTICLE I, Administration and Enforcement

“Article I

Administration and Enforcement

§49-1 PURPOSE AND INTENT

This Article provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Village of Amityville. This Article is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other sections of this Chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this Chapter.

§49-2. DEFINITIONS

In this Chapter:

“Building Permit” shall mean a permit issued pursuant to §49-4. The term “Building Permit” shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this Chapter.

“Certificate of Occupancy\Certificate of Compliance” shall mean a certificate issued pursuant to subdivision (b) of §49-7 of this Chapter.

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of §49-3.

“Code Enforcement Personnel” shall include the Code Enforcement Officer and all Inspectors.

“Compliance Order” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of §49-15.

“Energy Code” shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

“Inspector” shall mean an inspector appointed pursuant to subdivision (d)§49-4.

“Operating Permit” shall mean a permit issued pursuant to §49-10. The term “Operating Permit” shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this Chapter.

“Permit Holder” shall mean the Person to whom a Building Permit has been issued.

“Person” shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

“Stop Work Order” shall mean an order issued pursuant to §49-6.

“Temporary Certificate” shall mean a certificate issued pursuant to subdivision (d) of §49-7.

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

“Village” shall mean the Village of Amityville

§49-3. CODE ENFORCEMENT OFFICER AND INSPECTORS

(a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this Chapter. The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy\Certificate of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy\Certificate of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy\Certificate of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Chapter;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of §49-15 (Violations);

(7) to maintain records;

(8) to collect fees as set by the Board of Trustees;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the Village attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this Chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this Chapter; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Chapter.

(b) The Code Enforcement Officer shall be appointed by the Mayor subject to the approval of the Board of Trustees. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Mayor subject to the approval of the Board of Trustees to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Chapter.

(d) One or more Inspectors may be appointed by the Mayor subject to the approval of the Board of Trustees to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this Chapter. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-

service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board of Trustees.

§49-4 BUILDING PERMITS.

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

(2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(4) installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(6) construction of temporary motion picture, television and theater stage sets and scenery;

(7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(8) installation of partitions or movable cases less than 5'-9" in height;

(9) painting, wallpapering, tiling, carpeting, or other similar finish work;

(10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(12) repairs, provided that such repairs do not involve (I) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the proposed work;

(2) the tax map number and the street address of the premises where the work is to be performed;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and

structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(I) Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire within twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and

the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code. Upon notice from the Code Enforcement Officer, the person to whom the permit was issued shall promptly remove or demolish the construction, fill in the excavation, and restore the premises to its original condition.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in §49-16 (Fees) must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

§49-5 CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

(1) work site prior to the issuance of a Building Permit;

(2) footing and foundation;

(3) preparation for concrete slab;

(4) framing;

(5) building systems, including underground and rough-in;

(6) fire resistant construction;

(7) fire resistant penetrations;

(8) solid fuel burning heating appliances, chimneys, flues or gas vents;

(9) Energy Code compliance; and

(10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have

been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in §49-16 (Fees) must be paid prior to or at the time of each inspection performed pursuant to this section.

§49-6 STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail / certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail / certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under §49-15 (Violations) or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§49-7. CERTIFICATES OF OCCUPANCY\CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy\Certificate of Company. A Certificate of Occupancy\Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy\Certificate of Compliance.

(b) Issuance of Certificates of Occupancy\Certificate of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy\Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy\Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy\Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy\Certificate of Compliance:

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

(c) Contents of Certificates of Occupancy\Certificate of Compliance. A Certificate of Occupancy\Certificate of Compliance shall contain the following information:

(1) the Building Permit number, if any;

(2) the date of issuance of the Building Permit, if any;

(3) the name, address and tax map number of the property;

(4) if the Certificate of Occupancy\Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy\Certificate of Compliance is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of the structure, if any;

(8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) any special conditions imposed in connection with the issuance of the Building Permit; and

(10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy\Certificate of Compliance and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Certificate of occupancy for preexisting buildings.

1. Upon written request from the owner, the Code Enforcement Officer shall issue a certificate of occupancy for any building or premises existing on the fourth day of August, 1930, certifying, after inspection and investigation, the extent and kind of use made of the building or premises, including the number of employees and whether such use conforms to the provisions of the Code.

2. The Uniform Code shall apply to any premises changed in use or a building built, enlarged or changed in use after August 4, 1930, except that an existing building may be

rebuilt for continuance of a use which is the same as or similar to that which preexisted, without regard to the provisions of this Code.

(f) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy\Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in §49-16 (Fees) must be paid at the time of submission of an application for a Certificate of Occupancy\Certificate of Compliance or for Temporary Certificate.

§49- 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.

The chief of any fire department providing fire fighting services for a property within the Village shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

§49- 9. UNSAFE BUILDING AND STRUCTURES

Unsafe structures and equipment in the Village shall be identified and addressed in accordance with the procedures established by Chapter 51 of the Code, as now in effect or as hereafter amended from time to time.

§49-10. OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees..

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in §49-16 (Fees) must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

§49-11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

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

(1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.

(2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every thirty-six (36) months.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(c) OFPC Inspections. Nothing in this section or in any other provision of this Chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator under Executive Law section 156-e and Education Law section 807-b.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in

§49-16 must be paid prior to or at the time each inspection is performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§49-12. COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Chapter, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in §49-15;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§49-13. RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) all applications received, reviewed and approved or denied;

(2) all plans, specifications and construction documents approved;

(3) all Building Permits, Certificates of Occupancy\Certificate of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

Deleted: 18

(5) all statements and reports issued;

(6) all complaints received;

(7) all investigations conducted;

(8) all other features and activities specified in or contemplated by §49- 4 through §49-12, inclusive, and

(9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

§49-14. PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to the Board of Trustees a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section §49-13 (Record Keeping) and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of the Village, on a form prescribed by the Secretary of State, a report of the activities of the Village relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Village in connection with administration and enforcement of the Uniform Code.

§49- 15. VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this Chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this Chapter; (4) specify the provision or provisions of the Uniform Code, the Energy Code, or this Chapter which is/are violated by the specified condition or activity; (5) specify the period

Deleted: 19

of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by *registered mail / certified mail*. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by *registered mail / certified mail*; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Village.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of the Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this Chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Chapter or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this Chapter, an action or proceeding may be commenced in the name of the *Village*, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Trustees.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in §49-6 (Stop Work Orders), in any other section of this Chapter, or in any other

Deleted: 20

applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in §49-6 (Stop Work Orders), in any other section of this Chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

§49-16: FEES

A fee schedule shall be established by resolution of the Board of Trustees. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy/Certificate of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this Chapter.

§49-17. INTERMUNICIPAL AGREEMENTS

The Board of Trustees may, by resolution, authorize the Mayor to enter into an agreement, in the name of the Village, with other governments to carry out the terms of this Chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§49-18. PARTIAL INVALIDITY

If any section of this Chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Chapter.

§49-19. RESTRICTIONS ON EMPLOYEES OF CODE ENFORCEMENT

No officer or employee of the Code Enforcement Department shall engage in any activity inconsistent with his duties or with the interests of said Department, nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the village, except only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him.

§49-20. DEMOLITION OF BUILDINGS.

Deleted: 21

No existing building or part thereof shall be demolished or removed unless a permit shall first be obtained from the Code Enforcement Officer. The issuance of such permit shall be conditioned upon payment of the requisite fee and such other conditions as are deemed necessary to protect the health, safety and welfare of the residents of the Village.

§49-21. MOVING OF STRUCTURES.

No building or any other structure shall be moved upon or across any street or sidewalk within the Village unless a permit shall be first obtained from the Code Enforcement Officer. 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, and such permit, if granted, shall be under such restrictions and conditions as the Code Enforcement Officer may deem proper.

Chapter 50, BUILDING OCCUPANCY

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville 10-23-2006 by L.L. No. 9-2006. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 49.

Unsafe buildings -- See Ch. 51.

Fire prevention -- See Ch. 81.

Properties used for sale or consumption of controlled substances -- See Ch. 116, Art. II.

§ 50-1. Illegal occupancy prohibited.

It shall be unlawful for any building or property within the Village to be used or occupied in violation of the use set forth in the certificate of occupancy for such building or property.

§ 50-2. Presumptions as to residential occupancies.

- A. In any criminal or civil proceeding commenced by the Village concerning an alleged illegal use or occupancy of a building for residential purposes, the following presumptions shall apply:
- (1) That any dwelling which maintains more than one gas meter or more than one electric meter or more than one water meter is being used as the residence of two or more families.
 - (2) That any dwelling which maintains more than two gas meters or more than two electric meters or more than two water meters is being used as the residence of three or more families.

Deleted: § 49-1. Applicability; conformance required. ¶

This chapter shall apply to all buildings and other structures within the Village, and no wall, structure, building or part thereof shall be constructed or altered except in conformity with the provisions of this chapter and all other applicable provisions of the Code. ¶

§ 49-2. Modification of requirements. ¶

When for any reason it may be impractical to comply strictly with the regulations in this chapter, the Board of Trustees shall have the power on appeal to modify said provisions, provided that the spirit and substance thereof shall be complied with. Such modifications shall be endorsed upon the permit by the official issuing the same. ¶

§ 49-3. Establishment of Building Department; designation of head of Department. ¶

A. There is hereby established in the Village a department to be designated as the Building Department for the administration and enforcement of the provisions of all laws, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the Village. ¶

B. The Building Department shall be headed by a Village official designated as the Building Inspector. ¶

C. The Board of Trustees may appoint from time to time such other persons as may be necessary to assist the Building Inspector in carrying out the functions of the Building Department. ¶

§ 49-4. Acting Building Inspector. ¶

In the absence of the Building Inspector, or in the case of his inability to act for any reason, the Mayor shall have the power, with the consent of the Village Board, to designate a person to act in his behalf and to exercise all of the powers conferred upon him by this chapter. ¶

§ 49-5. Restrictions on employees of Building Department. ¶

No officer or employee of the Building Department shall engage in any activity inconsistent with his duties or with the interests of the Building Department, nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the Village, except only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him (... [1])

Deleted:

Deleted: 22

- (3) That a single-family dwelling which maintains any entrance(s) thereto, which entrance(s) has not been set forth on any plans approved by and on file with the Code Enforcement Officer, is being used as the residence of two or more families. Deleted: Building Department
- (4) That a two-family dwelling which maintains any third or additional entrance thereto, which entrance(s) has not been set forth on any plans approved by and on file with the Code Enforcement Officer, is being used as the residence of three or more families. Deleted: Building Department
- (5) That a dwelling which has been advertised in any newspaper, magazine or local advertising publication as being available for sale or rent, which advertisement expressly or implicitly provides that such dwelling contains rooms for rent, more than one separate dwelling living unit, or may be occupied by more than one separate family, is being used as a dwelling containing the number of rooms for rent, dwelling units or families stated or implied in such advertisement.
- (6) That if there exist two or more doorbells, mailboxes, telephone lines, cable TV lines or satellite TV antennas, two or more families are residing in the dwelling.
- (7) That if there are two or more motor vehicles parked on the dwelling lot registered to persons with two or more different surnames, two or more families are residing in the dwelling.
- (8) The presumption of nonpermitted occupancy of a single dwelling unit shall also be established where probative evidence establishes:
 - (a) That there exist permanent partitions or locking internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms, or the inability of any occupant or person in possession thereof to have unimpeded and/or lawful access to all parts of the dwelling unit.
 - (b) That there exist two or more kitchens, each containing one or more of the following: a range, oven, hot plate, microwave, or other similar device customarily used for cooking or preparation of foods.
- B. The presumption raised by proof of the existence of any such conditions as set forth in Subsection A herein may only be rebutted by conclusive evidence that such conditions do not, in fact, exist or that such conditions, in fact, comply with this Code.
- C. A person charged with a violation of this chapter may demand an inspection by the Code Enforcement Officer of the subject premises to rebut such presumption. Such demand shall be in writing addressed to the Code Enforcement Officer. The Code Enforcement Officer shall prepare a report of the finding of the inspection together with photographs, if appropriate. Deleted: Building Department
Deleted: Building Department
Deleted: Building Inspector

§ 50-3. Enforcement.

- A. The Code Enforcement Officer shall be responsible for investigating and documenting violations of any case of alleged illegal occupancy within the Village. Deleted: Building Department
- B. Prosecutions for violations hereunder may be instituted in the Village Justice Court or in the District Court of the County of Suffolk.
- C. The Village Attorney may, upon direction of the Board of Trustees, institute an action

in the Supreme Court of the State of New York, County of Suffolk, for appropriate relief where it appears under the circumstances that the imposition of a fine alone would not be adequate.

§ 50-4. Penalties for offenses.

- A. A violation of a Code provision involving nonpermitted occupancy of a structure is a "violation," as that term is defined in the New York State Penal Law.
- B. Notwithstanding any provision of this Code inconsistent herewith, for each Code violation involving a nonpermitted occupancy of a one- or two-family dwelling, or of an approved multifamily dwelling, the owner and any person who is in charge of the subject property at the time of the violation shall be liable to a fine of not more than \$3,500 for the first violation; for a second and any subsequent violation, the fine shall be not more than \$2,000.
- C. Each week that the violation continues to exist shall constitute a separate and distinct violation.

Chapter 51, BUILDINGS, UNSAFE

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville 3-23-1980 by L.L. No. 4-1987. ^{1EN} Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 49.
Property maintenance -- See Ch. 130.

§ 51-1. Purpose.

Unsafe buildings pose a threat to life and property in the Village of Amityville. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Village of Amityville by requiring that such unsafe buildings be secured, repaired or demolished and removed.

§ 51-2. Definitions.

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

BUILDING -- Any building, structure or portion thereof used for residential, business or industrial purposes.

Code Enforcement Officer -- The **Code Enforcement Officer** of the Village of Amityville or such other person appointed by the village to enforce the provisions of this chapter.

Deleted: BUILDING INSPECTOR
Deleted: Building Inspector
Deleted: 24

§ 51-3. Inspection and report by Code Enforcement Officer.

The Code Enforcement Officer shall cause or make an inspection and report in writing to the Board of Trustees his findings and recommendations in regard to a building which needs to be secured, repaired or demolished and removed, when in his own opinion, or upon receipt of information that, it:

- A. Is or may become dangerous or unsafe to the general public;
- B. Is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as to vagrants and other trespassers;
- C. Is or may become a place of rodent infestation;
- D. Presents any other danger to the health, safety, morals and general welfare of the public; or
- E. Is unfit for the purposes for which it may lawfully be used.

Deleted: Building Inspector

Deleted: Building Inspector

Deleted: Village

§ 51-4. Order for action.

The Board of Trustees shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous, and order that it be secured and boarded up or repaired, if this can be safely done, or that it be demolished and removed, and further order that notice be served upon the persons and in the manner provided herein.

Deleted: Village

§ 51-5. Contents of notice.

- A. The notice shall contain the following:
 - (1) A description of the premises.
 - (2) A statement of the particulars in which the building is unsafe or dangerous.
 - (3) An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
 - (4) A statement that the securing or removal of such building shall commence within 10 days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended, or for a shorter period of time if necessary to protect the life, safety or health of any person or property.
 - (5) A statement that in the event of neglect or refusal of the person served with the notice to comply with the same, the Board of Trustees may authorize the removal or securing of said building or structure, and assess the costs and expenses of securing or removing the same against the land on which it is located.
- B. Said notice shall also specify a time and place for a hearing before the Board of Trustees to determine whether or not any building or structure should be removed from or secured upon the premises.
- C. Said notice shall be filed in the office of the Suffolk County Clerk in the same manner as a notice of pendency of action and shall have the same effect thereof.

Deleted: Village

Deleted: Village

Deleted: Clerk of the Supreme Court, State of New York, County of Suffolk,

§ 51-6. Service of notice.

Deleted: 25

Said notice shall be served by personal service of a copy thereof upon the owner of record, or his personal representative; or, if no such person can be reasonably found, by mailing such owner a copy of such notice directed to his last known address by certified mail, return receipt requested; and by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and by securely affixing a copy of such notice upon the unsafe building.

Deleted: executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of Taxes (or Tax Collector) or the County Clerk;

Deleted: by registered mail

Deleted: as shown by the above records

Deleted: copy of notice.

Deleted: notice served,

Deleted: of the County of Suffolk.

§ 51-7. Filing of proof of service of notice

A copy of the proof of service of said notice, as provided herein, shall be filed in the office of the Suffolk County Clerk.

§ 51-8. Hearing

The Board of Trustees shall conduct a public hearing at the time and place specified in such notice. The owner, the occupant and any other interested persons shall have a right to be heard. The Code Enforcement Officer and any surveyor or engineer appointed by the Board of Trustees shall submit testimony and/or documentary evidence as to whether the building or structure is unsafe. The Board of Trustees shall consider all competent and relevant evidence and make a determination as to whether such building or structure is unsafe and whether it should be secured, repaired, demolished or removed. The owner and any occupant shall receive written notice of such determination and any resulting order.

Deleted: 8

§ 51-9. Refusal to comply; contracts for demolition.

- A. In the event of the refusal or neglect of the person so notified to comply with said order of the Board of Trustees within 10 days the Board of Trustees shall direct that such building or structure be secured, repaired or demolished and removed, either by village employees or by contract.
- B. Except in an emergency, any contract for demolition and removal of a building in excess of \$20,000 shall be awarded through competitive bidding.

Deleted: Village

Deleted: , and after the hearing,

Deleted: Village

Deleted: provide

Deleted: 3

Deleted: -

Deleted: 9

§ 51-10. Assessment of costs; assessment to constitute lien.

After the building or other structure has been taken down and removed or has been repaired and secured, the Board of Trustees shall assess all costs and expense incurred by the village in connection with the proceedings to remove or secure, including the cost of actually removing the building or other structure, and the Board of Trustees shall levy such assessment against the land on which the building or other structure is or was located. The levy of such assessment, as of the date of such levy, shall constitute a lien and charge on said land until paid and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes. Such assessment, from the date of its levy, shall bear interest at the annual rate of 6%.

Deleted: 0

§ 51-11. Emergency corrections.

Where it reasonably appears that there is present a clear and imminent danger to the life,

Deleted: 26

safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Board of Trustees may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expense of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in § 51-10 hereof.

Deleted: Village B

Deleted: Building Inspector

Deleted:

Deleted: 9

Deleted: 1

§ 51-12. Appointment of surveyor or engineer, compensation.

A surveyor or engineer may be appointed to determine if a building or structure is unsafe, and he shall be paid reasonable compensation as shall be fixed by the Board of Trustees.

Deleted: Village

Chapter 55, CARNIVALS AND CIRCUSES

[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

Licensed businesses and occupations -- See Ch. 107.

Noise -- See Ch. 114.

Nuisances -- See Ch. 116.

Parades -- See Ch. 120.

Places of public assembly -- See Ch. 132.

§ 55-1. Carnivals, performances and exhibitions restricted.

All carnivals, performances or exhibitions of like nature shall be prohibited within the village, except that a permit may be issued without fee by the Board of Trustees for any such exhibition or performance when sponsored by a charitable, educational, religious, eleemosynary, civic or similar institution or organization, subject to the required safety inspection by the applicable agency of the State of New York, and any conditions that the Board of Trustees may impose.

Deleted: s

Deleted: .

§ 55-2. Carousels or merry-go-rounds restricted.

It shall be unlawful for any person to operate a carousel or merry-go-round for hire within the village, except that permission may be granted by the Board of Trustees to operate such amusement device in connection with a carnival without fee when sponsored by a charitable, educational, religious, eleemosynary, civic or similar institution or organization, subject to the required safety inspection by the applicable agency of the State of New York and any conditions that the Board of Trustees may impose.

Deleted: corporate limits of the

Deleted: .

§ 55-3. Circuses and menageries prohibited.

Deleted: 27

No circus or menagerie shall be permitted to exhibit within the village or parade in any street therein.

Chapter 59, (RESERVED)

Chapter 81, FIRE PREVENTION

[HISTORY: Adopted by the Board of Trustees of the Village of Amityville during codification 5-12-1980 by L.L. No. 17-1980; see Ch. 1, General Provisions, Art. III. Amendments noted where applicable.]

GENERAL REFERENCES

- Fire Department -- See Ch. 12.
- Building construction -- See Ch. 49.
- Unsafe buildings -- See Ch. 51.
- Conduct at fires -- See Ch. 83.
- Open fires -- See Ch. 85.
- Garbage, rubbish and refuse -- See Ch. 97.
- Property maintenance -- See Ch. 130.

§ 81-1. Adoption of standards. [Amended 4-24-1989 by L.L. No. 3-1989]

For the purpose of prescribing rules and regulations governing conditions hazardous to life and property from fire and explosion, there is hereby adopted the New York State Uniform Fire Prevention and Building Code, and amendments thereto ("Uniform Code"), save and except such portions as are hereinafter deleted, modified or amended. Said Uniform Code is hereby incorporated as fully as if set forth at length herein. A complete copy of said Uniform Code shall be kept in the office of the Village Clerk and shall be available for inspection and copying by the public during normal business hours.

§ 81-2. Establishment of code enforcement department. [Amended 4-24-1989 by L.L. No. 3-1989]

The Uniform Fire Prevention and Building Code shall be enforced by the Code Enforcement Officer and the Fire Marshal.

§ 81-3. Fire inspectors. [Amended 4-24-1989 by L.L. No. 3-1989]

The Code Enforcement Officer is designated as the fire inspector. The Board of Trustees shall have the authority to designate additional fire inspectors from time to time provided that they have been duly certified by New York State.

§ 81-4. Office of Fire Marshal; appointments.

The Office of Fire Marshall previously established is hereby continued. Said office shall consist of a Chief Fire Marshall and two (2) Deputy Fire Marshalls who shall be

Deleted: Chapter 69, DISORDERLY CONDUCT ¶

[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 ¶

Alcoholic beverages -- See Ch. 37. ¶

Beach regulations -- See Ch. 43. ¶

Noise -- See Ch. 114. ¶

Nuisances -- See Ch. 116. ¶

Parades -- See Ch. 120. ¶

Places of public assembly -- See Ch. 132. ¶

Streets and sidewalks -- See Ch. 152. ¶

§ 69-1. Enumeration of offenses. ¶

A person is guilty of disorderly conduct if he willfully or recklessly, with disregard for the rights of others: ¶

A. Engages in fighting or threatening to fight, or in violent or tumultuous behavior. ¶

B. Makes an unreasonable noise or offensive, coarse or lewd utterance, gesture or display, or addresses abusive or lewd language to any person. ¶

C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor. ¶

D. Appears in any public place manifestly under the influence of narcotics or a drug, other than alcohol, not therapeutically administered, to the degree that he or she may endanger himself or other persons or property or annoy persons in his vicinity. ¶

E. Having no legal privilege to do so, obstructs any highway or other public passage, whether alone or with others. ¶

F. Refuses to obey a reasonable official request or order to move: ¶

(1) To prevent obstruction of a highway. [2]

Deleted: New York State

Deleted: Fire Prevention and Building

Deleted: New York State

Deleted: Fire Prevention and Building

Deleted: Building Department

Deleted: A member or members of the Building Department shall be

Deleted: (s) and shall be under the supervision of the Chief Building Inspector.

Deleted: Establishment of

Deleted: [Amended 4-24-1989 by L.L. No. 3-1989]

Deleted: The Board of Trustees hereby establishes an Office of the Fire Marshal and may appoint Fire Marshalls as shall from time to time be deemed necessary. In making such appointments, the [3]

Deleted: 28

appointed by the Mayor, subject to the approval of the Board of Trustees, for a term of three (3) years. Said terms shall be staggered so only one (1) term expires each year. The Office of the Fire Marshall shall have the authority to determine the presence of flammable or combustible material in any building within the village and to assist the Fire Department in the initial investigation of any fire in the village.

§ 81-5. Right of entry. [Amended 4-24-1989 by L.L. No. 3-1989]

The fire inspector(s) and members of the Office of the Fire Marshal shall have the power at any and all times to enter into and examine all buildings and ascertain if any flammable or combustible material is lodged therein.

§ 81-6. Inspection of buildings. [Amended 4-24-1989 by L.L. No. 3-1989]

It shall be the duty of the Code Enforcement Officer and any other duly designatged fire inspectors to inspect all buildings and premises, except the interiors of dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any condition liable to cause fire or endanger life by fire or any violation of the provisions or intent of this chapter.

Deleted: Building Department

§ 81-7. Order to eliminate hazardous conditions. [Amended 4-24-1989 by L.L. No. 3-1989]

Whenever the Code Enforcement Officer or the Office of the Fire Marshal shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, he shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the inspecting officer:

Deleted: any of the members of the Building Department

Deleted: Building Department

- A. Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.
- B. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.
- C. Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly combustible materials.
- D. Accumulations of dust or waste material in air-conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible materials from hoods, grease extractors and ducts.
- E. Obstructions to or on fire escapes, designated access openings in exterior walls for Fire Department use, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- F. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

§ 81-8. Service of process.

The service of process for violations of this chapter shall be made upon the owner,

Deleted: A. .

Deleted: 29

occupant or other person responsible for the conditions, either by delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such a process upon the owner of a premises, such process may be served either by delivering to and leaving with said person a copy of said process, or, if such owner is absent from the jurisdiction of the officer making the process, by sending such copy by certified or registered mail to the owner's last known post office address.

Deleted:

Deleted:

§ 81-9. Investigation of fires; reports. [Amended 4-24-1989 by L.L. No. 3-1989]

- A. The Office of the Fire Marshal may assist the Fire Chief in the investigation of the cause, origin and circumstances of every fire occurring in the village which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such fire, and, if it appears that such fire is of suspicious origin, the Office of the Fire Marshal shall immediately notify the Police Department of the facts. The Police Department shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- B. Every fire shall be reported, in writing, by the Police Department to the Office of the Fire Marshal, within two days after the occurrence of the same, by the police officer in whose jurisdiction such fire has occurred. The report shall be in such form as shall be prescribed by the Office of the Fire Marshal. Every fire investigated by the Office of the Fire Marshal shall be reported, in writing, to the Fire Department, within two days following the occurrence of the same, by the Fire Marshal or Deputy Fire Marshal performing such investigation. Said report shall contain a statement of facts relating to the cause, origin and circumstances of such fire, factors contributing to the spread of the fire, injury to persons, the extent of the damage, the insurance upon such property and such other information as may be required. The Fire Chief shall prepare a report of each and every fire on a form prescribed by the New York State Secretary of State and shall submit a copy of said report to the Office of the Fire Marshal as well as to the New York State agency whose duty it is to collect such reports. In the event that the Fire Department or the Office of the Fire Marshal shall require the services of another investigatory agency, the Fire Department shall request such assistance and shall receive any report issued by such agency and shall forward a copy of any such report to the Office of the Fire Marshal.
- C. The Village Attorney and the Police Department, upon request of the Office of the Fire Marshal, shall assist the Office of the Fire Marshal in the investigation of any fire which, in their opinion, is of suspicious origin.

Deleted: B. If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the process issued in connection with the enforcement of this chapter shall apply to the occupant thereof, except where the rules or orders require the making of additions or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises. In such cases, the rules or orders shall affect the owner and not the occupant, unless it is otherwise agreed between the owner and the occupant. ¶

§ 81-10. Records. [Amended 4-24-1989 by L.L. No. 3-1989]

The Fire Department shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby.

Deleted: 30

Said record shall be on a form prescribed by the New York State Office of Fire Prevention and Control.

§ 81-11. Permits; fees. [Amended 2-25-1985 by L.L. No. 2-1985; 4-24-1989 by L.L. No. 3-1989]

A. A permit shall constitute permission to maintain, store or handle materials or to conduct processes which produce conditions hazardous to life or property or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy of the premises shall require a new permit. Permits shall be required for the manufacture, storage or sale of the materials or the conducting of the operations as established by the New York State Uniform Fire Prevention and Building Code. Annual fees for such permits shall be paid. Such fees shall be established and modified by the Board of Trustees by resolution.

Permit Fee ⁱⁱ EN (per year)	
▼	Deleted: following
▼	Deleted: following
▼	Deleted: duly adopted.
▼	Formatted Table
▼	Deleted: Materials or Operations
▼	Deleted: Combustible fibers
▼	Deleted: Compressed gases, including oxygen
▼	Deleted: Dry-cleaning establishments
▼	Deleted: Fireworks display
▼	Deleted: Flammable or combustible liquids (tank)
▼	Deleted: Flammable or combustible liquids (other than stationary tanks)
▼	Deleted: Flammable finishes (spray or dipping operations)
▼	Deleted: Hazardous materials (per municipal law)
▼	Deleted: Lumberyards and woodworking plants
▼	Deleted: Magnesium and other combustible metals
▼	Deleted: Nursing homes and similar establishments
▼	Deleted: Ovens; industrial, baking and drying
▼	Deleted: Places of public assembly
▼	Deleted: Radioactive material [Added 4-22-1996 by L.L. No. 5-1996]
▼	Deleted: Repair garages
▼	Deleted: Welding and cutting, per unit (per tank)
▼	Deleted: 31

- B. Before a permit may be issued, the fire inspector shall inspect and approve the receptacles, vehicles, buildings or storage places to be used. In cases where laws or regulations enforceable by departments other than the Code Enforcement Officer are applicable, joint approval shall be obtained from all departments concerned.
- C. All applications for a permit required by this chapter shall be made to the Code Enforcement Officer in such form and detail as it shall prescribe. Applications for permits shall be accompanied by such plans as required by the Code Enforcement Officer.
- D. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by any officer of the Fire or Police Department or the Code Enforcement Officer or the Office of the Fire Marshal.
- E. One permit only shall be required by establishments dealing in or using two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed on the permit.

Deleted: or his assistants

Deleted: Building Department

Deleted: Building Department

Deleted: Building Department

Deleted: Building Department

§ 81-12. Revocation of permit. [Amended 4-24-1989 by L.L. No. 3-1989]

The Code Enforcement Officer may revoke a permit or approval issued if any violation of this chapter is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

Deleted: Building Department

§ 81-13. Fireworks. [Amended 4-24-1989 by L.L. No. 3-1989]

Except as hereinafter provided, it shall be unlawful for any person to store, offer for sale, expose for sale, sell at retail or use or explode any fireworks, provided that the Office of the Fire Marshal shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by the municipality, fair associations, amusement parks and other organizations. Every such display shall be handled by a competent operator approved by the Chief of Police and the Office of the Fire Marshal. Such display shall be of such character and be so located, discharged or fired as, in the opinion of said Office, after proper inspection, shall not be hazardous to property or endanger any person.

Deleted: § 81-13. Storage of flammable liquids in aboveground tanks. ¶
Storage of flammable liquids in aboveground tanks is hereby prohibited. ¶
§ 81-14. Bulk storage of liquefied petroleum gases. ¶
Bulk storage of liquefied petroleum gases is hereby prohibited. ¶
§ 81-15. Storage of explosives and blasting agents. ¶
Storage of explosives and blasting agents is hereby prohibited. ¶
§ 81-16. Transportation of explosives. [Amended 4-24-1989 by L.L. No. 3-1989] ¶
Transportation of explosives and blasting agents on streets and highways subject to the control of the village is hereby prohibited without a permit issued by the Police Department or Office of the Fire Marshal. ¶

§ 81-14. Modification of provisions. [Amended 4-24-1989 by L.L. No. 3-1989]

The Code Enforcement Officer shall have the power to modify any of the provisions of the Uniform Fire Prevention and Building Code upon application, in writing, by the owner or lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Code Enforcement Officer thereon shall be entered upon the records of the Code Enforcement Officer, and a signed copy shall be furnished to the applicant.

Deleted: 7

Deleted: 8

Deleted: Building Department

Deleted: Building Department

Deleted: Building Department

§ 81-15. Appeals from decisions of Code Enforcement Officer. [Amended 4-24-1989]

Deleted: 9

Deleted: Building Department

Deleted: 32

by L.L. No. 3-1989]

Whenever the Code Enforcement Officer shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from such decision to the Board of Trustees of the village within 30 days of the date of the decision appealed.

Deleted: Building Department

Deleted: the

Deleted: of the Building Department

Deleted: 20

§ 81-16. New materials, processes or occupancies requiring permits. [Amended 4-24-1989 by L.L. No. 3-1989]

The Code Enforcement Officer shall determine and specify, after giving interested persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in this chapter. The Code Enforcement Officer shall post such list on the bulletin board in the Village Office and distribute copies thereof to interested persons upon their request.

Deleted: Building Department

Deleted: Building Department

Deleted:

Deleted: 21

§ 81-17. Penalties for offenses. [Amended 4-24-1989 by L.L. No. 3-1989]

Violation of any provision of this chapter or failure to comply with any order of the Code Enforcement Officer, any member thereof or the Office of the Fire Marshal shall be unlawful and shall be punishable in accordance with Chapter 1, Article II, of the Village Code.

Deleted: Building Department

Chapter 83, FIRES, CONDUCT AT

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

GENERAL REFERENCES

Fire Department -- See Ch. 12.

Fire prevention -- See Ch. 81.

Open fires -- See Ch. 85.

Streets and sidewalks -- See Ch. 152.

Vehicles and traffic -- See Ch. 172.

§ 83-1. Interference with Fire Department prohibited.

It shall be unlawful for any person at the time of any fire in the village to interfere with, obstruct or hinder the work or operation of the Fire Department in the following manner:

- A. By failing to move over and give the right-of-way to any fire apparatus responding to an alarm or by passing any fire apparatus while such apparatus is in motion.
- B. By stopping or parking any vehicle so as to obstruct any fire hydrant within 300 feet of a fire.
- C. By failing to move any vehicle from the vicinity of any fire upon orders to do so from any police officer, Fire Department officer or fireman.

Deleted: 33

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

§ 83-2. Obstruction of hydrants.

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

§ 83-3. False alarms.

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

Chapter 85, FIRES, OPEN

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

GENERAL REFERENCES

Fire prevention -- See Ch. 81.

Conduct at fires -- See Ch. 83.

§ 85-1. Bonfires.

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

§ 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.

Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected, and application for the refund thereof duly made to the Village Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within 90 days after the giving of the notice of such denial that a final determination of tax due was not previously made and that an undertaking is filed with the Village Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding is dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

ⁱ Editor's Note: This local law also repealed former Ch. 51, Buildings, Unsafe, adopted during codification 5-12-1980 by L.L. No. 35-1980.

ⁱⁱ Editor's Note: The permit fees are on file in the office of the Village Clerk.

Deleted: 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 installat[... [4]

Formatted: Indent: Left: 0 pt, First line: 0 pt

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

Deleted: Act

Deleted: ;

Deleted: iiiEN

Deleted: 34

§ 49-1. Applicability; conformance required.

This chapter shall apply to all buildings and other structures within the Village, and no wall, structure, building or part thereof shall be constructed or altered except in conformity with the provisions of this chapter and all other applicable provisions of the Code.

§ 49-2. Modification of requirements.

When for any reason it may be impractical to comply strictly with the regulations in this chapter, the Board of Trustees shall have the power on appeal to modify said provisions, provided that the spirit and substance thereof shall be complied with. Such modifications shall be endorsed upon the permit by the official issuing the same.

§ 49-3. Establishment of Building Department; designation of head of Department.

- A. There is hereby established in the Village a department to be designated as the Building Department for the administration and enforcement of the provisions of all laws, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the Village.
- B. The Building Department shall be headed by a Village official designated as the Building Inspector.
- C. The Board of Trustees may appoint from time to time such other persons as may be necessary to assist the Building Inspector in carrying out the functions of the Building Department.

§ 49-4. Acting Building Inspector.

In the absence of the Building Inspector, or in the case of his inability to act for any reason, the Mayor shall have the power, with the consent of the Village Board, to designate a person to act in his behalf and to exercise all of the powers conferred upon him by this chapter.

§ 49-5. Restrictions on employees of Building Department.

No officer or employee of the Building Department shall engage in any activity inconsistent with his duties or with the interests of the Building Department, nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the Village, except only that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by him.

§ 49-6. Powers and duties of Building Inspector.

- A. Except as otherwise specifically provided by law or regulation, or except as herein otherwise provided, the Building Inspector shall administer and enforce all of the provisions of laws and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof.
- B. The Building Inspector shall receive applications and issue permits for the construction, alteration, removal and demolition of buildings or structures or parts thereof, shall issue certificates of occupancy for same and shall examine the premises for which such applications have been received or such permits or certificates of occupancy have been issued for the purpose of ensuring compliance with laws and regulations governing building construction and use.
- C. The Building Inspector shall make all inspections necessary for the carrying out of his duties, except that he may authorize other persons within the Building Department to make such inspections and may accept certified written reports of inspection from generally recognized and authoritative service and inspection bureaus.
- D. Whenever the Building Inspector is satisfied that the execution of any work for which a permit is issued is contrary to this chapter and/or plans and applications submitted for the permit, he shall serve a notice or order upon the persons responsible, directing the discontinuance of such illegal action and the remedying of the conditions that are in violation of the provision of this Building Code. One such notice of violation shall apply to each day such violation continues.
- E. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws or regulations covering building construction, he may require the performance of tests in the field by experienced professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.
- F. All matters and questions relating to building or building operations necessary for safety and public welfare but not covered or provided for in this chapter shall be determined by the Building Inspector according to the best trade practices or recognized standards of competent authorities having jurisdiction or specializing in same, and such determination shall be as binding as if contained in this chapter.

§ 49-7. Application for building permit.

- A. No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure or any part thereof, or cause the same to be done, without first obtaining a separate building permit from the Building Department for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.
- B. Application for a building permit shall be made to the Building Inspector on forms provided by the Building Department and shall contain the following information:
 - (1) A survey of the land on which the proposed work is to be done.
 - (2) A statement of the use or occupancy of all parts of the land and of the buildings or structures.

- (3) The valuation of the proposed work.
 - (4) The full names and addresses of the owner and the applicant.
 - (5) A brief description of the nature of the proposed work.
 - (6) A duplicate set of plans and specifications as set forth in Subsection D of this section.
 - (7) Such other information as may reasonably be required by the Building Inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.
- C. Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.
- D. Plans and specifications.
- (1) Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, stamped with the seal of a licensed architect or a licensed professional engineer in the manner prescribed by law, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distances from lot lines, the relationship of structures on adjoining properties, widths and grades of adjoining streets, walks and alleys and, where required by the Building Inspector, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data.
 - (2) Plans and specifications shall bear the signature of the person responsible for the design and drawings.
 - (3) The Building Inspector may waive the requirement for filing plans.
- E. Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector.
- F. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ALTERATION -- Any change or rearrangement of the structural parts or of the exit facilities, either interior or exterior, or the moving of a structure or part thereof from one location or position to another.

REPAIRS -- Replacement of existing nonstructural parts with the same or similar materials without structural alteration or enlargement, provided that "repairs" shall not include the repair of damage caused by fire, flood or lightning.

§ 49-8. Issuance of permit.

- A. The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within a reasonable time.
- B. The Building Inspector shall not issue a building permit unless the proposed building or alteration complies with the building and zoning provisions and all other applicable provisions of the Code.

- C. The Building Inspector shall not issue a building permit for the construction, erection or alteration of any building unless the street, road or highway giving access to the proposed structure is suitably improved and maintained to provide a safe, convenient and passable means of ingress and egress to the premises for all private, public and emergency vehicles. In the alternative, and in the discretion of the Planning Board, a performance bond sufficient to cover the full cost of the improvement of such street, road or highway, as estimated by the Board of Trustees, shall be furnished to the Village by the owner or owners of the property to be improved.
- D. Upon approval of the application and upon receipt of the legal fees therefor, the Building Inspector shall issue a building permit to the applicant upon the form prescribed by him and shall affix his signature or cause his signature to be affixed thereto.
- E. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Building Department, and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site open to inspection at all reasonable times by the Building Inspector or his authorized representative.
- F. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable building regulations, the Building Inspector shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Building Inspector shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.
- G. Anything herein to the contrary notwithstanding, it is hereby specifically required that, before a building permit is issued by the Building Department for any construction in the commercial or industrial zones or for the construction of any new residence or residential units in any zone, the application must first be reviewed by the Superintendent of Highways and Public Works, who shall notify the Building Inspector of any applicable highway related consideration and requirements to be incorporated into the building permit. [Added 11-10-1986 by L.L. No. 10-1986]
- H. Anything to the contrary notwithstanding, it is hereby specifically required that before a building permit is issued for exterior construction in the Business or H Historical Districts, or for new construction or exterior reconstruction where the area to be altered or reconstructed is at least 50% of the existing structure in all residence districts, such application must first receive a favorable architectural review from the Planning Board as set forth in Article III of Chapter 24 of this Code. [Added 4-9-2001 by L.L. No. 2-2001]

§ 49-9. Commencement and completion of work.

- A. A building permit shall be effective to authorize the commencement of work in accordance with the application. A permit under which no work has been commenced within three months after its issuance shall expire by limitation. All permits shall expire by limitation if the work has not been completed within one year after issuance of the permit; provided, however, that the Building Inspector may, for good cause shown, extend the same for a further period of not more than six months. The fee to

extend such permit shall be equal to 1/2 of the initial permit fee as established by § 49-10 of the Code, but not less than \$50. [Amended 10-23-2000 by L.L. No. 6-2000]

- B. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building laws or regulations. All work shall conform to the approved application, plans and specifications, except that no building permit shall be valid insofar as it authorizes the performance of work or the use of materials which are not in accordance with the requirements of the applicable building regulations.

§ 49-10. Permit fees. [Amended 2-25-1985 by L.L. No. 2-1985; 1-18-1990 by L.L. No. 1-1990; 12-9-2002 by L.L. No. 5-2002]

- A. Before any permit shall be granted under this chapter, except a permit for the construction or alteration of a church, school or public building, the applicant shall pay to the Village a permit fee for the following permits in amounts established by the Village Board by duly adopted resolution, which shall include the fee for a certificate of occupancy:
 - (1) Permit for a building or alteration thereto:
 - (a) For the first \$1,000 or fraction thereof.
 - (b) For each additional \$1,000 or fraction thereof.
 - (2) Building moving permit.
 - (3) Demolition permit.
 - (4) Sanitary permit:
 - (a) Cesspool.
 - (b) Each additional pool.
 - (5) Bulkhead permit.
 - (6) Sign permit (per sign).
 - (7) Fence permit.
 - (8) Outdoor water pool permit:
 - (a) In-ground:
 - [1] First \$1,000.
 - [2] Each additional \$1,000.
 - (b) Aboveground.
 - (9) Tank permit (underground storage).
 - (10) Duplicate certificate of occupancy.
- B. The fees established pursuant to Subsection A shall be doubled for every permit issued after the construction or activity which is the subject of such permit has commenced, provided that the Board of Trustees shall have the right to reduce or waive said additional fee, at the request of the permittee after public hearing, for good cause shown.

§ 49-11. Revocation of building permit.

- A. The Building Inspector may revoke a building permit theretofore issued and approved in the following instances:

- (1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plan or specifications on which the building permit was based.
 - (2) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.
 - (3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
 - (4) Where the person to whom a building permit has been issued fails or refuses to comply with a stop-work order issued by the Building Inspector.
- B. When a building permit for the erection or alteration of a building has been issued and the property upon which a building to be altered is situate or upon which a building is to be erected is rezoned after issuance of said permit but before work thereunder has commenced, such rezoning shall effect an automatic revocation of such building permit.

§ 49-12. Duty of permittee upon termination or revocation of permit.

If any excavation shall have been made or construction of a building started but not diligently prosecuted, or if the permit thereof shall be revoked or shall have expired, the person to whom the permit was issued shall, upon due notice from the Building Inspector, remove or demolish the construction and fill in the excavation and restore the premises to its original condition with all convenient speed.

§ 49-13. Stop-work orders.

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent or the person performing the work, to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop-work order has been rescinded. Such order and notice shall be in writing, shall state the nature of the violation and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same to him by registered mail.

§ 49-14. Right of entry.

Any member of the Board of Trustees or the Building Inspector, so far as may be necessary for the performance of their respective duties, shall have the right to enter any building or premises in the Village at any reasonable hour for the purpose of examination and investigation, upon showing their badges of office or other appropriate identification or credentials.

§ 49-15. Certificate of occupancy required.

- A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.
- B. No building, hereafter enlarged, extended, converted or altered or upon which work has been performed which required the issuance of a building permit, shall continue to be used or occupied after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector.
- C. No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy shall have been issued by the Building Inspector.
- D. The certificate of occupancy shall state the purposes for which the building may be used in its several parts and limitations on such use and shall certify that such building complies with all applicable provisions of the Code.

§ 49-16. Issuance of certificate of occupancy; temporary certificate.

- A. Before issuing an original or duplicate certificate of occupancy, an inspection of the premises shall be made by the Building Inspector.
- B. The Building Inspector shall determine whether a building and the proposed use thereof conform with the provisions of the Code and shall issue a certificate of occupancy for same within 10 days after a request for such certificate has been made.
- C. Under such rules and regulations as may be established by the Board of Appeals, a temporary certificate of occupancy may be issued by the Building Inspector for not more than 30 days.
- D. Before the Building Inspector shall issue a certificate of occupancy for any new construction as set forth in § 49-8G above, he shall first receive from the Superintendent of Highways and Public Works his written report approving all highway related improvements associated with the pending building permit. [Added 11-10-1986 by L.L. No. 10-1986]

§ 49-17. Certificate of occupancy for preexisting buildings.

- A. Upon written request from the owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing on the fourth day of August, 1930, certifying, after inspection and investigation, the extent and kind of use made of the building or premises, including the number of employees and whether such use conforms to the provisions of the Code.
- B. The Building Code shall apply to any premises changed in use or a building built, enlarged or changed in use after August 4, 1930, except that an existing building may be rebuilt for continuance of a use which is the same as or similar to that which preexisted, without regard to the provisions of this Code.

§ 49-17.1. Revocation of certificate of occupancy. [Added 6-8-2004 by L.L. No. 8-2004]

The Building Inspector shall revoke the certificate of occupancy for any premises where the Zoning Board of Appeals or the Planning Board has rescinded an approval for violation of one or more stipulations issued by said Board as a condition for such approval after a hearing as provided by § 24-2B or § 24-6B, respectively. After said

revocation, such premises shall not be used or occupied by any person unless and until a new certificate of occupancy is issued for such premises.

§ 49-18. Demolition of buildings.

No existing building or part thereof shall be demolished or removed unless a permit shall first be obtained from the Building Department. The issuance of such permit shall be conditioned upon payment of the requisite fee and such other conditions as are deemed necessary to protect the health, safety and welfare of the residents of the Village.

§ 49-19. Moving of structures.

No building 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 Building Inspector. 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, and such permit, if granted, shall be under such restrictions and conditions as the Building Inspector may deem proper.

§ 49-20. Penalties for offenses.

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any of the provisions of this Code.
- B. The penalty for such violation is set forth in Chapter 1, Article II, of the Code, and a separate offense shall be deemed to be committed for each day during which such violation continues.

§ 49-21. Abatement of violations.

Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction, or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to prevent illegal acts, conduct or business in or about any premises. These remedies shall be in addition to the penalties prescribed in the preceding section.

ARTICLE II, Adoption of Standards; General Regulations

§ 49-22. Adoption of standards; availability of copies. [Amended 10-28-2002 by L.L. No. 3-2002]

For the purpose of establishing rules and regulations for the construction and alteration of buildings and other similar and related work, there is hereby adopted the New York State Uniform Fire Prevention and Building Code, including the provisions therein applicable to the installation, alteration and repair of plumbing fixtures, equipment and systems and

related work, the provisions therein applicable to one- and two-family dwellings and the provisions therein applicable to multiple dwellings; and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, is hereby adopted and incorporated by reference as fully as if set forth at length herein. A complete copy of said Uniform Fire Prevention and Building Code shall be kept in the office of the Village Clerk and shall be available for inspection and copying by the public during normal business hours.

§ 49-23. Safeguarding of excavations.

- A. The person causing an excavation to be made shall properly guard and protect the same from becoming dangerous to life or limb and shall sheathpile same when necessary to prevent the adjoining earth from caving in.
- B. Whenever an excavation shall be carried to a depth of more than 10 feet below the curb, the person causing such excavation to be made shall at all times, from the commencement until the completion thereof, if afforded the necessary license to enter upon adjoining land and not otherwise, at his own expense, preserve any adjoining or contiguous wall or walls, structure or structures from injury and shall support the same by proper foundations so that said wall or walls, structure or structures shall be and remain practically as safe as before such excavation was commenced, whether the said adjoining or contiguous wall or walls, structure or structures are down more or less than 10 feet below the curb. If the necessary license is not accorded to the person making such excavation, then it shall be the duty of the owner refusing to grant such license to make the adjoining or contiguous wall or walls, structure or structures safe and support the same by proper foundations so that the adjoining excavation may be made, and said owner shall be permitted to enter upon the premises where such excavation is being made for that purpose, when necessary.
- C. If the person whose duty it shall be to preserve or protect any wall or walls, structure or structures from injury shall neglect or fail to do so after having had notice of 24 hours from the Village Clerk, then the Board of Trustees or the Building Inspector may enter upon the premises and employ such labor and furnish such materials and take such steps as in its or his judgment may be necessary to make the same safe and secure, at the expense of the person whose duty it is to keep the same safe and secure.

§ 49-24. Foundations for accessory buildings.

- A. Garages, accessory buildings. Garages and accessory buildings of like nature (not including boathouses) not exceeding 500 square feet in area and 12 feet in height at the eaves may be erected upon foundation posts or piles extending not less than three feet below grade or upon footings built of approved masonry, concrete or concrete blocks extending not less than 18 inches below grade and not less than eight inches in width.
- B. Boathouses. Boathouses may be erected upon foundation posts or piles resting upon sound bottom.

§ 49-25. Party walls.

- A. In all buildings utilizing any common party wall, the party walls between any two such buildings shall be of brick, concrete or hollow tile construction and shall be continuous from the foundation to the roof, except that in buildings of frame construction used exclusively for residence purposes, the party wall may be of frame construction with the spaces between studding filled in solidly with brickwork or other approved incombustible material not less than four inches thick.
- B. All partitions subdividing any business building into separate stores shall be of brick, concrete or hollow tile construction not less than four inches thick.

§ 49-26. Cellar ceilings and partitions.

In any building hereafter erected or altered for use for business or industrial purposes, the wood beams over the cellar shall be covered with metal lath and plaster, plasterboard or other approved noncombustible materials, and all permanent partitions in cellars of such buildings shall be constructed of noncombustible material or covered on both sides with metal lath and plaster or plasterboard.

§ 49-27. Chimneys.

- A. All chimneys shall have a flue lining of burnt clay, commonly known as tile lining, the full length of the flue or flues. The firebacks of all fireplaces erected shall be of solid masonry not less than eight inches in thickness. No chimney shall be built upon any floor or beam of wood.
- B. In no case shall a chimney be corbelled out more than eight inches from the wall, and in all such cases the corbelling shall consist of at least five courses of brick, but no corbelling more than four inches shall be allowed in eight-inch brick walls.
- C. Where chimneys are supported by piers, the piers shall start from the foundation on the same line with the chimney breast, and shall not be less than 12 inches on the face, properly bonded into the walls. When a chimney is to be cut off below in whole or in part, it shall be wholly supported by stone, brick, iron or steel.
- D. All chimneys which shall be dangerous in any manner whatever shall be repaired and made safe or taken down.

§ 49-28. Flues and fireplaces.

- A. All fireplaces and chimneys in stone or brick walls in any building hereafter erected, except as herein otherwise provided, and any other chimney or flues hereafter altered or repaired must be lined with flue lining struck smooth on the inside.
- B. The firebacks of all fireplaces hereafter erected shall be of solid masonry not less than eight inches in thickness. When a grate is set in a fireplace, a lining of firebrick at least two inches in thickness shall be added to the fireback, unless soapstone, tile or cast iron is used, and filled solidly behind with fireproof material.
- C. The stone- or brickwork of the smoke flues of all boilers, furnaces, bakers' ovens, large cooking ranges, large laundry stoves and all flues used for similar purposes shall be at least eight inches in thickness and shall be capped with terra-cotta stone or cast iron. The inside four inches of all boiler flues shall be of firebrick, laid in fire mortar, for a distance of 25 feet in any direction from the source of heat. All smoke flues of

smelting furnaces or steam boilers or other apparatus which heat the flues to a high temperature shall be built with double walls of suitable thickness for the temperature with an air space between the walls, the inside four inches of the flues to be of firebrick.

- D. All smoke flues shall extend at least three feet above a flat roof and at least two feet above a peak roof. On dwelling houses and stables three stories or less in height, not less than six of the top courses of a chimney may be laid in pure cement mortar and the brickwork carefully bonded and anchored together in lieu of coping.
- E. In all buildings hereafter erected, every smoke flue, except the flues hereinbefore mentioned, shall be lined on the inside with cast iron or well-burnt clay or terra-cotta pipe, made smooth on the inside, from the bottom of the flue, or from the bottom of the fireplace if the flue starts from the latter, and carried up continuously to the extreme height of the flue. The ends of all such lining pipes shall be made to fit close together, and the pipe shall be built in as the flues are carried up. The smoke pipe shall be enclosed on all sides with not less than four inches of brickwork properly bonded together.
- F. All flues in every building shall be properly cleaned and all rubbish removed and the flues left smooth on the inside upon completion of the building.

§ 49-29. Hot-air flues and vent ducts.

- A. All stone or brick hot-air flues and shafts shall be lined with tin, galvanized iron or burnt clay pipes. No wood casing, furring or lath shall be placed against or cover any smoke flue or metal pipe used to convey hot air or steam. No smoke pipe shall pass through any wood floor. No stove pipe shall be placed nearer than four inches to any lath, plaster or board partition, ceiling or any woodwork.
- B. Smoke pipes of laundry stoves, large cooking ranges and furnaces shall not be less than 15 inches from any woodwork, unless they are properly guarded by metal shields. If so guarded, stovepipes shall not be less than six inches distant from any woodwork. Where smoke pipes pass through a lath and plaster partition, they shall be guarded by galvanized iron ventilated thimbles at least 12 inches larger in diameter than the pipes, or by galvanized iron thimbles built in at least eight inches of brickwork.
- C. No smoke pipe shall pass through the roof of any building unless a special permit is first obtained from the Board of Trustees for the same. If a permit is so granted, then the roof through which the smoke pipe passes shall be protected as provided in Subsection D.
- D. A galvanized ventilated thimble of the following dimensions shall be placed as follows: In case of a stovepipe, the diameter of the outside guard shall be not less than 12 inches, and the diameter of the inner one not less than eight inches; and for all furnaces, or where similar large hot fires are used, the diameter of the outside guard shall be not less than 18 inches, and the diameter of the inner one, 12 inches. The smoke pipe thimbles shall extend from the under side of the ceiling or roof beams to at least nine inches above the roof, and they shall have openings for ventilation at the lower end where the smoke pipes enter, also at the top of the guards above the roof. Where a smoke pipe or a boiler passes through a roof, the same shall be guarded by a ventilated thimble, the same as before specified, 36 inches larger than the smoke pipe

of the boiler. Tin or other metal pipes in brick or stone walls, used or intended to convey heated air, shall be covered with brick or stone at least four inches in thickness.

- E. No vertical hot-air pipe shall be placed in a stud partition or in any wood enclosure unless it is at least eight feet distant in a horizontal direction from the furnace. Hot-air pipes in closets shall be double, with a space of one inch between them. Horizontal hot-air pipes shall be placed six inches below the floor beams or ceiling. If the floor beams or ceiling is plastered and protected by a metal shield, then the distance shall not be less than three inches.
- F. Vent flues or ducts for the removal of foul or vitiated air in which the temperature of the air cannot exceed that of the rooms may be constructed of iron or other noncombustible material and shall not be placed nearer than one inch to any woodwork, and no such pipe shall be used for any other purpose. In the support or construction of such ducts, if placed in a public school room, no wood furring or other flammable material shall be nearer than two inches to said flues or ducts and shall be covered on all sides, other than those resting against brick, terra cotta or other noncombustible material, with metal lath plastered with at least two heavy coats of mortar and having at least 1/2 inch air space between flues or ducts and the lath and plaster.

§ 49-30. Fire stops; placement of beams; walls in furnace rooms.

- A. All new buildings shall have a fire stop throughout each and every floor from cellar to attic, independent of full width studding braces. All renovated portions of buildings where fire stops can be placed and are necessary shall be so placed. No fire stops shall be less than two inches in thickness.
- B. No beams shall have resting or insertion in any chimney or fireplace within eight inches of the flue or firebed.
- C. No wall of frame construction in a furnace room shall be nearer than two feet from any heating unit. Such wall shall be constructed with materials having a fire rating of not less than one hour.

§ 49-31. Fire stops in business, industrial and multiple-family dwellings.

- A. Walls and roofs. No business building or structure used for business or industrial purposes and no apartment house or multiple-family dwelling for more than two families shall hereafter be constructed within the Village unless the same shall be enclosed on all sides with walls constructed of noncombustible materials, or unless the same shall have noncombustible or composition covering on all roofs and the top sides of all roof structures.
- B. Interior walls. All partitions or dividing walls in any apartment house or multiple-family dwelling for more than two families, which walls are placed between apartments or family dwelling units therein, shall be constructed with materials having a fire rating of not less than two hours.
- C. Doors. In any apartment house or multiple-family dwelling for more than two families, all doors leading to public hallways shall be of such firesafe material or construction as shall be approved by the Building Inspector.

§ 49-32. Ceilings in business buildings.

All ceilings in every building constructed or altered for business use shall be covered with fire-resistant materials having a fire rating of not less than one hour.

§ 49-33. Stairways and halls.

- A. The walls, ceilings and soffits of all stairways above grade in every building constructed or altered for use as a two-family dwelling, exceeding two stories in height and requiring more than two floors for such use, shall be covered with materials having a fire rating of not less than two hours.
- B. The walls, ceilings and soffits of all stairways and halls above grade in every building constructed or altered for use as a dwelling by more than two families shall be covered with materials having a fire rating of not less than two hours.

§ 49-34. Window requirements for multiple-family buildings.

Each floor of any building constructed or altered for use as a dwelling for more than two families shall have one window with a minimum area of six square feet for each 120 square feet of floor area.

§ 49-35. Garages.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:
GARAGE -- A building, or any part thereof, in which there shall be housed or kept one or more boats, vehicles or automobiles using flammable liquids for fuel or power.
- B. Occupancy of attached garages restricted. Not more than three automobiles shall be kept or housed in any garage built as part of a dwelling house or attached thereto.
- C. Additional restrictions. No garage shall hereafter be built as part of a dwelling house or attached to a building occupied for any other purpose unless it is so separated therefrom as to restrict the passage of gases, smoke and odor from the garage to other portions of such building.
- D. Construction of walls and ceilings between buildings and attached garage. A garage built as part of a dwelling house or attached to a building shall require special construction as set forth in the State Building Construction Code for the separating wall or walls, and in case the portion of a dwelling house above such garage is used for living purposes, similar construction shall be required for all interior walls and ceiling of such garage.
- E. Heating devices. There shall be no stove, furnace or similar heating device in any private garage unless installed in a heating room used for no other purpose.

§ 49-36. Exits and stairways in multiple dwellings.

- A. In every multiple dwelling hereafter erected, there shall be at least one exit from every apartment or suite of rooms. The exit shall be to a public hall connected with a stair not more than 50 feet distant from such exit, except in buildings not exceeding

two stories in height.

- B. Every multiple dwelling hereafter erected shall have at least two stairways extending from the ground floor to the roof. Such stairways shall be at least 15 feet distant from each other, unless they are on opposite sides of a public hall. One of these stairways shall be constructed of noncombustible material enclosed on all sides by fireproof partitions with automatic fire doors at all floors and roof and shall be ventilated by windows in the exterior wall or by skylights glazed with wire glass in metal frames with fixed or movable louvers, or may be a fire escape constructed of open iron or stone balconies and stairs.

§ 49-37. Egress from public buildings.

- A. In all buildings of a public character, such as hotels, churches, theaters, lodge rooms, restaurants, railroad depots, public halls and other buildings used or intended to be used for the purpose of public assembly, amusement or instruction, and including department stores and other business and manufacturing buildings where large numbers of people are congregated, the halls, doors, stairways, seats, passageways and aisles and all heating and lighting appliances and apparatus shall be arranged to facilitate egress in cases of fire or accident and to afford the requisite and proper accommodation for the public protection in such cases.
- B. All aisles and passageways in said buildings shall be kept free from camp stools, chairs, sofas and other obstructions, and no person shall be allowed to stand in or occupy any of said aisles or passageways during any performance, service, exhibition, lecture, concert, ball or any public assemblage.
- C. The Building Inspector may at any time serve a written or printed notice upon the owner, lessee, manager or person in charge of any of said buildings, directing any act or thing to be done or provided in or about the said buildings and the several appliances therewith connected, such as halls, doors, stairs, windows, seats, aisles, fire walls, fire apparatus and fire escapes, as he may deem necessary.

§ 49-38. Doors in public buildings.

All doors affording ingress and exit to public buildings shall open outwardly.

§ 49-39. Fire escapes.

All dwelling houses or blocks exceeding three stories in height and to be occupied by more than two families on any floor; all buildings more than two stories in height to be used as a hotel, lodging or boardinghouse and containing more than 15 rooms; every factory, mill, retail store, office building, hospital or asylum, or any place where invalids are treated; and every building used in whole or in part as a place for instruction, assembly, public dancing or meetings shall be provided with suitable fire escapes or exits.

§ 49-40. Exit signs.

All exits required as provided in § 49-39 shall be plainly marked EXIT and numbered

with letters and figures. Places of assembly, and structures used for public dances or meetings shall be further marked by the presence of a red light, which shall be kept burning at all times whenever there is an assemblage of persons in such buildings and there is not sufficient light from without to clearly disclose the location of the exit from all parts of the floor upon which such exits may be located.

§ 49-41. Exit and fire escape doors.

All exits and fire escapes shall be provided with doors opening outwards, which shall always be unlocked throughout each and every time of any assemblage, dance or meeting in the buildings in which the same are located.

§ 49-42. Construction of fire escapes.

All fire escapes shall be constructed of iron, with suitable balconies at each point of exit from a building, and stairs, with a railing of suitable width to allow speedy egress from the building.

ARTICLE III, Fire Zones

§ 49-43. Designation of fire zone.

The territory within the boundaries described in the following subsections shall be and is hereby declared to constitute the fire zone:

- A. Beginning at a point in the center of Mill Street at Albany Avenue; thence easterly along the center of Mill Street to a point opposite the center of Wellington Place; thence southerly to and along Wellington Place to Oak Street; thence westerly along Oak Street to a point 300 feet easterly of Broadway; thence southerly paralleling Broadway to a point 300 feet north of Montauk Highway; thence easterly and paralleling Montauk Highway to the intersection of the center line of Ocean Avenue extended; thence southerly to and along Ocean Avenue 300 feet; thence westerly and paralleling Montauk Highway of Ketcham Avenue; thence northerly to a point 300 feet north of Montauk Highway; thence easterly and paralleling Montauk Highway to a point 300 feet westerly from Broadway; thence northerly and paralleling Broadway to an intersection with Park Avenue at a point 365 feet south of Ireland Place; thence northerly along Park Avenue to a point 150 feet south of Ireland Place; thence westerly paralleling Ireland Place to County Line Road; thence northerly along County Line Road to the Long Island Rail Road; thence easterly along Long Island Rail Road to Burch Avenue; thence northerly along Burch Avenue to Sterling Place; thence easterly along Sterling Place to John Street; thence northerly across lands to land of Loudon; thence easterly along land of Loudon to and across Broadway and Albany Avenue to the point or place of beginning.
- B. That area west of the area described in Subsection A to the west line of the Village at a distance of 200 feet north of the railroad.
- C. That area east of the area described in Subsection A to the easterly boundary of the

Village generally encompassing the Industrial District north of the railroad.

- D. That area west of Ketcham Avenue and the area described in Subsection A, to and including the west line of the Village at the same distances northerly and southerly of Merrick Road as exists in the area described in Subsection A.
- E. That area north and south of Merrick Road easterly of the area described in Subsection A at a distance of approximately 300 feet northerly and southerly from Merrick Road to the easterly line of the Village.
- F. That area north of the center line of Mill Street to the center line of Dixon Avenue and easterly from the center line of Albany Avenue to the center line of the stream which flows southerly into Amityville Creek and other lands presently included in the fire zone.
- G. Beginning at a point north of Sunrise Highway in the east side of County Line Road where the latter is intersected by the north boundary of the B-2 Zoning District; thence easterly along the north side of said B-2 Zoning District to the west side of the B-2 Zoning District located west of Broadway; thence northerly along the west side of the B-2 Zoning District, west of Broadway, and along a northerly extension thereof to the north boundary of the Village in Smith Street; thence easterly along the north boundary of the Village in Smith Street to the Village boundary in Broadway; thence southerly along the Village boundary in Broadway and continuing along the Village boundary easterly to a point in the southerly side of South Drive distant 200 feet east of the east side of Broadway when measured at right angles thereto; thence southerly, southeasterly and easterly, parallel with and 200 feet distant from the east side of Broadway and the northeast and north sides of Sunrise Highway to the east boundary of the Village; thence southerly and easterly along the Village boundary to the point in Albany Avenue where the Village boundary runs southerly; thence southerly in Albany Avenue along the Village boundary to the most northerly point of the fire zone, as it existed heretofore; thence southerly in Albany Avenue along the boundary of the fire zone, as it existed heretofore, to a point where the fire zone, as it existed heretofore, runs westerly; thence westerly along said fire zone, as it existed heretofore, to a point distant 300 feet west of the west side of Broadway when measured at right angles thereto; thence northerly parallel with the west side of Broadway and 300 feet distant therefrom to the south side of the B-2 Zoning District adjoining the south side of Sunrise Highway; thence westerly along the south side of said last mentioned zoning district to the east side of County Line Road; thence northerly along the east side of County Line Road and across Sunrise Highway to the point of beginning on the east side of County Line Road.
- H. Covering that area on the east and on the west sides of South Ketcham Avenue lying in the building zone Industrial District bounded on the west by Narasketuck Creek, on the south and east by Canal Le Ree and on the north by the building zone B Residence District.

§ 49-44. Noncombustible construction required.

Except as provided in §§ 49-45 through 49-48 of this chapter, every building erected or any alteration of an existing building within the fire zone shall be constructed so that the walls, partitions, columns, floors and roofs thereof are noncombustible, with sufficient fire resistance to withstand the effects of a fire and prevent its spread from story to story.

§ 49-45. Frame or wooden structures restricted.

No frame or wooden structure shall be built within the fire zone except the following:

- A. Residences. A wood-frame building of not more than two stories in height to be used for residence purposes only by not more than two families may be constructed within the fire zone on approval of the Board of Trustees, provided that 70% of the existing buildings within the same block are of wood-frame construction, and provided further that no such residential building shall be constructed in the portion of the fire zone located within the Industrial District.
- B. Accessory buildings. A one-story accessory building not over 15 feet high and with an area of not more than 500 square feet may be constructed. However, any accessory building which exceeds either of these dimensions must first be approved by the Board of Trustees. [Amended 11-24-1986 by L.L. No. 13-1986]
- C. Fences.

§ 49-46. Location of accessory buildings.

Accessory buildings within the fire zone shall not be located within five feet of any lot line, nor shall they be located less than 30 feet from any other building over one story in height.

§ 49-47. Moving of frame buildings into fire zone.

No frame building shall be moved from without to within the fire zone, except as provided in § 49-45.

§ 49-48. Repair of damaged buildings.

Within the fire zone limits, any existing frame, wood or other combustible structure which, in the judgment of the Board of Trustees, may be damaged from any cause whatever, or may be in need of structural repairs to an amount greater than 1/2 of the value thereof, exclusive of foundations, shall not be repaired or rebuilt, but shall be taken down, except that if said frame building shall have been occupied exclusively as a one-family residence when said building is damaged by fire, decay or otherwise the amount of permissible damage shall be increased to 75%.

ARTICLE IV, Smoke-Detecting Alarm Devices [Added 7-12-1982 by L.L. No. 5-1982]

§ 49-49. Definitions.

For the purpose of this Article, certain terms and words used herein shall be interpreted or defined as follows:

SMOKE-DETECTING ALARM DEVICE -- An assembly comprised of a photoelectric or ionization type of smoke detector, control equipment and audible alarm in one unit

which, upon detection of smoke, activates the alarm.

§ 49-50. Devices required in certain buildings.

On and after October 1, 1982, all buildings containing more than one dwelling unit, including two-family dwellings, multiple dwellings, mixed-use dwellings, hotels, motels, and rooming and boarding houses, shall be equipped with approved and operational smoke-detecting alarm devices as hereinafter provided, except such units which contain operational automatic-wet-sprinkler systems.

§ 49-51. Power source.

Each dwelling unit affected by this Article shall be equipped with either battery-operated smoke-detecting alarm devices or with smoke-detecting alarm devices receiving their primary power from the building wiring with no interrupting switches in the circuit.

§ 49-52. Type of devices required; installation standards.

- A. All smoke-detecting alarm devices installed pursuant to this Article shall be either the ionization chamber or photoelectric type and shall comply with and be listed by Underwriters' Laboratories under Reference Standard: UL No. 217-1980, Single- and Multiple-Station Smoke detectors.
- B. All smoke-detecting alarm devices installed pursuant to this Article shall be installed in accordance with ANSI/NFPA No. 74-1980, Standard for the Installation, Maintenance and Use of Household Fire-Warning Equipment, except that smoke detectors shall be installed within the sleeping area of hotel or motel units or rooming and boarding houses.
- C. Complete copies of UL No. 217-1980 and ANSI/NFPA No. 74-1980 shall be kept in the office of the Village Clerk and shall be available for inspection and copying by the public during normal business hours.

§ 49-53. Duties of owners and occupants.

- A. It shall be the duty of the owner of each building containing a dwelling unit which is required to be equipped with smoke-detecting alarm devices pursuant to this Article to:
 - (1) Provide and install one or more approved and operational smoke-detecting alarm devices in each dwelling unit. Such devices shall be installed in accordance with the requirements of ANSI/NFPA No. 74-1980, except that smoke detectors shall be installed within the sleeping area of hotel or motel units or rooming and boarding houses.
 - (2) Notify the occupants of such building in writing that the owner is required by law to install one or more approved and operational smoke-detecting alarm devices in each dwelling unit in the building and that each occupant is responsible for the maintenance and repair of such devices, in accordance with written instructions supplied by the owner, except in hotels, motels and rooming and boarding houses, and for replacing any or all such devices which are stolen,

- removed, missing or rendered inoperable during the occupancy of each dwelling unit.
- (3) Replace any smoke-detecting alarm device which has been stolen, removed, missing or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit.
 - (4) Replace, within 30 calendar days after the receipt of written notices, any such device which becomes inoperable within one year of the installation of such device due to a defect in the manufacture of such device and through no fault of the occupant of the dwelling unit, except in hotels, motels and rooming and boarding houses, in which case the owner shall remain continuously responsible to maintain such device.
 - (5) Keep such records as the Building Inspector shall prescribe relating to the installation and maintenance of smoke-detecting alarm devices in the building and make such records available to the Building Inspector upon request.
 - (6) Notify the Village Clerk in writing when such device or devices are installed.
- B. It shall be the sole duty of the occupant of each dwelling unit which is required to be equipped with smoke-detecting alarm devices pursuant to this Article and in which a smoke-detecting alarm device has been provided and installed by the owner pursuant to this Article to:
- (1) Keep and maintain such device in good repair, except for occupants of hotels, motels and rooming and boarding houses.
 - (2) Replace any and all devices which are either stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.
- C. Except as otherwise provided in Subsection A(3) and (4) of this section, an owner of a building containing dwelling units affected by this Article who has provided and installed a smoke-detecting alarm device in a dwelling unit pursuant to this section shall not be required to keep and maintain such device in good repair or to replace any such device which is stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit, except the owners of hotels, motels, rooming and boarding houses, who shall be required to keep and maintain such device in good repair during the occupancy of such dwelling unit.
- D. The occupant of a dwelling unit in which a battery-operated smoke-detecting alarm device is provided and installed pursuant to this Article shall reimburse the owner a maximum of \$10 for the cost of providing and installing each such device, except occupants of hotels, motels and rooming and boarding houses, who shall not be required by this Article to reimburse the owner for such cost. The occupant shall have one year from the date of installation to make such reimbursement.

Chapter 69, DISORDERLY CONDUCT

[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

Alcoholic beverages -- See Ch. 37.

Beach regulations -- See Ch. 43.

Noise -- See Ch. 114.

Nuisances -- See Ch. 116.

Parades -- See Ch. 120.

Places of public assembly -- See Ch. 132.

Streets and sidewalks -- See Ch. 152.

§ 69-1. Enumeration of offenses.

A person is guilty of disorderly conduct if he willfully or recklessly, with disregard for the rights of others:

- A. Engages in fighting or threatening to fight, or in violent or tumultuous behavior.
- B. Makes an unreasonable noise or offensive, coarse or lewd utterance, gesture or display, or addresses abusive or lewd language to any person.
- C. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
- D. Appears in any public place manifestly under the influence of narcotics or a drug, other than alcohol, not therapeutically administered, to the degree that he or she may endanger himself or other persons or property or annoy persons in his vicinity.
- E. Having no legal privilege to do so, obstructs any highway or other public passage, whether alone or with others.
- F. Refuses to obey a reasonable official request or order to move:
 - (1) To prevent obstruction of a highway, sidewalk or other public passage.
 - (2) To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.
- G. Creates or participates in the creation of a condition that is dangerous and threatens destruction or damage to the property of the public or of private persons.
- H. Creates loud noises, to the annoyance of the peaceable residents nearby, by the use of a motor vehicle.

§ 69-2. Maintenance of disorderly house.

No person shall keep or maintain within the village a house of prostitution of any description or a place for the encouragement or practice by persons of lewdness, fornication, unlawful sexual intercourse or for any other indecent or disorderly act or obscene purpose.

§ 69-3. Disrobing in public places.

No person shall disrobe or appear disrobed in any of the streets or public places or in any automobile or other vehicle in the streets or public places within the village.

§ 69-4. Bathing in the nude.

No person shall bathe within the waters of the village while indecently exposed.

§ 69-5. Injury to property.

- A. No person shall willfully or wantonly injure, deface or tarnish any house, porch, stoop, door, gate, well, pump, fence or tree or any useful or ornamental public or private work or improvement or any post or hydrant standing upon a street or other public place.
- B. No person shall in any way deface, mar, injure, disturb, break or destroy any lamps, poles or fixtures of any kind in the streets or public places of the village.
- C. Nothing herein shall be construed to prevent the trimming of trees as required by § 152-10.

§ 69-6. Obscene writing.

No person shall write, print, publish or post any obscene or indecent writing, picture or print within the village or deface any post, fence, building, tree or other surface with any obscene or indecent mark, writing, picture or print.

Chapter 79, FIREARMS

[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.]

§ 79-1. Air rifles.

The shooting of air rifles upon or across any of the streets, avenues, highways, sidewalks or any public waters or waterways within the village is hereby prohibited.

Page 28: [3] Deleted

8/7/2008 12:56:00 PM

The Board of Trustees hereby establishes an Office of the Fire Marshal and may appoint Fire Marshals as shall from time to time be deemed necessary. In making such appointments, the Board of Trustees shall consider the recommendations of the Chief of the Fire Department The Office of the Fire Marshal shall consist of a Chief Fire Marshal and two Deputy Fire Marshals who shall be appointed by the Board of Trustees for terms of three years. The initial appointments shall be for terms of one year, two years and three years, respectively, in order that thereafter only one term shall expire each year. All appointments shall continue during good behavior and satisfactory service for the length of the appointment, and appointees shall not be removed from office except for cause after public hearing. The Office of the Fire Marshal shall also recommend to the Board of Trustees the employment of any necessary technical inspectors or consultants.

Page 34: [4] Deleted

3/31/2008 11:23:00 AM

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.