

LOCAL LAWS OF 1996

Local Law 1 of 1996

A local law Creating a Chapter of the code of the Village of West Hampton Dunes entitled; Local Law No. 1 of 1996, entitled “Local Law No. 1 of 1996, of the Incorporated Village of West Hampton Dunes, A local law establishing regulations regarding Seasonal Rentals.”

Be it enacted by the board of Trustees of the Incorporated village of West Hampton Dunes as follows:

1. Enactment
Pursuant to Section 10 of the Home Rule Law, and the Village Law of the State of New York, the Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts as Local Law No. 1 of 1996, of the Incorporated Village of West Hampton Dunes, A Local Law Establishing Regulations Regarding Seasonal Rentals.”
2. Effective Date
The local law shall become effective on filing of the local law with the Secretary of State of the State of New York, which shall be within five days of the date hereof, and after any required publication of the law, as may be required pursuant to the Village Law of the State of New York.
3. Purpose
This Local Law No. 1 of 1996, a local law for the purpose of establishing regulations regarding seasonal rentals in the Village of West Hampton Dunes, and to provide for and for the following purposes:
 - 3.1 Establishing regulations concerning seasonal rentals in the Village of West Hampton Dunes.
 - 3.2 To promote, in the public interest regulations and enforcement of those regulations.
 - 3.3 To provide for the safety and well-being of the residents of the Village seasonal renters in the Village, and visitors to the Village.
4. Definitions
 - 4.1 Evidence of use and occupancy
 - a. As used in this chapter, the following terms shall have the meanings indicated:

CONVENTIONAL BEDROOM- A room designed as a bedroom for sleeping purposes. Rooms having other purposes, such as dens, living rooms or hallways, shall not be considered as “conventional bedrooms.”

ONE-FAMILY DWELLING- A building used for residential purposes and arranged, intended or required by the Zoning Code to be used for the occupancy of not more than one(1) family, as defined in that Code

SEASONAL RENTAL- Use or occupancy of a one-family dwelling for residential purposes under an oral or written lease or agreement for a term of less than one(1) year, for which compensation is paid directly or

indirectly, where such term includes the summer or any part of the summer.

ZONING ADMINISTRATOR- The Assistant to the Mayor appointed pursuant to which local law, or in lieu thereof, the Village Building Inspector.

- b. Where a one-family dwelling is utilized as a seasonal rental, the parking of motor vehicles on the premises between the hours of 1:00a.m. and 6:00a.m. shall be prima facie evidence that the one-family dwelling was used and occupied during that time by at least one(1) person for each vehicle so parked.
- c. Where a one-family dwelling is utilized as a seasonal rental, the parking of motor vehicles on the premises between the hours of 1:00 a.m. and 6:00a.m. shall be prima facie evidence that the one-family dwelling was used and occupied during that time as follows:
 - 1. By an owner of each vehicle so parked; or
 - 2. With respect to each vehicle so parked, by a person related by blood, marriage or legal adoption to an owner of such vehicle.
- d. Where a tenant under a lease or agreement for a term of one (1) year of more grants the right to use or occupy all or part of a one-family dwelling for residential purposes to any person (whether by oral or written assignment, by oral or written subleased or by oral or written agreement) for a term of less than one(1) year which includes the summer or any part of the summer, for which compensation is paid directly or indirectly, such use or occupancy of such dwelling under such grant constitutes a seasonal rental within the meaning of this chapter, and such use or occupancy of such dwelling under such grant is prohibited unless a seasonal rental license has been obtained and maintained in effect in accordance with the provisions of this Local Law.

5. Duties of owner

It shall be the duty of every owner of premises subject to the provisions of this chapter to make such inquiries of prospective tenants and tenants as may be necessary in order that he shall be able to comply with the provisions of this Local Law. It shall also be the duty of every such owner to inform himself of the nature of the use and occupancy prevailing in any dwelling subject to the provisions of this chapter. It shall also be the duty of every such owner to inform prospective tenants and tenants of the provisions of this chapter.

6. Licenses and Fees

6.1 License required.

A one-family dwelling shall not be used or occupied as a seasonal rental unless the owner thereof shall first obtain and maintain in effect, at all times during the term thereof, a seasonal rental license from the Zoning

Administrator of the Village of West Hampton Dunes, as hereinafter provided.

6.2 Application for license.

A written application for a seasonal rental license shall be filed with the Zoning Administrator prior to commencement of the term of the seasonal rental. The application shall be signed and verified by all owners of the premises and by all tenants. The application shall contain the following information:

- a. The names and permanent residence address of all owners of the premises.
- b. The location of the premises, including the Suffolk County Tax Map parcel designation of the premises.
- c. The names and permanent residence addresses of all tenants.
- d. The names and permanent residence addresses of all other persons who have or are reasonably expected to pay a monetary consideration or a share of the rent for using or occupying the dwelling, even if such payment was or is to be made to a tenant or occupant of the dwelling rather than directly to the owner.
- e. The names and permanent residence addresses of all of the persons who are reasonably expected to use or occupy the dwelling during the term of the seasonal rental.
- f. The number of conventional bedrooms in the dwelling and the size of each conventional bedroom, together with a floor plan if requested by the zoning administrator.
- g. A refuse disposal contract covering disposal of refuse from the premises for the term of the seasonal rental.
- h. The term of the seasonal rental.
- i. Proof showing that the proposed use and occupancy of the dwelling constitutes use and occupancy only by a family, as defined in the Zoning Code.
- j. Such other reasonable information as to the nature of the dwelling and the proposed use and occupancy thereof as the Zoning Administrator may deem necessary to facilitate enforcement of this chapter.
- k. A copy of the certificate of occupancy for the dwelling involved in the application.
- l. A copy of the lease for the seasonal rental.

6.3 Fees

The filing fee for filing an application for a seasonal rental license shall be twenty-five dollars (\$25) or such other amount as the Village Board of Trustees may hereafter fix and establish from time to time by resolution.

6.4 Issuance of license.

A seasonal rental license shall be issued by the Zoning administrator, unless he finds that facts exist upon which a denial is authorized pursuant to this chapter, in which event he shall deny the license.

6.5 Expiration of license.

A seasonal rental license shall expire on the last day of the term of the seasonal rental as stated in the application, unless revoked as hereinafter provided.

6.6 No presumption from license.

Issuance of a seasonal rental license shall create no presumption that the seasonal rental complies with the provisions of the Local Law.

6.7 Nontransferability.

A seasonal rental license shall not be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.

6.8 Applicability of license.

Issuance of a seasonal rental license shall not authorize any seasonal rental other than the seasonal rental as stated in the application.

6.9 Supplement to application required for change in rental.

a. A one-family dwelling utilized as a seasonal rental shall not be used or occupied by any person who is not listed as a tenant or occupant in the application for a seasonal rental license.

b. If a person who is not so listed will use or occupy the dwelling, a written, signed and verified supplement to the seasonal rental license application shall be filed with the zoning administrator prior to such person commencing occupancy. Such supplement shall contain the name and permanent residence address of such person together with such other reasonable information as the Zoning Administrator may deem necessary to facilitate enforcement of this Local Law.

c. Occupancy on a transient basis.

1. a one-family dwelling utilized as a seasonal rental shall not be used or occupied on a transient basis.

2. If a person is granted the right to use or occupy the dwelling on a transient basis, the use and occupancy shall be deemed to constitute a prohibited transient basis.

3. The selling of shares to any person, by which such person obtains the right to use or occupy the dwelling on a transient basis, shall be prohibited.

d. If a one-family dwelling is utilized as a seasonal rental, the entire dwelling must be used and occupied for such purpose. Use and occupancy of a portion of a one-family dwelling as a seasonal rental is prohibited.

e. If a one-family dwelling is utilized as a seasonal rental, the number of motor vehicles parked on the premises between the hours of 1:00 a.m. and 6:00 a.m. shall not exceed the following: one(1) vehicle for each conventional bedroom, plus one (1) additional vehicle.

f. If a one family dwelling is utilized as a seasonal rental:

1. The parcel on which such dwelling is located shall not be used for any purpose which is not incidental to the seasonal rental use.

2. The selling or granting of a right to use the parcel for any purpose to any person who is not listed as a tenant in the application for a

seasonal rental license for in a supplement thereto shall be prohibited.

3. The selling or granting to any such person of a right to use the parcel for recreational purposes shall be prohibited.
4. The selling or granting to any such person of a right to use the parcel for access to the ocean beach shall be prohibited.
- g. If a one-family dwelling is utilized as a seasonal rental:
 1. The premises, including such dwelling and the parcel on which such dwelling is located, shall not be used or occupied in a manner which creates a public nuisance.
 2. Any conduct on the premises which is unreasonable under the circumstances and which disturbs the health, safety, peace or comfort of the neighborhood shall be deemed to create a public nuisance and shall be prohibited.
 3. The congregation of a large number of persons on the premises may be deemed to constitute conduct which is unreasonable under the circumstances, where the circumstances conflict with a stable, uncongested single-family environment. Without limiting the foregoing provision, the frequent congregation of a large number of persons on the premises may also be deemed to constitute conduct which is unreasonable under the circumstances.
 4. The parking of large number of motor vehicles on the premises may be deemed to constitute conduct which is unreasonable under the circumstances, where the circumstances conflict with a stable, uncongested single-family environment. Without limiting the foregoing provision, the frequent parking of a large number of motor vehicles on the premises may also be deemed to constitute conduct which is unreasonable under the circumstances.
 5. Any conduct which is not customarily associated with a traditional family may be deemed to constitute conduct which is unreasonable under the circumstances, where the circumstances conflict with a stable, uncongested single-family environment. Without limiting the foregoing provision, the frequent conducting of any conduct which is not customarily associated with a traditional family may also be deemed to constitute conduct which is unreasonable under the circumstances.

7 Grounds for denial of license.

The Zoning Administrator may deny a seasonal rental license on any of the following grounds;

- A. That the application does not comply with the provisions of this chapter.
- B. That the applicant has falsified or failed to provide information of substantial and material import in the application for a license.
- C. If the applicant was issued a seasonal rental license which was in effect during any part of the calendar year immediately preceding the date of the application, that the applicant falsified or failed to provide information of

substantial and material import in the application upon which such license was issued or in any required supplement thereto.

- D. That the applicant violated any provision of this chapter during the calendar year immediately preceding the date of the application or during the calendar year in which the application is made.
- E. That the applicant has had a seasonal license revoked for cause during the calendar year immediately preceding the date of the application or during the calendar year in which the application is made.
- F. That a one-family dwelling owned by the applicant during the calendar year immediately preceding the date of the application or during the calendar year in which the application is made was used or occupied in violation of this chapter during such period of the applicant's ownership.
- G. That any tenant listed in the application violated any provision of this chapter during the calendar year immediately preceding the date of the application or during the calendar year in which the application is made.
- H. That any tenant listed in the application violated any of the following provisions of the Village Code during the calendar year immediately preceding the date of the application or during the calendar year in which the application is made: Chapter 11 123-1,123-12 and 123-13; 146-4 and 80-13C; or 103-1, 103-3, 103-5, 103-6 and 103-7. [**Added 12-20-1991 by L.L. No.8-1991**]
- I. If the applicant was issued a seasonal rental license which was in effect during any part of the calendar year immediately preceding the date of the application, that a violation of any of the following provisions of the Village Code occurred on the premises during the term of such license: Chapter 123-1 and 123-12; 146-4 and 80-13C; or 103-1,103-3, 103-5, 103-6 and 103-7. [**Added 12-20-1999 by L.L. No.8-1991**]
- J. That a valid certificate of occupancy has not be issued for the dwelling involved in the application. [**Added 12-20-1999 by L.L. No.8-1991**]
- K. That the dwelling involved in the application does not have an operable single-station smoke detecting alarm device or devices installed in accordance with state standards. [**Added 12-20-1999 by L.L. No.8-1991**]
- L. That the dwelling involved in the application does not comply with applicable requirements of the Suffolk County Housing Hygiene and Occupancy Code. [**Added 12-20-1999 by L.L. No.8-1991**]

149-14 Appeals.

- A. If the Zoning Administrator denies an application for a seasonal rental license, he shall notify the applicant in writing. Such notice shall include or be accompanied by a statement reciting the ground or grounds for denial.
- B. An applicant may appeal from such denial by filing a written request for an appeal hearing before the Village Board of Trustees. Such request shall be filed with the Village Clerk. The Village Clerk shall give the appealing party at least five (5) days written notice of the time and place of the appeal hearing.

- C. At the appeal hearing , the Village Board of Trustees shall give the appealing party an opportunity to be heard. In all cases, the burden of proof to show that the determination of the Zoning Administrator was arbitrary, capricious or in excess of his authority shall be upon the appealing party. The decision of the Village Board of Trustees on such appeal shall be final and conclusive.

149-15. Revocation of license.

- A. The Village Board of Trustees, after a hearing at which the licensee shall be given an opportunity to be heard, may revoke a seasonal rental license on any of the grounds for denial of a license set forth in 149-13.
- B. The Village Clerk shall give the licensee at least five (5) days written notice of the time and place of any such hearing. Such notice shall include or be accompanied by a statement reciting the ground or grounds for revocation to be considered at such hearing.

149-16. Additional provisions regarding denial or revocation of license.

- A. In determining any appeal from a denial of a seasonal rental license pursuant to 149-14 and in determining whether to revoke a seasonal rental license pursuant to 149-15, the Village Board of Trustees may consider the following:
 - 1. Whether the owner performed his duties under 149-2.

Local Law NO. 2 of 1996

A local law Creating a Chapter of the Code of the Village of West Hampton Dunes
Entitled:

Local Law No. 2 of 1996, a Local Law establishing an official position of a second Associate Justice in the village of West Hampton Dunes.

Be it enacted by the Board of Trustees of the Incorporated Village of West Hampton Dunes as follows.

1.0 Enactment

Pursuant to § 10 of the Home Rule Law, and Article 3 of the Village Law of the State of New York, the Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts as Local Law No. 2 of 1996, this local law entitled; “Local Law No. 2 of 1996, of the Incorporated Village of West Hampton Dunes, A local Law Establishing the position of an additional Associate Justice of the Village of West Hampton Dunes.”

2.0 Effective Date

The local law shall become effective on filing of the local law with the Secretary of State of the State of New York, which shall be within five days of the date hereof, and after any required publication of the law, as may be required pursuant to the Village Law of the State of New York.

3.0 Purpose

This Local Law No. 2 of 1996, is for the purpose as follows:

3.1 Promoting the health, safety and welfare of the residents of the Village of West Hampton Dunes.

3.2 Enacting the power vested in the Village pursuant to Article 3 of the Village Law, to establish the position of a second Associate Justice in the Village, and to create that position, subject to the requirements of and the regulations regarding this enactment.

4.0 Creation of Position

The Board of Trustees of the Village therefore hereby creates the position of a second Associate Justice pursuant to Article 3 of the Village Law, and confers in the Mayor of the Village the power as further provided in that Law to fill this position by appointment, and hereby requires that any such appointee shall further be in compliance with New York State Law, and both meet and continue to fulfill the requirements for any such position and also shall serve as the Associate Justice of the village, and shall have all of the powers, duties, obligations and capabilities, conferred on such position by Village Law and New York State Law.

VILLAGE OF WEST HAMPTON DUNES

Local Law No. 3 of 1996

Local Law No. 3 of 1996 of the Incorporated Village of West Hampton Dunes, Unsafe Building Law, a Local Law intended to Regulate Unsafe Buildings and Structures in the Village of West Hampton Dunes.

BE IT HEREBY ENACTED by the Board of Trustees of the Village of West Hampton Dunes as follows:

1.0 Purpose and intent.

Whereas the Board of Trustees of the Village of West Hampton Dunes believe that at the present time and in the future it is in the interests of the Village to control and or remove unsafe or hazardous structures, buildings, or conditions, both due to the conditions that have existed in the Village and that may arise in the future, and that such control is for the benefit and general welfare of the residents of the Village, and the economic, cultural and other aspects of the Village that it is in the interest of the Village to protect and promote, a local law is hereby made as a local law of 1996 to control, regulate and prevent unsafe and hazardous buildings and structures in the Village.

The intended purpose of Local Law No. 3 of 1996 is to create an Unsafe Building Law of the Village of West Hampton Dunes (the "Village"), pursuant to the Home Rule Law and Section Article 65 of the Civil Practice Laws and Rules.

- 2.0 Abatement of hazards required.
All buildings or structures which are structurally unsafe, dangerous, insanitary or not provided with adequate egress or which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purpose of this chapter, unsafe buildings. All such buildings and structures are hereby declared to be illegal and are prohibited and shall be abated by repair and rehabilitation or by demolition and removal in accordance with the procedure of this chapter.
- 3.0 Inspection and report.
The Fire Inspector shall inspect any building or structure, either upon a complaint or upon his own knowledge, where a building or structure may be dangerous or unsafe pursuant to the provisions of this chapter. The Fire Inspector shall file a report with the Village Board with regard to the condition of any building or structure so inspected. The report shall include the date of the inspection, the condition of the building or structure, a determination as to whether the building or structure is dangerous or unsafe, an opinion as to what caused the condition and recommendations for the correction of any dangerous or unsafe condition.
- 4.0 Resolution to serve notice.
Where the Village Board, pursuant to the Fire Inspector's report, finds a building or structure to be dangerous or unsafe, the Board, by resolution, shall direct the Fire Inspector to give notice to be served on the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same.
- 5.0 Notice requirements.
- A. Notice shall be served either personally or by registered mail, addressed to the last known address, if any, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk or County Register. If service is made by registered mail, a copy of such notice shall be posted on the premises.
 - B. Notice shall contain the following:
 - (1) A description of the premises.
 - (2) A statement of the particulars of why the building is unsafe or dangerous.
 - (3) An order requiring buildings or structures to be repaired or removed.
 - (4) A statement that the securing or removal of the building or structure shall commence within five (5) days from the date of service of the notice and shall be completed within thirty (30) days thereafter. The Fire Inspector may extend the time of compliance specified in the notice where there is evidence of intent to comply within the time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the

Fire Inspector may impose such conditions as he may deem appropriate.

- (5) A statement that, in the event of the neglect or refusal of the person served with notice to comply with the same, a hearing will be held before the Board of Trustees of the Village of West Hampton Dunes, notice of which and the time and place thereof to be specified in the notice to the owner referred to in this section.
- (6) A STATEMENT THAT IN THE EVENT THAT THE BUILDING OR STRUCTURE SHALL BE DETERMINED BY THE Village to be unsafe or dangerous, and in the event of the neglect or refusal of the owner to repair or remove the same within the time provided, the Village may remove such building or structure by whatever means it deems appropriate and assess all costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, against the land on which said buildings or structures are located.

6.0 Filing of notice.

Notice served pursuant to this chapter shall also be filed in the office of the County Clerk.

Such notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and rules and shall have the same effect as a notice of pendency except as otherwise provided. Notice so filed shall be effective for a period of one (1) year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the village Attorney. The Clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

7.0 Public hearing.

Before a building or structure may be removed by the Village, a public hearing shall be held.

8.0 Emergency measures to vacate premises.

If the Fire Inspector so determines in his inspection of any building or structure, he shall promptly require the building or structure or portion thereof to be vacated forthwith and not be reoccupied until the specified repairs are completed, inspected and approved by the Fire Inspector. For this purpose he may enter such building or structure or land on which it stands or adjoining land or structures with such assistance and at such cost as may be necessary. He may also order adjacent structures to be vacated and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a private or public right-of-way. The Fire Inspector shall cause to be posted at each entrance to such building or structure a notice stating: "This building is unsafe and its use or occupancy has been prohibited by the Fire Inspector." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents

or other persons to remove such notice without written permission of the Fire Inspector or for any person to enter the building except for the purpose of making the required repairs or the demolition thereof.

9.0 Costs and expenses; liens.

All costs and expenses incurred by the Village of West Hampton Dunes in connection with any proceeding or any work done to remove the danger or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which such building or structure is located, and a statement of such expenses shall be presented to the owner of the property, or if the owner cannot be ascertain or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay such expenses within ten (10) days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Fire Inspector may file a certificate of the actual expenses incurred as aforesaid together with a statement identifying the property in connection with which the expenses were incurred and the owner thereof with the assessors, who shall, in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner by the same proceedings, at the same time and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Village of West Hampton Dunes.

10.0 Penalties for offences; other remedies.

- A. Any person who neglects, refuses or fails to comply with any order or notice issued hereunder shall be guilty of an offense punishable by a fine not to exceed one thousand dollars(\$1,000) or by imprisonment for a term not to exceed fifteen (15) days, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional offense or violation.
- B. Nothing in this chapter shall be construed as depriving the Village of any other available remedy relevant to a violation of this chapter.

11.0 Coordination and Continuation with Section 128 of the Town Code of the Town of Southampton

The Town law of the Town of Southampton was in affect in the Village prior to the passage an enactment of this local law, and it is the specific intention that any finding, decree, order hearing or proceeding that was issued or commenced under that law shall be grand-fathered and continued in affect with this local law to the full extent permissible under the law, and that any such action or notice taken under that law shall be deemed to have been given or in effect under this local law.

Local Law 4 of 1996

1.1 Enactment

Pursuant to § 10 of the Home Rule Law, and the Village Law of the State of New York, the Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts Local Law No. 4 of 1996, this local law entitled; "Local Law No. 4 of 1996, of the Incorporated Village of West Hampton Dunes, Creating a Building and Construction Code."

1.2 Effective Date

The local law shall become effective on filing of the local law with the Secretary of State of the State of New York, which shall be within five days of the date hereof, and after any required publication of the law, as may be required pursuant to the Village Law of the State of New York.

1.3 Purpose

This Local Law No. 4 of 1996, establishing a local law for the purpose of creating a building and construction code in the Village of West Hampton Dunes, and for the following purposes:

- A. To Promote in the public interest the orderly enforcement of building and construction laws and regulations in the Village.
- B. To provide for the safety and well-being of the residents of the Village and the visitors to the Village, and to provide for safe conditions in the Village.
- C. To establish a building department and regulation and procedures thereof for the Village of West Hampton Dunes.

ARTICLE II

Enforcement of State Standards

2.1 Applicability and Enforcement.

Pursuant to 377* of the Executive Law of the State of New York, the Village of West Hampton Dunes, Suffolk County, New York, hereby accepts the applicability of the New York State Uniform Fire Prevention and Building Code, except as provided herein, and shall enforce said code. (*NOTE: Chapter 707 of the Laws of 1981, New York.)

2.2 Construal of Provisions

- A. Nothing herein shall be construed as limiting the authority of the Village to implement future ordinances or local laws which are more restrictive than the state code.
- B. Nothing herein shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulation which is more retroactive than this Article or the state code.

2.3 Swimming pool enclosures.

§ 1243.7f of the New York Uniform Fire Prevention and Building Code requiring the enclosure of swimming pools shall be effective and shall be applicable to all pools constructed after the effective date of this Article. Existing pools shall comply with the enclosure requirement within one (1) year of the effective date of this Article.

ARTICLE III

Building Code administration

- 3.1 Designation of Building Inspector; Deputy building Inspectors.
The Building Inspector operating under the Village Building Zone is hereby designated as the Superintendent of Buildings under the Building Code. The Village Board of Trustees may appoint one (1) or more Deputy Building Inspectors as the need may appear to act under the supervision of the Building Inspector and to exercise any portion of his powers and duties at compensation which shall be fixed by the Board of Trustees; whenever the Building Inspector is absent or unable to act, the Deputy Building Inspectors are authorized to perform his functions.
- 3.2 Conflicts of interest.
No officer or employee of the Building Department shall engage in any activity inconsistent with his duties or with the 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 of specifications thereof within the Village of West Hampton Dunes, excepting 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 and not constructed for sale.
- 3.3 Power and duties of Building Inspector
 - A. Whenever by law, rule or regulation in respect to the Building Code the Words “Superintendent of Buildings” are used, they shall be deemed to mean the Building Inspector or his deputy or deputies as the case may be. The building Inspector shall administer and enforce all rules, regulations, laws and ordinances applicable to the Building Code and 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. Permit application. The Building Inspector shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose or ensuring compliance with laws, ordinances and regulations governing building construction.
 - C. The Building Inspector shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of

construction with the requirements of such laws, ordinances or regulations. He shall make all inspections which are necessary of proper for the carrying out of his duties, except that he may accept written reports of inspection from building inspectors or other employees of the Department of Buildings or from generally recognized and authoritative service and inspection bureaus, provided the same are certified by a responsible official thereof.

- D. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, the Building Inspector 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.
- 3.4 Records and reports.
- A. The Building Inspector shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. All such records shall be public records open to public inspection during business hours.
 - B. The Building Inspector shall annually submit to the Village Board of Trustees a written report and summary of all business conducted by the Building Inspector, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made a appeals or litigation pending.
- 3.5 Work not requiring building permit.
- An application for a building permit is not required where there is no change in the perimeter of an existing structure which is being repaired, improved or remodeled at a cost not exceeding seven hundred fifty dollars(\$750) or for such kinds, types and methods of repairs, improvements and alterations as the village Board of Trustees shall specify from time to time in regulations adopted by said Board by resolution applicable to this Article.
- 3.6 Application for building permit
- A. Permit required.
 - 1. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the use or nature of the occupancy of any building or structure or cause the same to done without first obtaining a building permit, separate and distinct from that required by the Zoning Ordinance, from the building Inspector 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.
 - 2. In addition to the provision of Subsection A(1) of this section, a building permit shall be required to conduct any regulated activity as defined in Local Law No. 1 of Freshwater Wetlands, of this Village Code.
 - 3. No person, firm or corporation shall commence the installation, extension, modification or removal of any electrical system or parts thereof without

first filing an electrical application with the Building department, and Electrical Inspector.

- B. Application form; submission.
- 1. Application for a building permit shall be made to the Building Inspector on forms provided by him and shall contain the following information:
 - A. A description of the land on which the proposed work is to be done.
 - B. A statement of the use or occupancy of all parts of the land and of the building or structure.
 - C. The valuation of the proposed work
 - D. The full name and address of the owner and of the applicant and the names and addresses of their responsible officers, if any of them are corporations.
 - E. A brief description of the nature of the proposed work
 - F. A duplicate set of plans and specifications as set forth in subdivision C of this section.
 - G. 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.
- 2. Application 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.
- 3. Application for the installation, extension, modification or removal of any electrical systems or parts thereof shall be made to the Electrical Inspector on form provided by him. Such forms shall contain information as may reasonably be required by the Electrical Inspector to establish compliance with the applicable ordinances and regulations.
- C. Plans and specifications; waivers.
 - 1. Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, 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, distance from lot lines and relationship of structure on adjoining property, 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.

- D. 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.
- 3.7 Issuance of building permit
- A. The Building Inspector shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. With respect to buildings and structures to be constructed on lots within a filed subdivision map approved by the Village Planning Board which has, as part of the public improvement requirements, some type of fire-protection device (fire hydrant, fire well, underground storage tank, etc.), the Building Inspector shall obtain written confirmation from the Planning Board that such device has been installed to the satisfaction of the respective fire district an/or any other appropriate agency having jurisdiction over any and all of the public improvement requirements as stipulated by the Planning Board at the time the subdivision was approved. However, lots with in such a subdivision which are served by existing streets or fire-protection devices shall be exempt for such requirement. Upon written confirmation from the Village Planning Board, the Building Inspector shall approved or disapprove the application within a reasonable time.
 - B. Every application for a building permit shall be referred to the Village Environmental Engineer. The Village Environmental Engineer shall, within seven (7) working days, determine whether or not a permit is required under Local Law No 1. 1 of 1995, of the Village Code. Where the Village Environmental Engineer determines that a permit is necessary, no building permit may be issued until a permit has been obtained under Local Law No. 1 of 1995. Here no permit is necessary under Local Law No. 1 of 1995, the Building Inspector may proceed with the application under other relevant statures, rules and regulations.
 - C. Upon approval of the application and upon receipt of the fees therefor, he 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.
 - D. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word “approved.” One (1) set of such approved plans and specifications shall be retained in the files of the Building Inspector, 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 by the Building Inspector or his authorized representative at all reasonable times.
 - E. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirement of the applicable building regulations, the building official 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 thereof, to be transmitted to the applicant in writing.

3.8 Effective period of building permit.

A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six (6) months after the date of its issuance. For good cause and in his discretion, the Building Inspector may allow a maximum of two (2) extensions for periods not exceeding three (3) months each.

3.9 Building permit fees.

The Village Board of Trustees shall from time to time by resolution determine the schedule of fees under the Building code; on the filing of an application for a building permit, the appropriate fee shall be payable as defined by the schedule of fees in force at the time.

3.10 Revocation of building permits.

The Building Inspector may revoke a building permit thereto fore issued and approved in the following instances:

- a. Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;
- b. Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;
- c. Where he finds that the work performed under the permit is not being prosecuted in accordance with provisions of the application, plans or specifications; or
- d. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector.

3.11 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, ordinances 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 order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting these same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

3.12 Right of entry.

Any building official, upon the showing of proper credentials and in the discharge of his duties, may enter upon any building, structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

3.13 Certificate of occupancy.

- 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, in addition to any which may be required under the Zoning Ordinance.
- B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than thirty (30) days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector, in addition to any which may be required under the Zoning Ordinance.
- C. No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector, in addition to any which may be required under the Zoning Ordinance.
- D. A certificate of occupancy shall be required for all regulated activities conducted pursuant to Local Law No. 1 of 1995.
- E. Electrical systems hereafter installed, extended or modified shall not be used until a certificate of compliance has been issued by the Building Department.

3.14 Record of violations.

There shall be maintained by the Building Department operated by the Building Inspector a record of all findings of violations of this chapter and the code.

3.15 Issuance of certificates of occupancy.

- A. A certificate of occupancy shall be issued, where appropriate, within thirty (30) days after application therefor is made. Failure to act upon such application within thirty (30) days shall constitute approval of such application, and the building or portion thereof may thereafter be occupied as though a certificate of occupancy has been issued.
- B. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy are in conformity with the provisions of the applicable building laws, ordinances and regulations and shall specify the use or uses and the extent thereof to which the building or structure or its several parts may be put. Except for certificates of occupancy issued with respect to residential property, the certificate of occupancy shall set forth the maximum number of persons permitted to occupy any building, structure or portion thereof, as said occupancy is established pursuant to the applicable provisions of the laws of the Village of West Hampton Dunes.
- C. The certificate of occupancy provided for in this section is in addition to any which may be required under any other Village Law.

3.16 Applicant to certify compliance.

In all applications for a building permit, the applicant shall certify that he will comply with the Building Code, and on applications for a certificate of occupancy, the applicant shall certify, in writing, that he has complied with the Building Code and Zoning Law of the Village.

3.17 Tests for conformance with regulations.

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

3.18 Penalties for offenses, civil remedies.

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of the s Article or to fail in any manner to comply with a notice, directive or order of the Building Inspector or to construct, alter or use and occupy an building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy and shall be punishable by a fine of not more than \$1,000 for each separate offense. Each day that such violation shall exist or remain unremedied shall constitute a separate offense.
- B. Any person having been served, either personally or by registered mail, with an order to remedy any condition found to exist in, on or about any building in violation of the Uniform Fire Prevention and Building Code who shall fail to comply with such order within the time fixed by the regulations promulgated by the Secretary of State pursuant to Subdivision 1 of 381 of the Executive Law, such time period to be stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the Uniform Code, this Article or any lawful order of the Village made thereunder regarding standards for construction, maintenance or fire protection equipment and systems shall be punishable by a fine of not more than one thousand dollars (\$1,000) per day of offense or imprisonment not exceeding one (1) year, or both.
- C. This section shall not apply to violations of the provisions of the Multiple Residence Law punishable under 304 of the Multiple Residence Law of the State of New York.

3.19 Other remedies.

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; and these remedies shall be in addition to the penalties prescribed in the preceding section, and the Village shall

apply in Court and shall be entitled to costs for any such remedy, court proceeding, or the disbursements and costs and expenses thereof.

ARTICLE IV

Road Review

4.1 Definitions

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

ROAD REVIEW COMMITTEE- The advisory body created by resolution dated , to make recommendations regarding road standards and specifications.

BOARD OF TRUSTEES- The Board of Trustees of the Village of West Hampton Dunes.

VILLAGE ENGINEER- A licensed professional engineer retained or employed by the Village of West Hampton Dunes.

4.2 Road Review Committee

- A. The Road Review Committee shall consist of five (5) members:
 1. The Building and Zoning Administrator or his/her representative.
 2. The Village Engineer.
 3. The Commissioner of Highways of the Village of West Hampton Dunes.
 4. The Chairman of the Planning Board or his/her representative.
 5. The Chairman of the Zoning Board of Appeals or his/her representative.
- B. The Road Review Committee shall meet at a monthly meeting to review and consider applications referred to it by the Building Department of the Village of West Hampton Dunes for the purposes of rendering an advisory recommendation to the Board of Trustees pursuant to this Article.
- C. The Committee shall keep minutes of its proceedings, showing the facts relied upon in making its recommendation, and shall also keep records of its examinations and other official actions.
- D. The Committee may prescribe rules of the conduct of its affairs and may set forth an application form for the purposes of soliciting information pertinent to making the recommendations called for under this Article.
- E. The Committee is authorized to charge a fee of one hundred fifty dollars (\$150) on applications referred to it by the Building Department. This fee shall be charged on a per-lot basis and may be waived by the Committee only where there is a request for renewal of a previous determination and the circumstances under which the previous recommendation was granted have not changed.

- 4.3 Access to roads required for issuance of building permits.
- A. No building permit shall be issued for any building or structure unless a street or highway giving access to said proposed building or structure is an existing state, county or town highway or village road or a street shown upon a plat approved by the Planning Board, as provided by Local Law No. Subdivision of Land, of the Local Law of the Village of West Hampton Dunes, and Article 7 of the Village Law or a street on an old filed map filed in the office of the Suffolk county Clerk prior to the creation of the Planning Board.
 - B. For the purposes of this section, “access” shall mean that the lot on which the building or structure is proposed to be erected directly abuts on such street or highway and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and frontage of twenty (20) feet shall presumptively be sufficient for that purpose.
 - C. Before a permit for the erection of any building shall be issued, the street or highway shall be suitably improved to the satisfaction of the Board of Trustees in accordance with the standards and specifications approved by said Board as adequate in respect to the public health, safety and general welfare for the special circumstances of the particular highway. In the case of Trustee roads, said standards and specifications shall be determined by the Village Board of Trustees shall receive an advisory recommendation from the Road Review committee Said recommendation shall set forth the standards and specifications for improvement given the special circumstances of the particular street or highway.
 - D. Once the Board of Trustees has adopted a resolution setting the standards and specifications for the improvement of the street or highway, the building Department may issue a permit under the following circumstances:
 1. The owner has satisfactorily completed the improvements set forth in said Board of Trustee resolution;
 2. The owner submits an affidavit to the Building Department certifying that he/she understands and accepts the determination make by the Board of Trustees, and that he/she agrees to satisfactorily complete the required improvements before the issuance of a certificate of occupancy; or
 3. In the discretion of the Board of Trustees, a performance bond sufficient to cover the full cost of such improvement as estimated by such Board may be furnished to the village by the owner. Such performance bond shall be approved by the Board of Trustees with security acceptable to the Board of Trustees as to form, sufficiency and manner of execution term, manner of modification and method of enforcement of such bond shall be determined by the Board of Trustees in substantial conformity with the Village Law.

- E. Under no circumstances may a building permit be issued where the owner is seeking relief under § 3.4 of this Article. In such a case, the building permit may only be issued upon receipt of a determination from the Zoning Board of Appeals and compliance with the conditions set forth under Subsection D. of this section.
 - F. The determination of the Board of Trustees under this Article shall be valid for a period of one (1) year, unless a building permit has been issued within the one (1) year and is thereafter duly processed to completion.
- 4.4 Appeals; variances.
- Where the enforcement of the provisions of this Article would entail practical difficulty or unnecessary hardship or where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the applicant for such a permit may appeal from the decision of the Board of Appeals. The same rules and standards that apply to zoning appeals shall be applicable to such applications. The Board may, in passing on such appeal, make any reasonable exception and authorize the permit subject to conditions that will protect any future street or highway layout. Any such decision shall be subject to review by certiorari order issued out of a Special Term of the Supreme Court in the same manner and pursuant to the same provisions as in appeals from the decisions upon zoning regulations.

Local Law No. 5 of 1996 of the Incorporated Village of West Hampton Dunes

A local law creating a chapter of the code of the Village of West Hampton Dunes; Local Law No. 5 of 1996, entitled "Local Law No. 5 of 1996, of the incorporated Village of West Hampton Dunes, A Local Law Creating Regulations for the Control of Dogs and Other Animals"

DOGS AND OTHER ANIMALS

ARTICLE I

Enactment, Effective Date and Purpose

- 1-1 Enactment
- 1-2 Effective Date
- 1-3 Purpose

ARTICLE II

Definitions and regulations

- 2-1 Noisy animals
- 2-2 Vicious and unruly animals
- 2-3 Dog and Animal Waste of Cleaning.

2-4 Penalties for offenses

ARTICLE I

1.1 Enactment

Pursuant to §10 of the Home Rule Law, §2-250 of the Village Law of the State of New York, the Village of West Hampton Dunes County of Suffolk and State of New York, hereby enacts as Local Law No. 5 of 1996, this local law entitled; “Local Law No. 5 of 1996, of the Incorporated Village of West Hampton Dunes, Creating Regulations for the Control of Dogs and Other Animals.”

1.2 Effective Date

The local law shall become effective on the filing of the local law with the Secretary of State of the State of New York which shall be within five days of the date hereof, and after any required publication of this law, as may be required pursuant to the Village Law of the State of New York.

1.3 Purpose

This Local Law No. 5 of 1996, establishing a local law for the purpose of creating regulations for the control of dogs and other animals in the village of West Hampton Dunes and for the following purposes:

- A. To promote in the public interest the orderly enforcement of laws and regulations in the Village for the control of dogs and other animals.
- B. To provide for the safety and well-being of the residents of the Village and the visitors to the Village, and to provide for safe conditions in the Village.
- C. To establish a building department and regulation and procedures thereof for the Village of West Hampton Dunes.

ARTICLE II

Definitions and Regulations

2.1 Noisy Animals.

It shall be unlawful to harbor any dog or other animal which continually or intermittently howls, cries or makes other noises disturbing to the peace and quiet of the neighborhood during either the daytime or the nighttime in or on any land, building, structure or water within the jurisdiction of the Village of West Hampton Dunes.

2.2 Vicious and unruly animals.

It shall be unlawful to harbor any vicious or unruly dog or other animal, unless muzzled, tied, leashed or otherwise securely confined, in or on any land, building, structure or water within the jurisdiction of the Village of West Hampton Dunes.

2.3 Dog and Animal Waste and cleanliness

The owner of each dog and animal pet in the Village or the person responsible for of in the control or possession of every such dog or animal in the Village shall be responsible for the removal and proper disposal of the waste of that animal in the Village both on the property of the owner or individual described herein.

2.4 Penalties for offenses.

Each violation of any separate provision of this law shall constitute a separate offense hereunder, and any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

**Incorporate Village of West Hampton Dunes
Local Law No. 6 of 1996, Noise Ordinance**

Incorporated Village of West Hampton Dunes

A local law creating a Chapter of the code of the Village of West Hampton Dunes entitled; Local Law No. 6 of 1996, entitled “Local Law No. 6 of 1996, of the Incorporated Village of West Hampton Dunes, A Local Law Establishing Regulations Regarding Noise.”

Be it enacted by the BOARD OF TRUSTEES OF THE Incorporated Village of West Hampton Dunes as follows:

1. Enactment

Pursuant to §10 of the Home Rule Law, and the Village Law of the State of New York, the Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts as Local Law No. 6 of 1996, of the Incorporated Village of West Hampton Dunes, A Local Law Establishing Regulations Regarding Noise.”

2. Effective Date

The local law shall become effective on filing of the local law with the Secretary of State of the State of New York, which shall be within five days of the date hereof, and after any required publication of the law, as may be required pursuant to the Village Law of the State of New York.

3. Purpose

This Local Law No. 6 of 1996, a local law for the purpose of establishing regulations regarding noise in the Village of West Hampton Dunes, and to provide for and for the following purposes:

- 3.1 Establishing regulations concerning noise in the Village of West Hampton Dunes
- 3.2 To promote, in the public interest regulations and enforcement of those regulations.

- 3.3 To provide for the safety and well-being of the residents of the Village and their guests and visitors to the Village, in the Village, and visitors to the Village.

4. Definitions

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

AIRBORNE SOUND- Sound that reaches the point of interest by propagation through air.

COMMERCIAL SERVICE EQUIPMENT- All engine or motor-powered equipment intended for infrequent service work in inhabited areas, typically requiring commercial or skilled operators.

Examples of “commercial service equipment” are chain saws, log chippers, paving rollers, etc.

CONSTRUCTION DEVICE- Any powered device or equipment designed and intended for use in construction.

Examples of “construction devices” are air compressors, bulldozers, backhoes, trucks, shovels, derricks and cranes.

dB- The abbreviation for decibel

dba- The A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute Specifications for Sound Level Meters (ANSI S1.4 1971), properly calibrated, and operated on the A-weighting network.

DECIBEL- A unit for measuring the volume of sound, equal to the logarithm of the ratio of the sound pressure of the sound to the sound pressure of a standard sound [two ten thousandths (0.0002) microbar]; abbreviated “dB.”

FREQUENCY- The number of oscillations per second, expressed in hertz (abbreviation “Hz”).

HOMEOWNER’S LIGHT RESIDENTIAL OUTDOOR EQUIPMENT- All engine or motor powered garden or maintenance tools intended for repetitive use in residential areas, typically capable of being used by a homeowner.

Examples of “homeowners’s light residential outdoor equipment” are lawn mowers, garden tools, riding tractors, snowblowers, snowplows, etc.

Hz- The abbreviation for hertz, equivalent to cycles per second.

NOISE POLLUTION- The presence of that amount of acoustic energy for that amount of time necessary to:

- A. Cause temporary or permanent hearing loss in persons exposed;
- B. Otherwise be injurious, or tend to be, on the basis of current information, injurious to the public health or welfare;
- C. Cause a nuisance;
- D. Exceed standards or restrictions established herein; or
- E. Interfere with the comfortable enjoyment of life and property or the conduct of business. The following are deemed to interfere with the comfortable enjoyment of life and property or the conduct of business:
 - 1. Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time that annoys or disturbs the quiet, comfort or repose of person or persons in the vicinity and that such noise is plainly audible at a distance of fifty (50) feet from the area, building, structure or vehicle from which such noise emanates.
 - 2. The using of, operating of or permitting to be played, used or operated, any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants and in such a manner as to be plainly audible at a distance of fifty (50) feet from the area, building, structure or vehicle in which it is located.

OCTAVE BAND SOUND PRESSURE LEVEL- Sound pressure level measured in standard octave bands with sound level meter and octave band analyzer that meet ANSI S1.4 and S1.11, or the latest revision thereof.

PERSON- An individual, association, firm, syndicate, company, trust, corporation, department, bureau or agency or any other entity recognized by law as the subject of rights and duties.

RESIDENTIAL DISTRICT- All zoning districts in the Village of West Hampton Dunes.

5. General prohibition.

No person or persons owning, leasing or controlling the operation of any source of noise shall permit the establishment of a condition of noise pollution. Except as provided in this law, the use of amplifiers, speakers or other machines or devices capable of reproducing amplified sound on the exterior of any premises, dwelling or building within the village shall be considered noise pollution and shall be prohibited at all times.

6. Noise standards.

A. No person shall create or cause to be emitted any noise which, when measured at or beyond any lot line of the property on which such noise is being generated in a residential district, exceeds the following standards:

1. From 7:00 a.m. to 7:00 p.m.:
 - a) Airborne sound is excess of sixty-five (65) dBA's or
 - b) Airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one (1) or more octave bands:

<i>Octave Band Center Frequency (Hz)</i>	<i>Octave Band Sound Pressure Level (dB)</i>
31.5	75
63	70
125	64
250	57
500	52
1,000	49
2,000	43
4,000	40
8,000	37

2. From 7:00 p.m. to 7:00a.m.:
 - a) Airborne sound which has a sound level in excess of fifty (50) dBA's; or
 - b) Airborne sound which has an octave band sound pressure level which exceeds the values listed below in one (1) or more octave bands:

<i>Octave Band Center Frequency (Hz)</i>	<i>Octave Band Sound Pressure Level (dB)</i>
31.5	75
63	70
125	64
250	57
500	52
1,000	49
2,000	43
4,000	40
8,000	37

B. No person shall create or cause to be emitted any noise which, when measured at or beyond any lot line of the property on which such noise is

being generated in a commercial or industrial district, exceeds the following standards:

1. From 7:00 a.m. to 7:00 p.m.:
 - a) Airborne sound is excess of seventy (70) dBA's , or
 - b) Airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one (1) or more octave bands:

<i>Octave Band Center Frequency (Hz)</i>	<i>Octave Band Sound Pressure Level (dB)</i>
31.5	85
63	80
125	74
250	67
500	62
1,000	58
2,000	53
4,000	50
8,000	47

2. From 7:00 p.m. to 7:00a.m.:
 - c) Airborne sound which has a sound level in excess of fifty five (55) dBA's; or
 - d) Airborne sound which has an octave band sound pressure level which exceeds the values listed below in one (1) or more octave bands:

<i>Octave Band Center Frequency (Hz)</i>	<i>Octave Band Sound Pressure Level (dB)</i>
31.5	78
63	73
125	67
250	60
500	55
1,000	51
2,000	46
4,000	43
8,000	40

7. Exceptions

- A. The provisions of 235-3 shall apply to the use or occupancy of any lot or structure thereon and to noise produced thereby except the following:

1. The intermittent or occasional use between 7:00 a.m. through 7:00 p.m. of homeowner's light residential outdoor equipment or commercial service equipment, provided that said equipment and its use comply with the other provisions hereof.
2. Construction activities between 7:00 a.m through p.m. and the associated use of construction devices or the noise produced thereby, provided that such activities and such equipment and their use comply with the other provisions hereof.
3. Agriculture.
4. Noise from church bells or chimes used in conjunction with religious services.
5. Public celebrations.
6. Noise of aircraft flight operations.
7. The lawful operation of properly equipped motor vehicles on any public way.
8. Noise from snowblowers, snowthrowers, and snowplows when operated with a muffler for the purpose of snow removal.
9. Noise generated from lawful athletic or recreational events held on the property of the Village of West Hampton Dunes so suited for such activities.
10. Organized activities sponsored by any school district, private school or fire district or department within the Village of West Hampton Dunes.
11. Noise from municipally sponsored celebrations or events.
12. Noise from lawful fireworks displays, parades, carnivals and the like held in accordance with all pertinent provisions of the Village of West Hampton Dunes code.
13. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way.
14. Emergency construction or repair work performed by or authorized by the State of New York, the County of Suffolk, the Village of West Hampton Dunes, Long Island Lighting Company, New York Telephone or any of the recognized utility serving the area.
15. The activities of any fire department, ambulance squad similar emergency or rescue organization.
16. Noncommercial amplified sound that does not exceed the noise standard established in this law.

B. The exceptions to the standards provided for in this section enumerated in Subsection A above shall no be construed to exempt any said source of noise from the provisions of this chapter under the definitions of noise pollution or persons in this local law.

C. This chapter shall not apply to the following:

1. Emergency stationary and mobile signal devices.
2. Audible exterior burglar alarms in operation for fifteen (15) minutes less.

8. Presumption of guilt.

Anyone person with several persons whose collective behavior shall constitute noise pollution shall be rebuttably presumed to have participated therein and shall be subject to all the provisions of this chapter.

9. Penalties for offenses.

- A. Any person who shall violate the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not exceeding fifteen (15) days, or by both.
- B. In addition to any other remedy provided by law, the village may bring an injunction proceeding or any of the appropriate civil proceeding to enforce this chapter.