

**INCORPORATED VILLAGE OF WEST HAMPTON DUNES
LOCAL LAW NO. 1 OF THE YEAR 2000**

**A LOCAL LAW ESTABLISHING LAWS AND REGULATIONS OF THE
VILLAGE OF WEST HAMPTON DUNES REGARDING UNSAFE
CONDITIONS, DEBRIS, AND RUBBISH ON PROPERTIES IN THE VILLAGE
OF WEST HAMPTON DUNES AND WHICH SHALL BE KNOWN AS,
“REGULATIONS REGARDING UNSAFE CONDITIONS, DEBRIS AND
RUBBISH 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:

Section	1.0	Enactment, Effective Date, Purpose and Definitions.
	1.1	Enactment
	1.2	Effective Date
	1.3	Purpose and Intent of Local Law
	1.4	Definitions Relevant to Local Law
	2.0	General Provisions
	2.1	Unsafe Condition, and Debris or Rubbish Prohibited
	2.2	Determination of Building Inspector
	2.3	Notice of Violation, Notice to Property Owner and Occupant
	2.4	Failure of Owner and or Occupant to Obtain Compliance, Remedy or Remove Unsafe Condition, Debris or Rubbish
	2.5	Action by the Village of West Hampton Dunes to Obtain Correction, Restoration or Removal by Village On Failure of the Owner or Occupant to Act
	2.6	Assessment of Costs to Owner and or Occupant
	3.0	Enforcement and Penalties
	3.1	Enforcement
	3.2	Penalties
	4.0	Severability and Validity
	4.1	Severability and Validity

Section 1.0 Title, Enactment, Effective Date, Purpose, and Definitions

1.1 Title

This Local Law shall be entitled, “Regulations Regarding Unsafe Conditions, Debris and Rubbish in the Village of West Hampton Dunes.”

1.2 Enactment

Pursuant to Section 10 of the Home Rule Law, the Village Law, the General Municipal Law, and other relevant and applicable laws and regulations of the State of New York, the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this Local Law of 2000, a Local Law of the Village of West Hampton Dunes

1.3 Effective Date

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of West Hampton Dunes.

1.4 Purpose and Intent of Local Law

A. Purpose.

The purpose of this Local Law is to promote and protect the public safety and welfare of the residents of the village of West Hampton Dunes, and their guests, and of the visitors to the Village, to preserve the environment of the Village of West Hampton Dunes, including the environmentally sensitive areas within the limits, boundaries and territory of the Village of West Hampton Dunes, and of the areas adjoining or surrounding those areas and within the jurisdiction of the Village, including the quality of the waters in and surrounding the Village of West Hampton Dunes, and the quality and value of property in the Village by the correction, elimination or removal of unsafe conditions, debris, and or rubbish within the Village of West Hampton Dunes.

B. Intent

The intent of the Local Law is to establish regulations for the Village of West Hampton Dunes which will regulate and establish requirements and a procedure for the removal of unsafe conditions, debris and rubbish in the Village of West Hampton Dunes.

1.5 Definitions

A. Debris and Rubbish

Material which as is determined by the building inspector of the Village of West Hampton Dunes is not used in the lawful habitation or use of a property and which is located outside the structure on the property, whether discarded, stored, or illegally stored, or materials that are or have been improperly used for a purpose at the property, such as not legally or otherwise permitted for the use for which they have been installed or exist.

B. Unsafe Condition

A condition existing on a property which is determined by the building inspector of the Village of West Hampton Dunes to be a condition which is or creates an imminent danger to either the general public or the occupants or owners of a property, or the remaining property or structure located on the property, whether or not the condition is in violation of any other law or regulation of the Village or otherwise.

C. Material

The material comprising debris or rubbish which may include but not limited to wood, glass, concrete, asphalt, stone, building or construction materials, or any other natural or created materials.

D. Home Rule Law

The Home Rule Law of the State of New York

E. Village Law

The Village Law of the State of New York

F. Violation

The existence of an unsafe condition, or debris or rubbish on a property as provided in this Local Law.

2.0 General Provisions

2.1 Unsafe Condition, and Debris or Rubbish Prohibited

- A. It shall be prohibited to have or maintain an unsafe condition, or debris or rubbish on any property located in the Village of West Hampton Dunes, and the owner and occupant of any property on which an unsafe condition or debris or rubbish exists shall both and the occupant of any property on which any unsafe condition, or debris or rubbish exists shall both be subject to violation under this local law for any such condition.
- B. The owner of a property and the occupant of a property, if the occupant is different from the owner, shall both be subject to fines and penalties for a violation of this local law, as well as the other actions under this Local Law, for a violation of this Local Law.

2.2 Determination of Building Inspector

- A. Upon an inspection or investigation after the filing of an information with the Village, or upon his own investigation, the building Inspector of the Village of West Hampton Dunes may render a determination in writing as to a finding of the existence of an unsafe condition on a property in the village, or of debris or rubbish located on a property which in the discretion of the Building Inspector is a violation of this Local Law, or a Notice of Violation, provided the Notice of Violation contains the information set forth in this section.
- B. The determination of the Building Inspector shall be made in the form of a notice of violation, a copy of the determination shall be filed with the Village Clerk, of the Village of West Hampton Dunes, and the determination and notice of violation shall as a minimum state the following:
 - 1. The property address and tax lot information.
 - 2. The last known owner's name and address.
 - 3. The name of the believed occupants of the premises if different from the owners.
 - 4. The nature by which a condition on the property is a violation of this Local Law.
 - 5. A description of the nature and location of the unsafe condition, debris and or rubbish which constitutes a violation of this Local Law.
 - 6. The action that is necessary to remedy, remove or correct the unsafe condition, or debris or rubbish.

2.3 Notice of Violation, Notice to Property Owner and Occupant

- A. Upon the filing of a determination of an unsafe condition, or of the existence of debris or rubbish on a property, a Notice of Violation may be issued by the building Inspector, the Village Attorney, or such other person or officer of the Village as the Board of Trustees shall authorize, to the property owner and occupant of the property on which the condition or material exists.
- B. The Notice of Violation shall state the information contained in the determination of the Building Inspector that was filed with the Village regarding the condition or material, and inform the owner and occupant that a violation exists with the fine or penalty to be incurred thereon.

- C. The Notice of Violation shall also state that in the event that the unsafe or hazardous condition or debris or rubbish is not corrected or removed within five days of the date of the Notice of Violation or a sooner period if the circumstances of the condition or violation are deemed by the Village to warrant immediate action that any or all of the following may occur, at the option of the Village.
1. A summons being issued to the property owner and or occupants of the property to appear in the Village Court of the Village of West Hampton Dunes or another court of competent jurisdiction.
 2. A Notice being issued that in the event the condition is not corrected or the material not removed within five days of the date of the Notice of Violation, that after a hearing by the Board of Trustees of the Village of West Hampton Dunes, the Village may, at the option of the Village, correct the condition or remove the material, and assess the costs thereof, including all legal, engineering, and other costs, on the owner or occupants, and on the property as a real property assessment.
 3. Such other and further civil action as is appropriate or for which the village is authorized to undertake.

2.4 Failure of Owner and or Occupant to Achieve Compliance, Remedy or Remove Unsafe Condition, Debris or Rubbish.

- A. The Board of Trustees of the Village of West Hampton Dunes may, on five days notice to the last known property owner and or occupant, if the occupant is known to be different from the last known property owner as provided in this Local Law, may conduct a hearing for the purpose of determining the existence of the unsafe condition or debris or rubbish on a property in the Village of West Hampton dunes, or the extent of that condition. The Board of Trustees shall conduct the public hearing at the time and place contained in the notice to the owner and or occupant. The notice to the owner and or occupant shall be by registered mail and regular mail, and copy of the notice shall be affixed to the exterior of the premises in question.
- B. The Building Inspector shall render a determination in writing as to the unsafe condition or existence of debris or rubbish on a property prior to the notification of the hearing by the Board of Trustees, and file the written determination with the Clerk of the Village of West Hampton Dunes.
- C. At the hearing of the Board of Trustees the Building Inspector shall submit a copy of the determination that he has issued, and such other testimony and evidence as relevant to the existence of the unsafe condition or debris or rubbish. The owner and or occupant of the property or their representative shall provide or render testimony or
- D. On the conclusion of the public hearing, the Board of Trustees shall render a determination as to the existence of an unsafe condition. The determination may contain a direction from the Board of Trustees to the owner and or occupant of the property to remedy, correct, and or remove the condition, debris or rubbish within five days of the date of the notice, or the Village will take such action as

necessary to remedy, correct and or remove the condition at the cost and expense of the owner and or occupant.

2.5 Action by the Village of West Hampton Dunes to obtain Correction, Restoration or Removal by village On Failure of the Owner or Occupant to Act

The Village of West Hampton Dunes may after the conclusion of a hearing by the Board of Trustees pursuant to this local law, and a determination of the existence of an unsafe condition, or debris or rubbish, and a direction to obtain compliance to the owner and or occupant as provided in this local law, take such action as is necessary to remove the unsafe condition or debris or rubbish on the property in question. The Village clerk shall in the case of the Village acting under this section, maintain a record of the costs of the Village in taking such action, including the costs of the Village, including but not limited to the costs of all contractors, employees, engineers, professionals, of or retained by the Village, and all costs and other disbursements arising from the determination of the condition, the notification to the owner and or occupant, the issuance of a Notice of Violation, court costs if any, the notification and or conduct of the hearing and issuance of notification to the owner and or occupant, and the costs of the correction, remedying, or removal of the unsafe condition or debris or rubbish on the property.

2.6 Assessment of Costs to Owner and or Occupant

- A. The owner and or occupant of the property on which an unsafe condition and or debris or rubbish exists and which the Village of West Hampton Dunes acts to correct, remedy, and or remove under this Local Law shall be liable to the Village and otherwise for all costs associated with that action by the Village including but not limited to those costs described in this Local Law.
- B. The costs for which the owner and or occupant of a property is liable under this local law shall be assessed as against the property on which the violation of this Local Law existed, may be recorded by the Village of West Hampton Dunes at the Office of the county Clerk of Suffolk County as a lien against the property on which the violation existed, and shall constitute and remain as a lien on the property and assessed and collected with the real property, or in any other manner under law, including as a civil action by the Village of West Hampton Dunes for a money judgment against the owner and or occupant.

3.0 Enforcement and Penalties

3.1 Enforcement

- A. The enforcement of this local law shall be both by the violation provisions hereunder, and any other civil remedies that may be available to the village of West Hampton Dunes.

4.2 Penalties

- A. Every violation of this Local Law of 2000, shall be subject to a fine of not more than \$250, per offense or violation, and for purposes of this local law and provision, each and every day that a violation of this Local Law shall exist shall constitute a new and separate violation. These fines shall be in addition to the other costs which may be assessed to the owner and or occupant of the property under this local law.
- B. The owner and or occupant of the property on which a violation of this Local Law should exist shall be subject to separate violations and assessment of fines and

penalties under this local law, and the assessment of a fine or penalty hereunder shall not preclude the Village of West Hampton Dunes from the assessment of the costs of the Village in correcting, remedying, or removing the condition in addition to those fines and or penalties.

4.0 Severability and Validity

4.1 Severability and Validity

In the event that any portion or portions of this Local Law of 2000 shall be determined to be invalid or unenforceable for any reason, the remainder of the Local Law, and its provisions shall remain in full force and effect.

**INCORPORATED VILLAGE OF WEST HAMPTON DUNES
LOCAL LAW NO. 2 OF THE YEAR 2000
A LOCAL LAW OF THE INCORPORATED VILLAGE OF WEST HAMPTON
DUNES
TO HOLD HARMLESS AND INDEMNIFY ITS OFFICERS AND EMPLOYEES
FROM PERSONAL LIABILITY FOR ACTS RELATING TO THE DISCHARGE
OF THEIR OFFICIAL DUTIES AND WITHIN THE SCOPE OF THEIR
EMPLOYMENT**

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE
INCORPORATED VILLAGE OF WEST HAMPTON DUNES AS FOLLOWS:**

- Section 1.0 Enactment, Effective Date, Purpose and Definitions.
 - 1.1 Title of Local Law
 - 1.2 Enactment
 - 1.3 Effective Date
 - 1.4 Purpose and Intent of Local Law
 - 1.5 Definitions Relevant to Local Law
- 2.0 general Provisions
- 3.0 Provisions for Holding Harmless and Indemnification

Section 1.0 Title, Enactment, Effective Date, Purpose and Definitions

1.1 Title

This Local Law shall be entitled "Hold Harmless and Indemnification Law of the Village of West Hampton Dunes".

1.2 Enactment

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State of New York, the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this local law of 2000, a Local Law of the Village of West Hampton Dunes.

1.3 Effective Date

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of West Hampton Dunes.

1.4 Purpose and Intent of Local Law.

A. Purpose

The purpose of this Local Law is to promote and protect the public safety and welfare of the residents of the Village of West Hampton Dunes, and their guests, and of the visitors to the Village to ensure the effective and proper operation and administration of the government of the Village and its officers and employees.

B. Intent

The intent of the Local Law is to assist with and provide for the efficient and proper administration and operation of the government of the Village of West Hampton Dunes, and its officers and employees.

1.5 Definitions

A. Officer. The term officer shall mean the Mayor, Trustee, member of the Board of Zoning Appeals, Planning Board, or other duly appointed or elected member of a Board as provided for in the Village Law or other law of the State of New York, any duly appointed Commissioner, Treasurer, Clerk, Village Attorney and Deputy Village Attorney and such other officers, including deputies and any other attorney's duly appointed and approved by the Board of Trustees.

B. Employee. The term employee shall mean any person working for the Village for wages or salary which is or are subject to the withholding of taxes, or any independent contractor, given employee status for the purpose of this local law.

2.0 General Provisions

2.1 Provisions for Holding Harmless and Indemnification

A. The Village of West Hampton Dunes shall hold harmless and indemnify all officers and employees of the Village from financial loss and legal expenses arising from any claim, demand, suit or judgment by reason of any alleged past or future negligence or other act by such officer or employee at the time alleged, purported or actual damages were sustained was acting in the discharge of his or her duties and within the scope of his or her employment and that such damages did not result from the willful and or wrongful act or gross negligence of such officer or employee and provided further that such officer or employee shall, within five days of the time he is served with any summons, complaint, process, notice, demand or pleading, deliver the original or a copy thereof to either the Village Clerk or the Village Attorneys.

B. Upon the required delivery to the Village Clerk or the Village Attorneys, the Village Attorney or such other attorneys duly selected by the Board of Trustees may assume control and responsibility for the representation of the such officer and or employee of the Village. Such officer and or employee shall cooperate fully with the offices of the Village Attorney or the attorneys that are selected by the Village for representation in the defense of the claim or action.

C. This section shall not in any way impair, limit or modify the rights and obligations of any insurer under any policy of insurance.

D. The benefits of this section shall insure only to officers and employees of the village and shall not enlarge or diminish the rights of any other party.

INCORPORATED VILLAGE OF WEST HAMPTON DUNES
LOCAL LAW NO. 3 OF THE YEAR 2000
A LOCAL LAW ESTABLISHING LAWS AND REGULATIONS OF THE
VILLAGE OF WEST HAMPTON DUNES REGARDING THE UNDERGROUND
INSTALLATION OF UTILITY CABLES, WIRING AND EQUIPMENT 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:

- Section 1.0 Enactment, Effective Date, Purpose and definitions.
 - 1.1 Title of Local Law
 - 1.2 Enactment
 - 1.3 Effective Date
 - 1.4 Purpose and Intent of Local Law
 - 1.5 Definitions Relevant to Local Law
- 2.0 General Provisions
 - 2.1 Utilities within the Jurisdiction of this Local Law
 - 2.2 Property within the Jurisdiction of this Local Law
 - 2.3 Requirement of Underground Installation
 - 2.4 Effect on Existing Laws and Regulations
- 3.0 Enforcement of Underground Installation
 - 3.1 Regulations as to Enforcement
- 4.0 Severability and Validity
 - 4.1 Severability and Validity

Section 1.0 Title, Enactment, Effective Date, Purpose, and Definitions.

1.1 Title

This Local Law shall be entitled “Regulations Regarding the Installation of Underground Utility Cable, Wiring and Equipment in the Village of West Hampton Dunes.”

1.2 Enactment.

Pursuant to Section 10 of the Home Rule Law, the Village Law, the General Municipal Law, and other relevant laws of the State of New York, the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this Local Law of 2000, a Local Law of the Village of West Hampton Dunes.

1.3 Effective Date.

This local law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of West Hampton Dunes.

1.4 Purpose and Intent of Local Law.

A. Purpose

The purpose of this Local Law is to promote and protect the public safety and welfare of the residents of the Village of West Hampton Dunes, and their guests, and of the visitors to the Village, to preserve the environment of the village of West Hampton Dunes, including the environmentally sensitive areas within the limits, boundaries and territory of the Village of West Hampton Dunes, and of the areas adjoining or surrounding those areas and within the jurisdiction of the Village, and the quality and value of property in

the Village, by the organized development of the Village. The Trustees of the Village of West Hampton Dunes has determined that the location of the cables, wiring and equipment of the utilities operating in and providing service to the Incorporated Village of West Hampton Dunes underground is required in order to accomplish and serve these purposes.

A. Intent

The intent of the Local Law is to establish regulations and requirements for the Village of West Hampton Dunes which will require the installation of all cables and wiring used by utilities in their operations and service in the Village to be underground, which the Board of Trustees of the Village of West Hampton has identified to be in the best interests of the Village and its residents, and the future development and wellbeing of the Village and its residents, guests, and visitors.

1.1 Definitions

- A. Utility:** An electric, telephone, cable television, or other type of company or entity providing these or similar services to the residents of the Village of West Hampton Dunes, whether pursuant to a franchise granted by the Village or not.
- B. Public Right of ways:** The areas owned by the Village of West Hampton Dunes, in which the described utility companies maintain or will maintain cable, wiring or equipment, for the purpose of providing utility service to the Village of West Hampton Dunes or its residents.
- C. Private property:** The areas within the Village of West Hampton Dunes that are owned by private owners, and on which the described utility companies maintain or will maintain cable, wiring or equipment, for the purpose of providing utility service to the Village of West Hampton Dunes or its residents.
- D. Underground:** At least two feet below the grade existing at the location of the cable, wire, or equipment.
- E. Cable, wire, or equipment:** The cable, wire, equipment and other assets of the utilities operating in the village which are used in providing utility service to the residents of the Village and the Village.
- F. Other relevant laws, rules, and regulations:** The prior, existing, and previously adopted laws, rules and regulations affecting or regulating the cables, wiring, and equipment of the utilities operating in the Village, including but not limited to the location of the cables, wiring, and equipment.

2.0 General Provisions

2.1 Utilities within the Jurisdiction of this Local Law

- A.** All utilities are within the jurisdiction of this Local Law which:
 - 1. Operating or providing utility supply or service within the Village of West Hampton Dunes or to the residents or the Village of West Hampton Dunes, whether by franchise granted by the Village of West Hampton Dunes or otherwise, including but no limited to electric, telephone, and cable television and or communication service.
 - 2. Maintaining wires, cables, and or equipment in the public right of ways or on private property in the Village of West Hampton Dunes, whether by franchise or agreements of easement or right of way granted by the Village

or otherwise, including but not limited to the electric, telephone, and cable television or communication services.

2.1 Property within the Jurisdiction of this Local Law

All wires, poles, cables, and or other equipment owned by any utility in the Village of West Hampton Dunes or which is located in the Village of West Hampton Dunes shall be within the jurisdiction and regulation of this local law.

2.2 Requirement of Underground Installation

A. Underground Requirement.

All wires, cables, and or other equipment owned by any utility company or any entity in the Village of West Hampton Dunes for the purpose of or for supplying utility service and or supply in the Village of West Hampton Dunes whether located in the public right of ways or on private property within the Village shall be located underground.

B. Existing Wires, Cables and other Equipment

The existing wires, cables, and other equipment of utilities or other entities in the Village of West Hampton Dunes used for the providing of utility supply or service shall be moved and or replaced within one year of the date of the adoption of this local law. Any utility or other entity which owns or maintains any such wires, cables, or other equipment that is existing at the time of the adoption of this local law shall file, within six months of the date of the adoption of this local, with the Village Clerk of the Village of West Hampton Dunes, a written plan and confirmation describing the intended actions of the respective utility or other entity in complying with the requirement of this local law to move existing wires, cables, and other equipment underground.

C. Future Installation of Wires, Cables and other Equipment and Repair or Replacement of Existing Wires, Cables, and Equipment.

All installation in the Village of West Hampton Dunes of any cables, wires, or other equipment or repair or replacement of any existing cables, wires or other equipment, whether on public right of ways or private property, shall only be underground. No cables, wires, or equipment shall be installed or replaced which is not underground after the effective date of this local law as defined in this local law.

D. Effect on Existing Laws and Regulations

This Local Law shall not be a waiver by the Village of West Hampton Dunes or an exemption of any utility of any existing requirement as established by any other regulation, law, resolution, or ordinance of any agency or municipal government as it may apply to the wires, cables, and or equipment of any utility any utility or entity providing utility supply or service within the Village of West Hampton Dunes.

3.0 Enforcement and Penalties

3.1 Enforcement

- A. This Local Law of the Village of West Hampton Dunes, shall be enforced by the Board of Trustees of the Village of West Hampton Dunes, and the officers and commissioners of the Village that may be designated and or appointed to provide the enforcement of this local law by the Village Board of Trustees, or as other duly appointed or authorized.

3.2 Penalties

- A. Every violation of this Local Law of 2000 of the Village of West Hampton Dunes shall be subject to a fine of not more than \$250, per offense or violation, and for purposes of this local law provision, each and every day that a violation of this Local Law of 2000 shall exist shall be deemed to be a separate violation of this Local Law.
- B. The Village of West Hampton Dunes shall also be entitled to the pursuit and enforcement of such civil and other remedies and action as may be available to the Village under law, and which shall not be limited by the commencement or citation of a criminal action or violation by the Village or the assessment or lack of assessment of a penalty or fine by the Village of West Hampton Dunes or the non-assessment of a penalty shall

4.0 Severability and Validity

4.1 Severability and Validity

In the event that any portion or portions of this Local Law of 2000 shall be determined to be invalid or unenforceable for any reason, the Local Law, and the remainder of its provisions and regulations shall remain in full force and effect.