

**Incorporated Village of West Hampton Dunes
Local Law 2 of 1995
VILLAGE OF WEST HAMPTON DUNES
CONTRACTORS, BUILDING, CONSTRUCTION AND
HOME IMPROVEMENT LICENSING AND REGULATION**

A Local Law creating a CHAPTER OF THE CODE OF THE VILLAGE OF WEST HAMPTON DUNES ENTITLED—CONTRACTORS, BUILDING, CONSTRUCTION, AND HOME IMPROVEMENT REGULATION.

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

Section 1: Title, Purpose and Definitions

1.1 A. Enactment

Pursuant to Section 10 of the Home Rule Law, and pursuant to 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 by Local Law No. 2 of 1995, this local law to include a new chapter which shall be this Local Law No. 2 of 1995.

1.1 B. Effective Date

The local law shall take effect upon the filing of the required original and copies with the Secretary of State of the State of New York.

1.2 Intent

WHEREAS the Village of West Hampton Dunes is a Village duly incorporated under the laws of the State of New York, and therefore the Trustees of the Village are duly empowered pursuant to the Village Law and other relevant laws of the State of New York, to license and regulate contractors, construction, building and home improvements within the Village of West Hampton Dunes, and;

WHEREAS it is essential for the residents of the Village of West Hampton Dunes, their livelihood and safety, that or their families and guests, and for the protection of private and public property within the Village that the Village exercise its authority over the areas of contractors, construction, building, and home improvements, and require the licensing thereof, and;

WHEREAS the Trustees have determined that in order to protect and ensure this essential requirements and the purpose thereof that it is in the interests of the Village to regulate all building, construction, and home improvements in the Village and require licensing of all contractors in the Village, the Trustees have formulated and approved the regulations and requirements thereof.

2.1 Definitions

As used in the Local Law, the following terms shall have the meanings indicated:

BUILDING, CONSTRUCTION, AND HOME IMPROVEMENT:

A. The repairing, remodeling, altering, addition to, modification or construction of , or alteration to any structure, existing or new, including but not limited to buildings, homes, or attachments or accessories or appurtenances thereto, including but not limited to driveways, extensions, walks, landscaping, parking areas or any other interior or exterior areas, surfaces or structures, and the repairing, remodeling, altering, converting or modernizing of or adding to, property shall include, but not be limited to the construction, erection, replacement or improvement of central air conditioning, awnings, bathrooms, cabinets, carpentry, central vacuum cleaners, chimneys, decks, formers, drainage systems, extensions, flagpoles, fumigation, heating, kitchens, masonry, painting, railings, renovations, sprinklers, storms and screens, tennis courts, tile installations, ventilating, water weatherproofing, driveways, swimming pools, siding, insulation, roofing, windows, terraces, patios, landscaping (fences, porches, and other improvements of property and all structures or land adjacent to it.)“Home improvement” shall also mean the installation of home improvement goods or the furnishing of home improvement services.

B. BUILDING, CONSTRUCTION AND HOME IMPROVEMENT SHALL NOT INCLUDE:

1. The sale of goods by a seller who neither arranges to perform nor performs, directly or indirectly, any work or labor in connections with the installation or application of the goods or materials,
2. The sale or installation of appliances, such as stoves, refrigerators, freezers, room air conditioners, dishwashers or clothes washers or dryers, which are designed for and to be removable from the premises without material alteration thereof.
3. The sale or installation of decorative foods or services such as draperies and carpets.

BUILDING, CONSTRUCTION, AND HOME IMPROVEMENT CONTRACT-

An agreement for the performance of home improvement between a contractor and an owner, and where the aggregate contract price specified in one (1) or more home improvement contracts, including all

labor, services and materials to be furnished by the contractor, exceeds five hundred dollars (\$500). All contracts for building, construction, and home improvements shall conform to the requirements of General Business Law Section 771.

BUILDING, CONSTRUCTION, AND HOME IMPROVEMENT CONTRACTOR-

A person who conducts or engages in building, construction, or home improvement business and who perform or undertakes or agrees to perform or undertake a home improvement.

BUILDING, CONSTRUCTION, AND HOME IMPROVEMENT GOODS OR SERVICES-

Goods and services which are bought or provided and/or installed in connection with building, construction or home improvement. Such "building, construction or home improvement goods and services" include but are not limited to burglar alarms, texture coating, fencing, air-conditioning, and heating equipment and any other goods which, at the time of sale or subsequently, are to be so affixed to real property by the building, construction or home improvement contractor as to become a part of real property, whereon not severable therefrom.

LICENSEE-

A person permitted to engage in the building, construction or home improvement business under the provisions of this Local Law.

OWNER-

Any property or owner, cooperative shareholder owner or residential or commercial tenant.

PERSON-

An individual, firm, partnership, corporation or other entity.

PLACE OF BUSINESS-

Any shop, residence, place or premises from which a building, construction, or home improvement business is transacted.

RESIDENTIAL or COMMERCIAL PROPERTY-

A one- or two-family house or commercial structure and property associated therewith.

2.2 License Required:

No person shall conduct or engage in any building, construction or home improvement business without first obtaining and maintaining in effect at all times a license therefor from the Building Inspector hereinafter provided.

2.3 Exceptions:

No license shall be required under this Article in the following instances:

- A. An individual who performs labor or services for a licensed building, construction, or home improvement contractor, for wages or salary.
- B. A member or partner of a firm, partnership, or other entity which is a licensed building, construction or home improvement contractor, who performs labor or services for such licensed building, construction or home improvement contractor.
- C. A stockholder or officer of a corporation which is a licensed building, construction or home improvement contractor, who performs labor or services for such licensed building, construction or home improvement contractor.
- D. An architect, professional engineer or any other person who is required by state, town or other law to attain standards of competency or experience as a prerequisite to engaging in such craft or profession and who is acting exclusively within the scope of the craft or profession for which he is currently licensed.
- E. A plumber or electrician who holds a valid Suffolk County license and who is acting exclusively within the scope of the craft for which that person is licensed.

2.4 Application Fee:

A fee of seventy-five dollars (\$75) shall be paid to the Village clerk upon the filing of each application for a license for the purpose of defraying expenses incidental to the processing of said application and the enforcement of the provisions of this Local Law. A fee of fifty dollars (\$50) shall be payable upon application for renewals and a fee of seventy-five dollars (\$75) for late renewal applications received or postmarked after January 1 of each year.

2.5 Insurance required:

A contractor shall have a certificate of insurance covering liability and worker's compensation, if required by law, upon applying for a building, construction or home improvement license, and shall maintain said policies and file current certificates indicating said coverage during the period the license is in effect. Failure to maintain said coverage will provide grounds for revocation of the license.

2.6 Use, transferability and display of license:

- A. The issuance of a license shall create no presumption that the licensee is in compliance with the provisions of this local law, or that the licensee is entitled to the license.
- B. No license issued under this Article shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.
- C. A license issued hereunder may not be construed to authorize a licensee to perform any work or engage in any kind of business which is reserved to qualifies licensees under separate provisions of state, county or town law.
- D. License number and proof of license must be made available for inspection at every job site. The inability to present a valid license by a worker at the job site shall be considered prima facie evidence of noncompliance with this local law, and a summons may be issued.
- E. Every licensee shall, within ten (10) days after a change of control in ownership or of management or of address or of trade name, notify the Building Inspector of such change, in writing.

2.7 Application requirements:

Applicants for licenses or renewals thereof shall file a written, signed and verified application with the Building Inspector. Where the applicant is a corporation, the application shall be signed and verified by an officer thereof. Where the applicant is a firm, partnership or other entity, the application shall be signed and verified by a member or partner thereof. Applications shall set forth the following information.

- A. The name, trade name, and business address of the applicant.
- B. If the applicant is an individual, his name and residence address; if the applicant is a corporation, the names and residence addresses of the officers thereof, if the applicant is a firm, partnership, or other entity, the names and residence addresses of the members or partners thereof.
- C. Whether or not there are any outstanding liens or judgments against the applicant.

VILLAGE OF WEST HAMPTON DUNES
Local Law No. 3 of 1995

A local law creating A CHAPTER OF THE CODE OF THE VILLAGE OF WEST HAMPTON DUNES ENTITLED; Local Law No. 3 of 1995, entitled “Local Law No. 3 of 1995, of the Incorporated Village of West Hampton Dunes, the Vehicle, Traffic and Parking Law of the Village of West Hampton Dunes.” Be enacted by the Board of Trustees of the Village of West Hampton Dunes as follows:

1. Enactment

Pursuant to Section 10 of the Home Rule Law, Section 2-250 of the village Law of the State of New York, and Sections 1640 and 1643, of the Vehicle and Traffic 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. 3 of 1995, this local law entitled; “Local Law No. 3 of 1995 of the Incorporated Village of West Hampton Dunes, the Vehicle, Traffic and Parking Law of the Village of West Hampton Dunes.”

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 this law, as may be required pursuant to the Village Law of the State of New York.

3. Purpose

This Local Law No. 3 of 1995, establishing a local law for the purpose of regulation of vehicles, traffic and parking in the Village of West Hampton Dunes, and to provide for and for the following purposes:

3.1 For the Village of West Hampton dunes to establish standards to guide and regulate the orderly and safe, control, passage, and parking of vehicles in the village.

3.2 To promote, in the public interest, the proper utilization of the roads within the village for the proper flow and parking of motor vehicles.

3.3 To provide for the safety and emergency preparedness of the residents of the village and visitors to the Village.

3.4 To conserve the state and preservation of the surfaces, and adjoining areas and access points in the Village.

3.5 For the general safety and well-being of the residents of the visitors to the Village.

4. Regulations of Parking and Speed Limits

4.1 Parking

There shall not be any parking of motor vehicles on any village road except on Widgeon Way or any other area that may be designated by the Village.

4.2 Area speed Limit

The area speed limit within the Village and on any road in the village shall be twenty miles per hour.

5. Enforcement

5.1 Penalties

A. Speeding;

The fine for violation of the speed restriction contained in this local law shall be in the amount of one hundred dollars (\$100), or such other greater amount as may be permitted by New York State Law.

B. Parking;

The fine for a violation of the parking regulations contained in this local law shall be one hundred dollars (\$100) per offense, or any such greater amount as may be imposed by New York State Law.

C. Parking/Towing;

Any vehicle illegally parked on a village road, or not parked in conformance with this or any other regulation of the Village, shall be subject to towing by the Village. The fine for towing by the Village shall be one hundred dollars (\$100), and an additional cost of one hundred and fifty dollars (\$150), for the cost of the towing, or the actual cost of the towing in the event that it is in excess of one hundred and fifty dollars (\$150). The sum of two hundred and fifty dollars (\$250) must be paid in advance by cash or money order prior to the release of the motor vehicle that was involved in the violation.

D. Summonses/Appearance Tickets;

Any individual violating any provision of this law shall receive a summons or appearance ticket shall be returnable at the village court.

The village shall establish such late fees and fines as may be permissible by law for late payment or failure to appear on the required date.

6. Relationship to Present Laws and Rules and Regulations

This Village local Law No. 3 is not intended to, and shall not, affect or preclude the enforcement or application of any existing law of the Town of Southampton which is in effect in the Village of West Hampton Dunes pursuant to Section 2-250 of the village Law of the State of New York.

VILLAGE OF WEST HAMPTON DUNES
Local Law 5 of 1995

A local law prepared by the Village of West Hampton Dunes to facilitate local government assumption of authority and responsibility for enforcing and administering the Coastal Erosion Hazard Areas Act of 1981, codified as Article 34 of the New York State Environmental Conservation Law. This local law meets the Coastal Erosion Management Regulations, 6 NYCRR Part 505.

1. INTRODUCTION

- 1.1 Enactment. Pursuant to the provisions of Article 34 of the New York State Environmental Conservation Law and Section 10 of the Municipal Home Rule Law, the (Village) of West Hampton Dunes, County of Suffolk, State of New York, hereby enacts by local law #5 of 1995, this local law.
- 1.2 Title. This local law shall be known and may be cited as the Village of West Hampton Dunes Coastal Erosion Hazard Area Management Law.
- 1.3 Effective Date. This local law shall take effect twenty (20) calendar days from, which is the date of the local law's adoption and filing pursuant to Section 27 of the Municipal Home Rule Law, or the date of filing the official maps, whichever is later.
- 1.4 Purpose. The Village of West Hampton Dunes hereby assumes the responsibility and authority to implement and administer a coastal erosion management program within its jurisdiction pursuant to Article 34 of New York State Environmental Conservation Law. In addition, it is the purpose of this local law to:
- a. Establish standards and procedures for minimizing and preventing damage to structures from coastal flooding and erosion and to protect natural protective features and other natural resources.
 - b. Regulate in coastal areas subject to coastal flooding and erosion, land use and development activities so as to minimize or prevent damage or destruction to man-made property, natural protective features, other natural resources, and to protect human life.
 - c. Regulate new construction or placement of structures in order to place them a safe distance from areas of active erosion and the impacts on coastal storms to ensure that these structures are not prematurely destroyed or damaged due to improper siting, as well as to prevent damage to natural protective features and other natural resources.
 - d. Restrict public investment in services, facilities, or activities which are likely to encourage new permanent development in erosion hazard areas.
 - e. Regulate the construction of erosion protection structures in coastal areas subject to serious erosion to assure that when the construction of erosion protection structures is justified, their construction and cooperation will minimize or prevent damage or destruction to manmade property, private property, natural protective features, and other natural resources.
- 1.5 Findings. The Village of West Hampton Dunes finds that the coastal erosion hazard area:
- a. Is prone to erosion from action of the Atlantic Ocean. Such erosion may be caused by the action of waves, currents running along the shore, wind-driven water, hurricanes and human intervention. Such areas are also prone to erosion caused by the wind, runoff of rain water along the surface of the land, or groundwater seepage, as well as by human activities such as construction, navigation and certain forms of recreation.
 - b. Experiences coastal erosion which causes extensive damage to publicly and privately owned property and to natural resources as well as endangered human lives. When this occurs, individuals and private businesses may suffer significant economic return. Large public expenditures may also be necessitated for the removal of debris and damaged structures and replacement of essential public facilities and services.
 - c. Experiences erosion-related problems that are often contributed to by man's building without considering the potential for damage to property, by undertaking activities which destroy natural protective features such as dunes or vegetation, by building structures intended for erosion prevention which may exacerbate erosion conditions on adjacent or nearby property, and by water action produced by wakes from boats.
 - d. Is the subject of programs which foster erosion protection structures, either with private or public funds, which are costly, often only partially effective over time, and may even be harmful to adjacent or nearby properties. In some sections of the Village, major erosion protection structures of great length would be required to effectively reduce future damages due to erosion.
 - e. Is an integral part of the economy, environment, and social fabric of the Village of West Hampton Dunes.

- 1.6 Definitions. The following terms used in this local law have the meaning indicated, unless the context clearly requires otherwise.
- a. **ADMINISTRATOR-** The local official responsible for administering and enforcing this local law. The powers and duties of this position are more fully described in Section 5.3
 - b. **BEACH-**The zone of unconsolidated earth that extends landward from the mean low water line to the waterward. Where no dune or bluff exists landward of a beach, the landward limit of a beach is 100 feet landward from the place where there is a marked change in material or physiographic form or from the line of permanent vegetation, whichever is most waterward. Shorelands subject to seasonal or more frequent overwash or inundation are considered to be beaches.
 - c. **BLUFF-** Any bank or cliff with a precipitous or steeply sloped face adjoining a beach or body of water. The waterward limit of the bluff is the landward limit of its waterward natural protective feature. Where no beach is present, the waterward limit of a bluff is mean low water. The landward limit is 25 feet landward of the point of inflection on the top of the bluff. (The point of inflection is that point along the top of the bluff where the trend of the land slope changes to begin its descent to the shoreline).
 - d. **COASTAL EROSION HAZARD AREA MAP-** The final map and any amendments thereof issued by the commissioner of the New York State Department of Environmental Conservation, which delineates boundaries of Coastal Erosion Hazard Areas subject to regulation under this law.
 - e. **COASTLINE AND COASTAL WATERS-** The lands adjacent to the Village's coastal waters is the coastline. Coastal waters are the Atlantic Ocean, and Moriches Bay and their connecting water bodies, bays, harbors, shallows, and marshes.
 - f. **DEBRIS LINE-** A linear accumulation of waterborne debris deposited on a beach by a storm induced high water or by wave action.
 - g. **DUNE-** A ridge or hill of loose, windblown, or artificially placed earth the principal component of which is sand.
 - h. **EROSION-**The loss or displacement of land along the coastline due to the action of waves, currents, wind-driven water, waterborne ice, or other impacts of storms. It also means the loss or displacement of land due to the action of wind, runoff of surface waters, or groundwaters, or groundwater seepage.
 - i. **EROSION HAZARD AREA-** An area of the coastline which is a structural hazard area, or a natural protective feature area.
 - j. **EROSION PROTECTION STRUCTURE** –A structure specifically designed to reduce or prevent erosion such as a groin, jetty, revetment, breakwater, or artificial beach nourishment project.
 - k. **EXISTING STRUCTURE** – A structure and appurtenances in existence or one where construction has commenced or one where construction has not begun but for which a building permit has been issued prior to July 18, 1995, which is the effective date of this local law.
 - l. **GRADING-**A redistribution of sand or other unconsolidated earth to effect a change in profile.
 - m. **MAJOR ADDITION-** An addition to a structure resulting in a 25 percent or greater increase in the ground area coverage of the structure other than an erosion protection structure or a pier, dock, or wharf. The increase will be calculated as the ground area coverage to be added, including any additions previously constructed under a Coastal Erosion Management Permit, divided by the ground area coverage of the “existing structure” as defined in **EXISTING STRUCTURE**.
 - n. **MEAN LOW WATER-** The approximate average low water level for a given body of water at a given location, determined by reference to hydrological information concerning water levels or other appropriate tests.
 - o. **MODIFICATION-** Means a change in size, design or function.
 - p. **MOVABLE STRUCTURE** – A structure designed and constructed to be readily located with minimum disruption of the intended use. Mobile homes and structures built on skids or piles and not having a permanent foundation are examples of movable structures.
 - q. **NATURAL PROTECTIVE FEATURE-** A nearby shore area, beach, bluff, primary dune, secondary dune, or marsh, and their vegetation.
 - r. **NATURAL PROTECTIVE FEATURE AREA** –A land and/or water area containing natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion or high water, or lower the reserve of sand or other natural materials available to replenish storm losses through natural processes.
 - s. **NEARSHORE AREA** – Those lands under water beginning at the mean low water line and extending waterward in a direction perpendicular to the shoreline to a point where mean low water depth is 15 feet, or to horizontal distance of 1,000 feet from the mean low water line, whichever is greater.

- t. **NORMAL MAINTENANCE**- Periodic replacement or repair of same kind structural elements of protective coatings which do not change the size, design or function of a functioning structure. A functioning structure is one which is fully performing as originally designed at the time that normal maintenance is scheduled to begin. Normal maintenance of a structure does not require a Coastal Erosion Management Permit.
- u. **PERSON** –Any individual, public or private corporation, political subdivision, government agency, public improvement district, partnership, association, firm, trust, estate, or any other legal entity whatsoever.
- v. **PRIMARY DUEN**- The most waterward major dune where there are two or more parallel dunes within a coastal area. Where there is only one dune present, it is the primary one. Occasionally on or more relatively small dune formations exist waterward of the primary dune. These smaller formations will be considered to be part of the primary dune for the purposes of this local law. The waterward limit of a primary dune is the landward limit of its fronting beach. The landward limit of the primary dune is 25 feet landward of its landward toe.
- w. **RECEDING EDGE**- The most landward line of active erosion, or in cases where there is no discernible line of active erosion, it is the most waterward line of permanent vegetation.
- x. **RECESSION RATE** – The rate, expressed in feet per year, at which an eroding shoreline moves landward.
- y. **REGULATED ACTIVITY**- The construction, modification, restoration or placement of a structure, or major addition to a structure, or any action or use of land which materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling, or other disturbance of soil.
- z. **RESTORATION** - The reconstruction without modification of a structure, the cost of which equals or exceeds 50 percent of the estimated full replacement cost of the structure at the time of restoration. Modifications, however, may be allowed if they do not exceed pre-existing size limits and are intended to mitigate impacts to natural protective features and other natural resources.
- aa. **SECONDARY DUNE** – The major dune immediately landward of the primary dune. The waterward limit of a secondary dune is the landward limit of its fronting primary dune. The landward limit of a secondary dune is 25 feet landward of its landward toe.
- bb. **SIGNIFICANT FISH AND WILDLIFE HABITAT** – Those habitats which: are essential to the survival of a large portion of a particular fish or wildlife population; support rare or endangered species; are found at a very low frequency within a geographic area; support fish or wildlife populations having significant commercial or recreational value; or that would be difficult or impossible to replace.
- cc. **STRUCTURAL HAZARD AREA** – Those shorelands located landward of natural protective features and having shorelines receding at a long term average recession rate of one foot or more per year. The inland boundary of a structural hazard area is calculated by starting at the landward limit of the fronting natural protective feature and measuring along a line perpendicular to the shoreline a horizontal distance landward which is 40 times the long term average annual recession rate.
- dd. **STRUCTURE**- Any object constructed, installed or placed in, on, or under land or water including, but not limited to: a building, permanent shed; deck; in-ground and above-ground pool; garage; mobile home; road; public service distribution, transmission, or collection system; tanks; docks; piers; wharf; groins; jetties; seawalls; bulkheads; breakwaters; revetments; artificial beach nourishment; or any addition to or alteration of the same.
- ee. **UNREGULATED ACTIVITY**- Excepted activities which are not regulated by this local law include but are not limited to: elevated walkways or stairways constructed solely for pedestrian use and built by an individual property owner for the limited purpose of providing non-commercial access to the beach; docks, piers, wharves, or structures built on floats, columns, open timber piles, or other similar openwork supports with a top surface area of less than 200 square feet, or which are removed in the fall of each year; normal beach grooming or clean-up; maintenance of structures when normal and customary and/or in compliance with an approved maintenance program; planting vegetation and sand fencing so as to stabilize or entrap sand in primary dune and secondary dune areas, in order to maintain or increase the height and width of dunes; routing agricultural operations including cultivation or harvesting. And the implementation of practices recommended in a soil and water conservation plan as defined in section 3(12) of the Soil and Water conservation Districts Law provided, however, that agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure.
- ff. **VEGETATION**- Plant life capable of surviving successfully reproducing in the area or region and which is compatible with the environment of the coastal erosion hazard area.

- gg. TOE-The lowest surface point on a slope face of a dune or bluff.
- 2.1 AREAS. The coastal erosion Hazard Area is hereby established to classify land and water areas within the Village of West Hampton Dunes, based upon shoreline recession rates or the location of natural protective features. The boundaries of the Area are established on the final map prepared by the New York State Department of Environmental conservation under section 34-0104 of the New York State Environmental Conservation Law and entitled, "Coastal Erosion Hazard Area Maps of the Town and Villages of Southampton", including all amendments made thereto by the Commissioner of the New York State Department of Environmental Conservation pursuant to section 34-0104 of the New York State Environmental Conservation Law. Pending completion of new maps for the Village of West Dunes, the above Maps(Panels 1 of 14 through 3 of 14) have been modified to reflect the Village limits.
- 2.2 Requirements. No person may engage in any regulated activity in an Erosion Hazard Area as depicted on the Coastal Erosion Hazard areas Maps identified in Section 2.1 for the Village of West Hampton Dunes, as amended, without first obtaining a Coastal Erosion Management Permit. No Coastal Erosion Management Permit is required for unregulated activities.
- 2.3 General Standards. A coastal Erosion Management Permit will be issued only with a finding by the Administrator that the proposed regulated activity:
- Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location.
 - Is not likely to cause a measurable increase in erosion at the proposed site and at other locations.
 - Prevents, if possible, or minimizes adverse effects on natural protective features and their functions and protective values, existing erosion protection structures, and natural resources.
- 2.4 STRUCTURAL HAZARD AREA RESTRICTIONS. The following restrictions apply to regulated activities within Structural Hazard Areas.
- A Coastal Erosion Management Permit is required for the installation of public service distribution, transmission, or collection systems for gas, electricity, water, or wastewater. Systems installed along the shoreline must be located landward of the shoreline structures.
 - The construction of non-movable structures or placement of major non-movable additions to an existing structure is prohibited.
 - Permanent foundations may not be attached to movable structures, and any temporary foundations are to be removed at the time the structure is moved. Below grade footings will be allowed if satisfactory provisions are made for their removal.
 - No movable structure may be located closer to the landward limit of a bluff than 25 feet.
 - No movable structure may be placed or constructed such that according to accepted engineering practice, its weight places excessive ground loading on a bluff.
 - Plans for landward relocation of movable structures must be included with each application for a permit. Movable structures which have been located within a Structural Hazard Area pursuant to a Coastal Erosion Management Permit must be removed before any part of the structure is within 10 feet of the receding edge. The last owner of record, as shown on the latest assessment roll, is responsible for removing that structure and its foundation, unless a Removal Agreement was attached to the original Coastal Erosion Management Permit.
- With the attachment of a Removal Agreement to the Coastal Erosion Management Permit, the landowner or the signatory is responsible for the land ward relocation of movable structures. Removal agreements may be made when the last owner of record and the owner of the structure are different with the approval of the Village at the time the permit was issued.
- Debris from structural damage which may occur as a result of sudden unanticipated bluff edge failure, dune migration, or wave or ice action must be removed within sixty (60) days of the damaging event.
 - Any grading, excavation, or other soil disturbance conducted within a Structural Hazard Area must not direct surface water runoff over a bluff face.
- 2.5 NEARSHORE AREA RESTRICTIONS. Nearshore areas dissipate a substantial amount of wave energy before it is expended on beaches, bluffs or dunes by causing waves to collapse or break. Nearshore areas also function as reservoirs of sand, gravel, and other unconsolidated material for beaches. Sandbars, which are located in nearshore areas, control the orientation of incoming waves and promote the development of ice cap formations which help protect shorelines during winter storms. The roots of aquatic vegetation in nearshore areas bind fine grained silts, clays, and organic matter to form a fairly cohesive bottom that resists erosion.
- The following restrictions apply to regulated activities in nearshore areas:
- Excavating, grading, mining, or dredging which diminishes the erosion protection afforded by nearshore area is prohibited, except construction or maintenance of navigation channels, bypassing sand around natural and man-made obstructions and artificial beach nourishment, all of which require a Coastal Erosion Management Permit.
 - Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within nearshore areas. Any deposition will require a Coastal Erosion Management Permit.

- c. All development is prohibited in nearshore areas unless specifically provided for by this local law.
- 2.6 **BEACH AREA RESTRICTIONS:** Beaches buffer shorelands from erosion by absorbing wave energy that otherwise would be expended on the toes or bluffs of dunes. Beaches that are high and wide protect shorelands from erosion more effectively than beaches that are low or narrow. Beaches also act as reservoirs of sand or other unconsolidated material for longshore littoral transport and offshore sandbar and shoal formation.
- The following restrictions apply to regulated activities in beach areas:
- a. Excavating, grading, or mining which diminishes the erosion protection afforded by beaches is prohibited.
 - b. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within nearshore areas. Any deposition will require a Coastal Erosion Management Permit which may be issued only for expansion or stabilization of beaches.
 - c. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the NYS Department of Environmental Conservation and the Village of West Hampton Dunes.
 - d. All development is prohibited on beaches unless specifically provided for by this local law.
 - e. The restoration of existing structures, on beaches, that are damaged or destroyed by events not related to coastal flooding or erosion may be undertaken without a Coastal Erosion Management Permit.
- 2.7 **DUNE AREA RESTRICTIONS.** Dunes prevent overtopping and store sand for coastal processes. High, vegetated dunes provide a greater degree of protection than low, unvegetated ones. Dunes are of the greatest protective value during conditions of storm induced high water. Because dunes often protect some of the most biologically productive areas as well as developed coastal areas, their protective value is especially great. The key to maintaining a stable dune system is the establishment and maintenance of beachgrass or other vegetation on the dunes and assurance of a supply of nourishment sand to the dunes.
- The following restrictions apply to regulated activities in dune areas:
- a. In primary dune areas:
 - (1) Excavating, grading, or mining of primary dunes is prohibited.
 - (2) Clean sand of a compatible type and size is the only material which may be deposited. Any deposition requires a Coastal Erosion Management Permit.
 - (3) All depositions must be vegetatively stabilized using species tolerant of the conditions at the site and must be placed so as to increase the size of, or restore a dune or dune area.
 - (4) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the NYS Department of Environmental Conservation and the Village of West Hampton Dunes.
 - (5) Non-major additions to existing structures are allowed on primary dunes pursuant to a Coastal Erosion Management Permit and subject to permit conditions concerning the location, design, and potential impacts of the structure on the primary dune.
 - (6) Stone revetments or other erosion protection structures compatible with primary dunes will only be allowed at the waterward toe of primary dunes or another location developed using accepted engineering and scientific techniques, but in any case must be designed so as to not interfere with the exchange of sand between primary dunes and their fronting beaches.
 - b. In secondary dune areas:
 - (1) All depositions must be of clean sand of a compatible type and size, and all grading must be performed so as to increase the size of, or restore, a dune or former dune area.
 - (2) Excavating, grading, or mining must not diminish the erosion protection afforded by them.
 - (3) Non-major additions to existing structures are allowed on secondary dunes pursuant to a Coastal Erosion Management permit.
 - (4) Permitted construction, reconstruction, restoration, or modifications must be built on adequately anchored pilings such that at least 3 feet of open space exists between the floor joists and the surface of the secondary dune; and the permitted activity must leave the space below the lowest horizontal structural members free of obstructions.
 - c. All other activities and development in dune areas are prohibited unless specifically provided for by this local law.
 - d. The restrictions of Section 2.10, Traffic Control, apply to dune areas.
 - e. The restoration of existing structures, on dunes, that are damaged or destroyed by events not related to coastal flooding or erosion may be undertaken without a Coastal Erosion Management Permit.
- 2.8 **Bluff Area Restrictions.** Bluffs protect shorelands and coastal development by absorbing the often destructive energy of open water. Bluffs are a source of depositional material for beaches and other unconsolidated natural protective features.

- a. The following activities are prohibited on bluffs:
 - (1) Excavating or mining except when in conjunction with conditions stated in a Coastal Erosion Management Permit issued for minor alterations in construction of an erosion protection structure
 - (2) Bluff cuts done in accordance with conditions stated in a Coastal Erosion Management Permit issued for the provision of shoreline access, where:
 - a. Cut is made in a direction perpendicular to the shoreline.
 - b. Ramp slope may not exceed 1:6.
 - c. Side slopes may not exceed 1:3 unless terraced or otherwise structurally stabilized.
 - d. Side slopes and other disturbed non-roadway areas must be stabilized with vegetation or other approved physical means.
 - e. Completed roadway must be stabilized and drainage provided for.
 - (3) New construction, modification or restoration of walkways or stairways done in accordance with conditions of a Coastal Erosion Management Permit.
 - (4) Non-major additions to existing structures may be allowed on bluffs pursuant to a Coastal Erosion Management Permit.
 - (5) The restoration of existing structures, on bluffs, that are damaged or destroyed by events unrelated to coastal flooding or erosion may be undertaken without a coastal erosion management permit.
- 2.9 Erosion Protection Structure Requirements. The following requirements apply to the construction, modification, or restoration of erosion protection structures:
- a. The construction modification, or restoration of erosion protection structures must:
 - (1) Not be likely to cause a measurable increase in erosion at the development site or at other locations.
 - (2) Minimize, and if possible, prevent adverse affects upon natural protective features, existing erosion protection structures, and natural resources such as significant fish and wildlife habitats.
 - b. All erosion protection structures must be designed and constructed according to generally accepted engineering principles which have demonstrated success, or where sufficient data is not currently available, a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion on the immediate site for at least 30 years.
 - c. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions for a minimum of 30 years. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.
 - d. A long-term maintenance program must be included with every permit application of construction, modification, or restoration of an erosion protection structure. The maintenance program must include specifications for normal maintenance of degradable materials. To assure compliance with the proposed maintenance programs, a bond may be required.
- 2.10 Traffic Control. Motorized and non-motorized traffic must comply with the following restrictions.
- a. Motor vehicles must not travel on vegetation, must operate waterward of the debris line, and when no debris line exists must operate waterward of the waterward toe of the primary dune or bluff.
 - b. Motor vehicle traffic is prohibited on primary dunes, except for officially designated crossing areas, and on bluffs.
 - c. Pedestrian passage across primary dunes must utilize elevated walkways and stairways or other specially designed dune crossing structures.
- 3.0 Emergency Activities
- 3.1 Applicability. The requirements of this local law do not apply to emergency activities that are necessary to protect public health, safety, or welfare, including preventing damage to natural resources. Whenever emergency activities are undertaken, damage to natural protective features and other natural resources must be prevented, if possible, or minimized.
 - 3.2 Notification to Administrator. The administrator must be notified by the person responsible for taking the emergency measures within 2 working days from the commencement of an emergency measure and a description of the problem and activities provided. The description must be in written form outline the public health or safety or resource for which protection was sought, and relate the measures which were taken to secure the protection.
 - 3.3 Improper or Insufficient Notification. If the administrator determines that a regulated activity has been undertaken without a Coastal Erosion Management Permit, and does not meet the emergency activity criteria, then the Administrator will order the immediate cessation of the activity. In addition, the Administrator may require:

- a. Removal of any structure that was constructed or placed without a Coastal Erosion Management Permit, and
 - b. The return to former conditions of any natural protective feature that was excavated, mined, or otherwise disturbed without a Coastal Erosion Management Permit.
4. Variances and Appeals
- 4.1 Variances from Standards and Restrictions. Strict application of the standards and restrictions of this local law may cause practical difficulty or unnecessary hardship. When this can be shown, such standards and restrictions may be varied or modified provided that the following criteria are met:
- a. No reasonable, prudent, alternative site is available.
 - b. All responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense.
 - c. The development will be reasonably safe from flood and erosion damage.
 - d. The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for the requested variance.
 - e. Where public funds are utilized, the public benefits must clearly outweigh the long-term adverse affects.
- 4.2 Format and Procedure. Any request for a variance must be in writing and specify the standard, restriction, or requirement to be varied and how the requested variance meets the criteria of Section 4.1 of this local law. The burden of demonstrating that the requested variance meets those criteria rests entirely with the applicant.
- 4.3 Fees. Each variance request must be accompanied by the required fee or fees as established by the Village legislative body under separate resolution.
- 4.4 Expiration. Any construction activity allowed by a variance granted by the Coastal Erosion Hazard Board of Review must be completed within 1 year from the date of approval or approval with modifications or conditions. Variances expire at the end of this 1 year period without further hearing or action by the Coastal Erosion Hazard Board of Review.
- 4.5 Coastal Erosion Hazard Board of Review. The Village Board of Trustees is hereby designated as the Coastal Erosion Hazard Board of Review and has the authority to:
- a. Hear, approve, approve with modification or deny requests for variances or other forms of relief from the requirements of this local law.
 - b. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination make by the Administrator in the enforcement of this local law, including any order requiring an alleged violator to stop, cease and desist.
- 4.6 Appeal. Coastal Erosion Hazard Board of Review may, in conformity with the provisions of this local law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Administrator, including stop or cease and desist orders. Notice of such decision will forthwith be given to all parties in interest. The rules and procedures for filing appeals are as follows:
- a. Appeals must be filed with the Village Clerk within 30 days of the date of the adverse decision.
 - b. All appeals made to the Coastal Erosion Hazard Board of Review must be in writing on standard forms prescribed by the Board. The Board will transmit a copy to the Commissioner of the New York State Department of Environmental Conservation for his information.
 - c. All appeals must refer to the specific provisions of this local law involved, specify the alleged errors, the interpretation thereof that is claimed to be correct and the relief which the appellant claims.
- 4.7 Appeal to the court. Any person or persons, jointly or severally aggrieved by a decision by the Coastal Erosion Hazard Board of Review or any officer, department, Board or Bureau of the Village, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.
5. Administration and Enforcement
- 5.1 Coastal Erosion Management. A Coastal Erosion Management Permit will be issued for regulated activities which comply with the General Standards (Section 2.3), restrictions, and requirements of the applicable sections of this local law, providing the following is adhered to:
- a. The application for a Coastal Erosion Management Permit must be made upon the form provided by the administrator and must include the following minimum information:
 - (1) A description of the proposed activity.
 - (2) A map drawn to scale no smaller than 1:24,000 showing the location of the proposed activity.
 - (3) Any additional information the Administrator may require to properly evaluate the proposed activity.

- b. Each application for a Coastal Erosion Management Permit must be accompanied by a permit fee of \$100.00 plus \$50.00 for any modification or extension.
 - c. Permits will be issued by, and bear the name and signature of the Administrator, and will specify the:
 - (1) Activity or operation for which the permit is issued.
 - (2) Address or location where the activity or operation is to be conducted.
 - (3) Name and address of permittee.
 - (4) Permit number and date of issuance.
 - (5) Period of permit validity. If not otherwise specified a permit will expire 1 year from the date of issuance.
 - (6) The terms and conditions of the approval
 - d. When more than one Coastal Erosion Management Permit is required for the same property or premises under this local law, a single permit may be issued listing all bonding requirements. Revocation of a portion or portions of such consolidated permits will not invalidate the remainder.
 - e. A Coastal Erosion Management Permit may be issued with such terms and conditions as are necessary to ensure compliance with the policies and provisions of Article 34 of the Environmental Conservation Law, the Coastal Erosion Management Regulations implementing Article 34 (6 NYCRR Part 505), and the laws and policies of the Village of West Hampton Dunes.
 - f. When an application is made for a Coastal Erosion Management Permit, variance thereto, or other form of approval required by this local law, and such activity is subject to other permit, variance, hearing, or application procedures required by another federal, state or local regulatory agency pursuant to any federal, state, or local law or ordinance, the Administrator shall, at the request of the applicant, consolidate and coordinate the application, permit, variance and hearing procedures as required by each regulatory agency into a single, comprehensive hearing and review procedure. However, nothing contained in this section shall be deemed to limit or restrict any regulator agencies, which are properly a party to such a consolidated review proceeding, from the independent exercise of such discretionary authority with respect to the issuance, denial or modification of such permits, variances or other forms of approval as they may have been granted by law.
- 5.2 Bonds. The Village may require a bond or other form of financial security. Such bond or security must be in an amount, with such surety and conditions as are satisfactory to the Village so as to ensure compliance with the terms and conditions stated in the Coastal Erosion Management Permit.
- 5.3 Administrator. The authority for administering and enforcing this local law is hereby conferred upon the Village Building Inspector. The Administrator has the powers and duties to:
- a. Apply the regulations, restrictions, and the standards or other provisions of this local law.
 - b. Explain to applicants the map which designates the land and water areas subject to regulation and advise applicants of the standards, restrictions and requirements of this local law.
 - c. Review and take appropriate actions on completed applications.
 - d. Issue and sign all approved permits.
 - e. Transmit written notice of violations to property owners or to other responsible persons.
 - f. Prepare and submit reports.
 - g. Perform compliance inspections.
 - h. Serve as the primary liaison with the New York State Department of Environmental Conservation.
 - i. Keep official records of all permits, inspections, inspection reports, recommendations, actions of the Coastal Erosion Hazard Board of Review, and any other reports or communications relative to this local law or request for information from the New York State Department of Environmental Conservation.
 - j. Perform normal and customary administrative functions required by the Village, relative to the Coastal Erosion Hazard Areas Act, Article 34 of the New York State Environmental Conservation Law, 6NYCRR Part 505, and this local law.
 - k. Have, in addition, powers and duties as are established in, or reasonably implied from this local law as are necessary to achieve its stated purpose.
- 5.4 Interpretation. The provisions, regulations, procedures and standards of this local law will be held to be the minimum requirements necessary to carry out the purposes of this local law.
- 5.5 Conflicts. The provisions of this local law will take precedence over any other laws, ordinances, or codes in effect in the Village to the extent that the provisions of this local law are more stringent than such other laws, ordinances, or codes. A Coastal Erosion Management Permit issued pursuant to this local law does not relieve the permit applicant from the responsibility of obtaining other permits or approvals as may be necessary nor does it convey any rights or interest in real property.

- 5.6 Severability. The provisions of this local law are severable. If any clause, sentence, paragraph, subdivision, section or part is adjudged invalid by a court of competent jurisdiction, the effect of such order or judgment does not affect or invalidate any other provisions of this local law or their application to other persons and circumstances.
- 5.7 Enforcement. The Administrator will enforce the purposes and policies of the New York State Environmental Conservation Law, Article 34 and the Minimum Standards of Section 505.17 of 6 NYCRR Part 505; will conduct compliance inspections to insure that the terms and conditions of local permits are adhered to; and will investigate all reports of violations.
- 5.8 Environmental Review. All regulated activities are subject to the review procedures required by the New York State Environmental Quality Review Act (SEQRA), Article 8 of the New York State Environmental Conservation Law. The applicant may be required to submit information necessary for compliance with SEQRA in addition to information required under this local law.
- 5.9 Violations and Penalties. A violation of this local law is hereby declared to be an offense punishable by a fine not exceeding \$250.00 or imprisonment for a period not to exceed 6 months or both. Each day's continued violation of this local law will constitute a separate additional violation. Nothing herein will prevent the proper local authorities of the Village from taking such other lawful actions or proceedings as may be necessary to restrain, correct, or abate any violation of this local law.
6. Amendments
- 6.1 Procedure. The Village legislative body may, on its motion or on petition, or on recommendation from the village Board, amend, supplement or repeal the provisions, regulations, procedures or standards of this local law.
- When an amendment is duly proposed, the Village legislative body must:
- a. Notify the Commissioner of the New York State Department of Environmental Conservation in writing of all proposed amendments and request his advice as to whether such amendment is subject to his approval, and if so, whether such amendment conforms to the minimum standards of a certified program.
 - b. Issue public notice and conduct a hearing on all proposed amendments. The Village legislative body, by resolution, must cause notice of such hearing's time, date, and place to be published in the official newspaper not less than 5 days prior to the date of the hearing.
 - c. Refer to the proposed amendment at least 30 days prior to the public hearing, in writing to:
 - (1) The Village Board, unless initiated thereby, for its review of the amendment and its report to the Village legislative body of recommendations thereon, including a full statement of reasons for such recommendations.
 - (2) The county Planning Board for its review and recommendations pursuant to Article 12-B, Section 239 of the New York State General Municipal Law.
- 6.2 Commissioner Approval. After enactment the amendment must be sent to the Commissioner of Environmental Conservation for Certification.
- 6.3 Recording. After an amendment to this local law: has been initially reviewed and found to be in conformance by the Commissioner of the New York State Department of Environmental conservation; completed the public hearing process and intergovernmental review; been finally approved and adopted by the Village legislative body; and been certified by the commissioner; the Village Clerk will as prescribed by Section 27 of the Municipal Home Rule Law:
- a. Record the amended local law within 5 days after adoption as follow:
 - (1) 1 copy in the Village clerk's office.
 - (2) 1 copy in the Office of the State Comptroller.
 - (3) 3 copies in the Office of the Secretary of State.
 - (4) 1 copy with the Commissioner of the New York State Department of Environmental Conservation.
 - (5) Conservation.

VILLAGE OF WEST HAMPTON DUNES
Local Law No. 6 of 1995

A Local Law for Participation in the National Flood Insurance Program and Adoption of Flood Damage Prevention Code in the Village of West Hampton Dunes. This local law was prepared by the Village of West Hampton Dunes to facilitate local government assumption of authority and responsibility for participation in the National Flood Insurance Program (NFIP) and for adopting, enforcing and administering the Flood Damage Prevention Code (Chapter 4) of the Village of West Hampton Dunes, as authorized by the New York State Constitution, Article IX, Section 2, Environmental Conservation Law, Article 36, and pursuant to Section 2-250 of the Village Law of the State of New York.

1. Be enacted by the Board of Trustees of the Village of West Hampton Dunes as follows:

- 1.1 Enactment. Pursuant to Section 10 of the Home Rule Law, and Section 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. 6 of 1995, this Local Law entitled; “Local Law No. 6 of 1995, of the Incorporated Village of West Hampton Dunes, a Local Law to facilitate local government assumption of authority and responsibility for participation in the National Flood Insurance Program (NFIP) and for adopting, enforcing and administering the Flood Damage Prevention Code (Chapter 4) of the Village of West Hampton Dunes, as authorized by the New York State Constitution, Article IX, Section 2, Environmental Conservation Law, Article 36, and pursuant to Section 2-250 of the Village Law of the State of New York.
- 1.2 Effective Date. This 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 this Law, as may be required pursuant to the Village Law of the State of New York.
- 1.3 Findings. The Village Board of the Village of West Hampton Dunes finds that the potential and /or actual damages from flooding and erosion may be a problem to the residents of the Village of West Hampton Dunes and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Local Law is adopted.
- 1.4 Purpose. It is the purpose of this Local Law No. 6 of 1995, to promote the public life, health, safety and general welfare, and to minimize public and private damage and losses due to potential flood conditions throughout the Village by provisions designed to:
- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - B. Require that a uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage a the time of initial construction;
 - C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
 - E. Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
 - F. Qualify for and maintain participation in the National Flood Insurance Program.

2. Regulations

2.1 Text. This Local Law to facilitate local government assumption of authority and responsibility for participation in the National Flood Insurance Program (NFIP)and for adopting, enforcing and administering the Flood Damage Prevention Code (Chapter 4) of the Village of West Hampton Dunes, as authorized by the New York State Constitution, Article IX, Section 2, Environmental Conservation Law, Article 36, and pursuant to Section 2-250 of the Village Law of the State of New York, is hereby adopted, pursuant to the Flood Damage Prevention Code (Chapter 4) of the Village of West Hampton Dunes that is annexed as an Exhibit to this Local 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 y 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 ascertained 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 effect in the Village prior to the passage and 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 effect 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.

**Incorporated Village of West Hampton Dunes
Local Law No. 3 of 1997**

A local law creating a Chapter of the Code of the Incorporated Village of West Hampton Dunes entitled "Local Law No. 3 of 1997, A Local Law Amending Local Law No. 4 of 1995, the "Pyramid Law" of the Incorporated Village of West Hampton Dunes, Local Law No. 9 of 1995 and Local Law No. 2 of 1997, a Local Law Amending the Pyramid Law of 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.; Title, Purpose and Definitions.

1.1 (A). Enactment.

Pursuant to Section 10 of the Home Rule Law, and Article 7 of the Village Law, the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this Local Law No. 3 of 1997, this local law to amend Local Law No. 4 of 1995, the "Pyramid Law" of the Incorporated Village of West Hampton Dunes, Local Law No. 9 of 1995 and Local Law No. 2 of 1997, a Local Law amending that Pyramid Law.

1.1 (B). Effective Date.

The 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.

1.2. Intent.

WHEREAS, the Incorporated Village of West Hampton Dunes is a Village duly incorporated under the laws of the State of New York, and;

WHEREAS, the Trustees of the Village of West Hampton Dunes are duly empowered pursuant to Article 7 of the Village Law, and Section 10 of the Home Rule Law to enact and prescribe certain laws and regulations regarding building and zoning regulations within the Village, and;

WHEREAS, the Board of Trustees has previously identified that due to the improvement in Federal Emergency Management Agency rating that such an increase in height will result in, both to the particular structure and the Village, and that it is in the best interests of the Village and its residents, and the future well-being of the Village to foster an increase in the base height of structures above base flood elevation, and therefore increasing the base of the pyramid used to calculate the construction envelope of the premises, and;

WHEREAS, the Board of Trustees has determined that it is essential to the growth and reconstruction of the Village and the consistent enforcement of the intended regulations of the Pyramid Law and the building and zoning regulations of the Village, and the aesthetic values of the Village that the Board and its residents wish to preserve the protection of private and public property within the Village and the value of that property, and the eligibility of property owners in the Village for benefits available under insurance ratings and other benefits, that the Pyramid Law of 1995, as amended in 1997 be further amended to provide for the consistent increase in height of the pyramid that is used to calculate the building envelope of construction in the Village, and;

Section 2.; Amendment to Pyramid Law

Increase in Height of Pyramid

The Village of West Hampton Dunes, and its building and construction laws and regulations, shall be amended to reflect an increase in the height of the pyramid which is used to determine the building envelope of the construction of a structure in the Village as stated herein.

2.1. Increase in Height of the Pyramid, Election

(a). The Pyramid Law of the Village of West Hampton Dunes as amended in 1997, presently provides that a property owner may apply to have the base of the pyramid raised so that the lowest member of the construction of the structure on the premises will be raised two feet above base flood elevation, however, the limit of the height of such structure was still limited to thirty-two (32) feet.

(b). Commencing on the enactment date of this local law, in the event that a property owner in an application for a building permit to the Village makes an application for the approval of an increase in the height of the lowest member of the structure, as provided in Local Law No. 2 of 1997, which amended the Pyramid Law, the calculation of the building envelope pursuant to the Pyramid Law of the Village, the maximum height limitation of the building envelope as determined by the Pyramid Law as amended, shall be increased to a height of thirty-four (34) feet above the base flood elevation.

(c). Commencing on the enactment date of this local law, on the application of a property owner for an increase in height of the building pyramid, and provided in such application the property owner shall also agree that the lowest point of any member of the structure shall be at least two feet above base flood elevation, the building envelope as determined by the Pyramid Law as amended shall be calculated at an angle of sixty (60) degrees from the perimeter of the property as described in the Pyramid Law of the Village, however, the base of the pyramid and the calculation shall be calculated from a point that is two (2) feet above base flood elevation of the property.

3.0. Effective Date; Pending Applications

This local law shall take effect on the date of the filing of the local law with the Secretary of State of the State of New York, and shall apply to all applications filed with the Village after that date.

However, in the event that any application has been made to the Village for approval of a structure prior to such effective date, and the decision or building permit of such application be pending at the time of the enactment date of this local law, such application may be amended to conform with this local law and its amendments to the Pyramid Law as previously amended.

Dated: West Hampton Dunes
Suffolk County, NY

**Incorporated Village of West Hampton Dunes
Local Law No. 4 of 1997**

A local law creating a Chapter of the Code of the Incorporated Village of West Hampton Dunes entitled "Local Law No. 4 of 1997, A Local Law Amending the Zoning Law of the Village of West Hampton Dunes, As Adopted by the Village on November 18, 1995, As To The Side Yard Setback Requirements of the Village".

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

Section 1.; Title, Purpose and Definitions.

1.1 (A). Enactment.

Pursuant to Section 10 of the Home Rule Law, and Article 7 of the Village Law, the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this Local Law No. 4 of 1997, this local law to amend the zoning law of the Village of West Hampton Dunes, which is the Zoning Law of the Town of Southampton, as adopted by resolution of the Board of Trustees of the Village of West Hampton Dunes on November 18, 1995.

1.1 (B). Effective Date.

The 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.

1.2. Intent.

WHEREAS, the Incorporated Village of West Hampton Dunes is a Village duly incorporated under the laws of the State of New York, and;

WHEREAS, the Trustees of the Village of West Hampton Dunes are duly empowered pursuant to Article 7 of the Village Law, and Section 10 of the Home Rule Law to enact and prescribe certain laws and regulations regarding building and zoning regulations within the Village, and;

WHEREAS, the Board of Trustees have determined that it is in the best interests of the long term goals of fostering the growth and reconstruction of the Village, and the health, safety and welfare of the residents and property owners of the Village and their guests, that the total dimensions of both side yards for a principal building may be computed on the basis of three-tenths (.3) of the lot width, provided that the main structure shall be centered on the property; with both side yards divided equally and no side yard smaller than eight (8) feet in width; and that in the event a side yard is less than ten (10) feet, there shall be no encroachment of a catwalk, walkway, access walk and/or platform to more than five (5) feet of the property line, and in that event, the Building Inspector may at his discretion require fire resistant materials with ratings and regulations that he may prescribe; and;

WHEREAS, the Board of trustees has determined that it is essential to the growth and reconstruction of the Village and the consistent enforcement of the building and zoning regulations of the Village, and the aesthetic values of the Village that the Board and its residents wish to preserve the protection of private and public property within the Village and the value of that property, and the eligibility of property owners in the Village for benefits of increased property value and growth, that the total dimensions of both side yards may be computed on the basis of three-tenths (.3) of the lot width, provided the main structure shall be centered on the property; with both side yards divided equally and no side yard be less than eight feet (8') in width; and that in the event a side yard is less than ten (10) feet, there shall be no encroachment of a catwalk, walkway, access walk and/or platform to more than five (5) feet of the property line, and in that event, the Building Inspector may at his discretion require fire resistant materials with ratings and regulations that he may prescribe; it is therefore determined that the side yard requirements may be computed on the basis of than three tenths (.3) of the total lot width, provided the main structure shall be centered on the property; with both side yards divided equally and no side yard being less than eight feet (8') in width and that in the event a side yard is less than ten (10) feet, there shall be no encroachment of a catwalk, walkway, access walk and/or platform to more than five (5) feet of the property line, and in that event, the Building Inspector may at his discretion require fire resistant materials with ratings and regulations that he may prescribe.

Section 2.

The Village of West Hampton Dunes, and its building and construction laws and regulations, which are the Zoning Law of the Town of Southampton, as adopted by the Village on November 19, 1995, and more particularly Section 330-115 of that Law, shall be amended to reflect an decrease in the side yard set back requirements as set forth herein.

2.1. Amendment to Side Yard Set Back Requirements

(a). Section 330-115 of the Zoning Law of the Village of West Hampton Dunes, which is the Zoning Law of the Town of Southampton, as adopted on November 19, 1995, is hereby amended to read as follows:

"330-115D(1)

The total dimensions of both side yards for a principal building may be computed on the basis of three-tenths (.3) of the lot width; provided the main structure shall be centered on the property; with both side yards divided equally and no side yard be less than eight feet (8') in width; and that in the event a side yard is less than ten (10) feet, there shall be no encroachment of a catwalk, walkway, access walk and/or platform to more than five (5) feet of the property line, and in that event, the Building Inspector may at his discretion require fire resistant materials with ratings and regulations that he may prescribe".

3.0. Effective Date; Pending Applications

This local law shall take effect on the date of the filing of the local law with the Secretary of State of the State of New York, and shall apply to all applications filed with the Village after that date.

However, in the event that any application has been made to the Village for approval of a structure prior to such effective date, and the decision or building permit of such application be pending at the time of the enactment date of this local law, such application may be amended to conform with this local law and its amendments to the Pyramid Law as previously amended.

Dated: West Hampton Dunes
Suffolk County, NY

**Incorporated Village of West Hampton Dunes
Local Law No. 2 of 1998**

A local law creating a Chapter of the Code of the Incorporated Village of West Hampton Dunes entitled "Local Law No. 2 of 1998, A Local Law Amending Local Law No. 4 of 1995, the "Pyramid Law" of the Incorporated Village of West Hampton Dunes, as that Local Law No. 4 of 1995 was amended by Local Law No. 8 of 1995, Local Law No. 2 of 1997, Local Law No. 3 of 1997, and Local Law No. 1 of 1998, also amending those local laws".

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

Section 1.; Title, Purpose and Definitions.

1.1 (A). Enactment.

Pursuant to Section 10 of the Home Rule Law, and Article 7 of the Village Law, the Incorporated Village of West Hampton Dunes, County of Suffolk and State of New York, hereby enacts by this Local Law No. 2 of 1998, this local law to amend Local Law No. 4 of 1995, the "Pyramid Law" of the Incorporated Village of West Hampton Dunes, as that local law was amended by Local Law No. 8 of 1995, Local Law No. 2 of 1997, Local Law No. 3 of 1997, and Local Law No. 1 of 1998, also amending those Local Laws to the extent that they are affected by the provisions of this Local Law No. 2 of 1998.

1.1 (B). Effective Date.

The 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.

1.2. Intent.

WHEREAS, the Incorporated Village of West Hampton Dunes is a Village duly incorporated under the laws of the State of New York, and;

WHEREAS, the Trustees of the Village of West Hampton Dunes are duly empowered pursuant to Article 7 of the Village Law, and Section 10 of the Home Rule Law to enact and prescribe certain laws and regulations regarding building and zoning regulations within the Village, and;

WHEREAS, the Board of Trustees has previously identified that due to the improvement in Federal Emergency Management Agency rating that is caused by an increase in the height of the base of a structure, both for the owner of a premises, and the structure on that premises, and for the Village, and it having been determined by the Board of Trustees to be, and it is, in the best interests of both the Village and its residents and their guests, and the future well-being of the Village to foster an increase in the base height of the base of structures in the Village above base flood elevation, and that it was therefore appropriate and proper to increase the maximum height of a structure and also to increase the base of the pyramid used to calculate the building envelope for construction for any premises on which the owner of the premises agreed to increase the height of the base of a structure above base flood elevation, and;

WHEREAS, the Board of Trustees has determined that it is essential to the growth and reconstruction of the Village and the consistent enforcement of the intended regulations of the Pyramid Law and the building and zoning regulations of the Village, and the aesthetic values of the Village that the Board and its residents wish to preserve the protection of private and public property within the Village and the value of that property, the eligibility of property owners to obtain the maximum insurance benefits available under insurance ratings, and to improve those ratings and in particular with respect to the owners of property and structures located on the south side of Dune Road in the Village, to provide adequate and safe off road parking and a higher level of compliance available under insurance regulations as well as insuring the health, safety and welfare of the entire Village and other benefits, that the Pyramid Law of 1995, as amended in 1997 be further amended to provide for the increase in the maximum height of a structure and of the base of the pyramid that is used to calculate the building envelope of construction in the Village on the south side of Dune Road for those structures and premises on the south side of Dune Road for which the respective owners of those premises agree to raise the height of the base of the structures above base flood elevation as defined and provided herein.

Section 2.; Amendment to Pyramid Law

Increase in Height of Pyramid

The Village of West Hampton Dunes, and its building and construction laws and regulations, shall be amended for those properties in the Village that are located on the south side of Dune Road to reflect an increase in the limitation of the maximum height of a structure and of the height of the base of the pyramid which is used to determine the building envelope of the construction on those properties located on the south side of Dune Road for which the owners of those properties have elected and agreed to raise the base of the structure on the premises more than two (2) feet and up to a maximum of four (4) feet above base flood elevation, as further provided in this local law.

2.1. Increase in Height of the Pyramid, Election

(a). The Pyramid Law of the Village of West Hampton Dunes as amended by Local Law No. 2 of 1997, provides that a property owner may elect to raise the lowest member of the construction of the structure on the premises to a height of two (2) feet above base flood elevation, however, the maximum height of the structure could not exceed thirty-two (32) feet.

(b). The Pyramid Law of the Village of West Hampton Dunes as amended by Local Law No. 3 of 1997 provides that in the event that a property owner in an application for a building permit to the Village makes an application for the approval of an increase in the height of the lowest member of the structure, as provided in Local Law No. 2 of 1997, which amended the Pyramid Law, and applies in that application for an increase in the height of the base of the pyramid that is used to determine the building envelope for construction on the premises, that in addition to the base of the pyramid determining the building envelope for construction on the premises being raised by two (2) feet, the maximum height for a

structure on the premises was also increased by two (2) feet, from thirty-two (32) feet to thirty-four (34) feet above the base flood elevation.

That is, that in the event of an application for a building permit by an owner, and the application for approval in that permit and the agreement by the owner to increase the height of the lowest member of the structure to not less than two (2) feet above base flood elevation, the pyramid used to determine the building envelope of the premises as determined by the Pyramid Law as amended shall be calculated at an angle of sixty (60) degrees from the perimeter of the property, however, the base of the pyramid from which the sixty degrees is calculated shall be calculated from a point that is two (2) feet above base flood elevation of the property.

(c). Commencing on the enactment date of this local law, in the event that an application is made to the Village for a building permit with respect to a property located on the south side of Dune Road, and the property owner in that application applies for and agrees to an increase in the height of the lowest horizontal member supporting the lowest elevated floor of the structure of up to four (4) feet above base flood elevation, the Pyramid Law shall be amended to reflect that in such case:

1. The maximum height limitation of the Pyramid Law and of the building and construction laws of the Village of West Hampton Dunes with respect to such structure on a premises located on the south side of Dune Road shall be increased thirty-two (32) feet by the amount that the height of the lowest horizontal structural member supporting the lowest elevated floor of the structure is increased above base flood elevation, up to four (4) feet above base flood elevation, to a maximum height limitation of thirty-six (36) feet, and;

2. The building envelope for any such premises located on the south side of Dune Road as determined by the Pyramid Law as amended shall be calculated at an angle of sixty (60) degrees from the perimeter of the property, however, the height of the base of the pyramid above base flood elevation shall be increased by the same amount that the owner agrees to increase the height of the lowest horizontal structural member supporting the lowest elevated floor of the structure above base flood elevation up to a maximum of four (4) feet above base flood elevation at the property location.

3.0. Effective Date; Pending Applications

This local law shall take effect on the date of the filing of the local law with the Secretary of State of the State of New York, and shall apply to all applications filed with the Village after that date.

However, in the event that any application has been made to the Village for a building permit for property located on the south side of Dune Road or for the approval of a structure with respect to property located on the south side of Dune Road prior to such effective date, and the application for building permit of the decision for approval thereof be pending at the time of the enactment date of this local law, such application may be amended to conform with this local law and its amendments to the Pyramid Law as previously amended.

Dated: West Hampton Dunes
Suffolk County, NY