

Empire Offshore Wind LLC
and
EW Offshore Wind Transport Corporation

Empire Wind 2 Project
Article VII Application

Appendix M
Local Ordinances

August 2023

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In accordance with 16 New York Codes, Rules and Regulations § 86.8, Exhibit 7: Local Ordinance provides a list of all local ordinances, law, resolutions, regulations, standards, and other regulations applicable to the proposed facility and provides a statement on the Project's compliance with each applicable Local Ordinance. This Appendix provides the full text of each substantive Local Ordinance that is addressed in Exhibit 7.

M.1 City of Long Beach Code of Ordinances

M.1.1 Chapter 3— Advertising, Signs and Posting Bills

§ 3-3 – Exemptions

The following signs shall be exempt from the provisions of this chapter except as may be expressly regulated elsewhere in this article:

- (a) Real estate signs, not exceeding four (4) square feet in area, which advertise the sale, rental or lease of only the premises upon which the signs are located. Said signs shall not be illuminated and shall be removed within seven (7) days after sale, rental or lease has been effectuated.
- (b) Construction signs. One (1) construction sign per construction project not exceeding sixteen (16) square feet in sign area in residential and business districts, provided that such signs shall be erected no more than thirty (30) days prior to the beginning of construction for which a building permit has been issued, shall be confined to the site of construction, and shall be removed within thirty (30) days after completion of construction and prior to the issuance of a certificate of occupancy.
- (c) Home improvement contractor signs limited to a maximum of eight (8) square feet on any individual property, provided that the sign is displayed only during the actual project.
- (d) Directional or instructional signs. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not exceed four (4) square feet in area; signs identifying rest rooms, public telephones, walkways, or signs providing direction, such as parking lot entrances and exits and those of a similar nature, provided that there is no advertising on said sign.
- (e) The flags, emblems or insignia of any nation, governmental subdivision, religious or fraternal organization or corporation.
- (f) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.
- (g) Holiday decoration signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holidays. Said signs shall not be erected more than ninety (90) days prior to the holiday and shall be removed within thirty (30) days after the holiday.
- (h) Residential name plates not exceeding fifty-four (54) square inches in area.
- (i) Professional or occupation signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling, and not exceeding seven (7) square feet in area. This limitation shall apply regardless of the number of signs attached together.
- (j) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.
- (k) Notice bulletin boards not over thirty-two (32) square feet in area for public, charitable, religious or nonprofit medical or educational institutions where the same are located on the premises of said institution.

- (l) Plaques or nameplate signs not more than four (4) square feet in area which are fastened directly to the building.
- (m) Official notices posted by public officers or employees in the performance of the duties, including any notice or advertisement required by law in any legal proceeding.
- (n) Symbols or insignia. Religious symbols, commemorative plaques of recognized historical agencies or identification emblems of religious organizations, fraternal organizations or historical agencies.
- (o) Signs warning the public of the existence of danger to be removed upon the elimination of the danger. Said signs shall not contain any advertising material but may contain information identifying the person who erected said sign.
- (p) Sign indicating hours of business, not exceeding three (3) square feet may be posted on the window surface on a permanent basis and shall not be counted toward maximum permitted signage.
- (q) Time and temperature signs limited to twelve (12) square feet per side and containing no advertising material.
- (r) Signs affixed to interior of business windows or show windows, provided same do not cover more than thirty (30) per cent of such windows or show windows.

M.1.2 Chapter 4– Air Pollution

§ 4-2 – Emission of Dense Smoke Prohibited

It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever of a density equal to or greater than that density described as No. 2 on the Ringelmann Chart, published by the United States Bureau of Mines, the standards of which are hereby fully adopted by the enactment of this chapter and set forth in full in section 4-14. The emission of such dense smoke is declared to be a public nuisance and may be summarily abated by the building commissioner, or by anyone whom he may designate for such purpose; provided, however, that this section shall not be applicable to the circumstances set forth in section 4-3.

§ 4-4 – Escape of Soot, Cinders, Noxious Acids, Fumes and Gases Prohibited

It shall be unlawful for any person, firm or corporation to permit or cause the escape of such quantities of soot, cinders, noxious acids, fumes and gases in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is declared to be a public nuisance and may be summarily abated by the building commissioner, or by anyone whom he may designate for such purpose.

§ 4-12 – Interference with Performance of Duty of Building Commissioner

Any person, firm or corporation interfering in any manner or impeding the performance of duty of the building commissioner shall be deemed guilty of a misdemeanor and shall be subject to the penalties hereinafter provided for the violation of the provisions of this chapter. This section shall likewise apply to the performance of duty of employees and representatives of the building commissioner.

§ 4-14 – The Ringelmann Chart

The standard by which the density of smoke is to be measured will be the Ringelmann Chart, published by the United States Bureau of Mines. The chart is as follows:

- (a) No. 0-- 0% black, 100% white.
- (b) No. 1-- 20% black, 80% white.
- (c) No. 2-- 40% black, 60% white.
- (d) No. 3-- 60% black, 40% white.
- (e) No. 4-- 80% black, 20% white.
- (f) No. 5--100% black, 0% white.

Use of the chart will be made by placing it at such distance from the observer so that the squares appear as even shades of coloring, or when no white spaces between the lines are visible. Comparison of the smoke under observation with the various shades of the chart will then indicate the density of the smoke. Observation distances shall be not less than one hundred (100) feet nor more than one-quarter (1/4) mile from the smoke observed.

M.1.3 Chapter 6 – Boats, Docks and Waterways

Article I – General

§ 6-2 – Unlawful Use or Obstruction of Bulkheads, Piers and Wharves

- (a) It shall be unlawful to obstruct or encumber any bulkhead, pier or wharf property within the city or in the free use thereof; or to obstruct navigation by any floating, stranded or sunken vessel or craft; or to place, discharge or deposit by any process or in any manner, offal, timber, dredgings, dirt, ashes, oil or other matter floatable or otherwise, in the waters adjacent to the city.
- (b) Whenever any bulkhead, pier or wharf property shall be unlawfully obstructed, or encumbered or the waters adjacent thereto so fouled or obstructed, and the owner, consignee or person in charge of the vessel, craft or any other matter or thing causing such condition shall fail or neglect to remedy the condition when directed to do so by an order issued by the police department or the city engineer within ten (10) days after service of the order, the city may employ such labor and equipment as may be necessary to carry out the order to remove, destroy and break up or otherwise dispose of such vessel, craft or any other matter or thing, causing such obstruction, encumbrance or fouling, without liability for damage to the owner of, or to any person having or claiming any interest in the same. The city shall be reimbursed by the owner or person in charge, and each of them, for the amount of the expenses so incurred and may maintain an action against them or any of them to recover the same.
- (c) A violation of any provision of this section by any owner, consignee or person in charge referred to in this section shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00), or imprisonment for not more than fifteen (15) days, or both.

Article III – Boats and Boating

§ 6-46 – Applicability of State and Federal Laws

All provisions of the Navigation Law of the state, all the Inland Rules enacted by Congress and governing the navigation of the inland waters of the United States, and all the Pilot Rules for the United States Inland Waters applicable to the waters of Reynolds Channel as the channel is shown on the U.S. Coast and Geodetic Survey Chart No. 579 issued by the U.S. Navy Hydrographic Office, relative to the rules for vessels passing each other, as to lights on vessels and other matters consistent with the proper use of Reynolds Channel shall be complied with by all vessels navigating the channel.

§ 6-47 – Dumping of Refuse Prohibited

The dumping of oil, refuse, garbage or waste in all waters included within the territorial jurisdiction of the city is prohibited.

§ 6-48 – Mooring or Anchoring Vessels Generally

- (a) Boats shall not moor or anchor except at the edges of the navigable channel as designated on the said U.S. Coast and Geodetic Survey Chart No. 579 or in areas designated as dock or mooring areas on the chart on file in the office of the city clerk. In no case shall vessels moor to or anchor within fifty (50) feet of the channel markers or so as to interfere with the full use of the channel.
- (b) Vessels shall not moor or anchor so as to endanger the safety of or cause damage to any vessel previously anchored or moored, nor so as to interfere with the mooring of any boat previously laid down. Any vessel so moored or anchored shall be removed by the owner or person in charge thereof on order of the council or any duly authorized officer or agent thereof. If the vessel is not removed after such order to remove it, it may be removed by or at the direction of the council or any duly authorized officer or agent thereof, at the expense of the owner or person in charge of the vessel.

§ 6-49 – Time Restrictions on Mooring and Anchoring

- (a) No vessel shall be tied up or be made fast to any public dock, bulkhead or any other property of the city for a longer continuous period than twelve (12) hours. The council or any duly authorized officer or agent thereof may cause any boat moored for a longer continuous period than twelve (12) hours in any area, except a dock or mooring area, to be removed at the expense of the owner or person in charge of the vessel.
- (b) No vessel shall moor or anchor for a longer continuous period than twelve (12) hours except in an area designated as a dock or mooring area on a chart on file in the office of the city clerk, which chart is incorporated in this subsection by reference. The council or any duly authorized officer or agent thereof may cause any vessel moored for a longer continuous period than twelve (12) hours in any area except a dock or mooring area, to be removed at the expense of the owner or person in charge of the vessel.

§ 6-51 – Removal of Disabled Vessels and Vessels Constituting a Hazard to Navigation

Any vessel which becomes a menace to navigation, or unseaworthy, or sinks, grounds or becomes otherwise disabled, shall be removed by the owner or person in charge thereof on order of the council or any duly authorized officer or agent thereof. If the vessel is not removed after orders to remove it, it may be removed by order of the council or any duly authorized officer or agent thereof at the expense of the owner or person in charge of the vessel.

§ 6-52 – Safe Operation of Boats and Vessels

- (a) Every operator of a boat or vessel shall, at all times, operate or navigate the same in a careful and prudent manner and at such a rate of speed as not to interfere unreasonably with the free and proper use of the navigable waters within the City of Long Beach and/or adjacent to the City of Long Beach to a distance of fifteen hundred (1500) feet from the shore thereof, or so as to unreasonably endanger the life or safety of any person, or cause any damage to vessels, boats or property therein.
- (b) No person shall operate a boat or vessel within the City of Long Beach and/or within a distance of fifteen hundred (1500) feet from the shore thereof at a speed which shall cause a wake or wave which is liable to endanger the life or safety of any person or cause damage to property. Causing such a wake or wave when approaching or passing another boat is prohibited.

§ 6-53 – Speed of Boats and Vessels

- (a) No person shall operate a boat or vessel in or upon any waters adjacent to the City of Long Beach to a distance of fifteen hundred (1500) feet from the shore thereof at a speed greater than twelve (12) miles per hour, where such speed limitation is so reasonably posted.
- (b) Notwithstanding the provisions of subsection (a) of this section, no person shall operate a boat or vessel at a speed greater than five (5) miles per hour in or upon any waters: (1) Within the City of Long Beach; or (2) Adjacent to the city within a distance of one hundred (100) feet from the shore or from any anchored or moored vessel.
- (c) The provisions of this section shall not apply to a vessel while actually competing in a regatta or boat race authorized under section 34 of the Navigation Law or pursuant to permit duly issued by federal and/or state authority.
- (d) The provisions of subdivision (b) above shall not apply to commercial vessels having a valid marine document issued by the United States or a foreign government.

§ 6-54 – Mufflers Required for Certain Vessels

No person shall operate a boat propelled wholly or partly by an engine operated by the explosion of gas, gasoline, naphtha or other substances without having the exhaust from the engine run through a muffler so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

Article IV – Bulkheads

§ 6-68 – Projecting structures beyond bulkhead lines prohibited

It shall be unlawful to maintain build or commence the building of any bulkhead wharf pier dolphin boom or other structure of any nature which shall extend beyond the bulkhead lines established in this article or to alter existing structures so as to cause them to project beyond the bulkhead lines.

Article V – Structures in Waterways

§ 6-74 – Permit Required

- (a) No person shall maintain, construct, install, rehabilitate or repair, or cause to be maintained, constructed, installed, rehabilitated or repaired, any structure over, on, into or adjacent to any waterway of the City of Long Beach except after obtaining a permit from the building department, and unless that person is the owner or lessee of the upland at the place where such structure or mooring pile is proposed to be constructed or maintained.
- (b) No permit shall be granted hereunder unless the upland at the place where the structure to be erected, maintained, rehabilitated or repaired is zoned for residential use, only.
- (c) No provision of this article shall relieve a person from complying with the provisions of any federal, state or town law or regulation, including but not limited to the acquisition of any other required permit or approval by the New York State Department of Environmental Conservation pursuant to Article 25, Title 4, of the Tidal Wetlands Act.

§ 6-79 – Maintenance of Structures

- (a) Any structure or mooring pile, erected or installed, rehabilitated or repaired under this article, shall at all times be maintained by the permittee, his or her successor or assignee of the adjacent upland, in good repair and condition and not as a menace to navigation or to persons using the structure or mooring pile, and the building commissioner, upon finding reasonable cause to believe that the permittee, his successor or assignee of the adjacent upland has failed to comply with this section, may forthwith suspend any permit

issued under this article for a period not to exceed thirty (30) days, and after hearing, on written notice, mailed to the permittee, his or her successor or assignee of the adjacent upland at his/her last known address, and at least ten (10) days prior to such hearing, may revoke such permit and remove or repair such structure of mooring pile and charge the permittee, his/her successor or assignee of the adjacent upland, with the expense of such removal or repair.

- (b) Every owner, lessee, permittee, his or her successor or assignee of the adjacent upland shall make, maintain and repair the structure and or mooring pile and shall keep such structure free and clear of snow, ice and other obstructions. Such owner, lessee, permittee, his or her successor or assignee of the adjacent upland shall be liable for any injury or damage by reason of omission, failure or negligence to make, maintain or repair such structure or mooring pile, or to remove snow, ice or other obstructions therefrom, or for a violation or nonobservance of the ordinances relating to making, maintaining and repairing such structures or mooring pile and the removal of snow, ice and other obstructions from such structure or mooring pile.

§ 6-80 – Noninterference with Navigation of Waterways

A structure or mooring pile erected in accordance with the provisions of this article shall be maintained in such manner that there shall be no interference with navigation nor with public usage of the waterway.

§ 6-81 – Necessary Conditions

In approving any structure or mooring pile hereunder, the building commissioner may impose whatever conditions it may find necessary for the public health, safety or welfare.

§ 6-82 – Regulations

No structure or mooring pile shall be installed, constructed, maintained, rehabilitated or repaired under this article unless it shall comply with the following regulations:

- (a) Structures shall be sound, approved engineering design, and, except for floats, shall have a minimum waterway and freeway clearance of six (6) feet above mean sea level, Nassau County Datum Plane, and be of open pile-type design; and the supporting bents of such structures shall have a minimum distance of six (6) feet on centers in any direction.
- (b) The location, design and use of the structure or mooring pile shall comply with all local laws, public health laws and requirements and conform to the standards of construction consistent with the prevention of fire hazards.
- (c) No structure installed, constructed, maintained, rehabilitated or repaired hereunder, an the boats and/or vessels moored or tied up thereto, shall encroach into the waterway beyond one-third of the width of the waterway, or the following distances from the respective bulkhead lines, whichever is less:
 - A. Sarazen Canal twenty-six (26) feet.
 - B. Ouiment Canal, twenty-four (24) feet.
 - C. Hagen Canal, twenty-seven (27) feet.
 - D. Bob Jones Canal, twenty (20) feet.
- (d) Additional rules and regulations. The city council shall establish rules and regulations or amend the same, by resolution, to secure the intent, purpose and enforcement of this article. The building commissioner and/or commissioner of public works shall recommend such rules and regulations to the city council.

M.1.4 Chapter 7 – Building Code

Article I – In General

§ 7-2 – Applicability of State Building Construction Code

The 2007 New York State Building Code, Residential Code, Fire Code, Property Maintenance Code, Existing Building Code, Plumbing Code, Mechanical Code, Fuel Gas Code and Energy Conservation Code and any future updates of these codes are hereby made applicable to the City of Long Beach.

§ 7-5 – Work which is Required to Comply with this Chapter

No wall, structure, building or part thereof shall hereafter be constructed, nor shall the equipment of any building, structure or premises be so altered in the city, or demolished, except in conformity with the provisions of this chapter and the state building construction code. No building already erected, or hereafter built in the city, shall be altered in any manner that would be in violation of any of the provisions of this chapter, or in violation of any approval of the building commissioner made and issued pursuant to this chapter; however, nothing in this chapter shall prohibit the raising or lowering of any building to meet a change of grade in the street on which it is located if the building is not otherwise altered.

§ 7-6 – Contractor to be Licensed

- (a) No person shall establish, carry on or engage in the building business in the city in the capacity of a contractor without first having been licensed therefor as provided in section 14-14 et seq., except that a corporation or firm may establish, engage in or carry on a building business under a contractor's license granted in accordance with the provisions of this chapter to a contractor who is employed in the business as a supervisor or directing contractor and who will be responsible for the carrying on of the business in accordance with the provisions and requirements of this chapter.
- (b) Any person desiring a master builder's license shall make application in writing to the city clerk, and establish to the satisfaction of the city clerk and the commissioner, his competence and his familiarity with the Zoning Ordinance, this chapter and Chapter 21 of this Code.
- (c) Notwithstanding any provision of this article to the contrary, any person desiring or intending to engage in the building business as a master builder, general contractor, subcontractor or mechanic in the City of Long Beach solely for the purpose of rehabilitating premises within the city under and pursuant to the federally funded Nassau County Community Development Block Grant Rehabilitation Program subsidized in whole or in part and administered by the Nassau County Office of Community Development, may engage in such business for such limited purpose provided that he shall first obtain from the city clerk of the City of Long Beach a temporary license restricted to that limited purpose, and must submit proof that he holds a valid and subsisting license or licenses to engage in such business issued by one or more recognized municipal subdivisions of the County of Nassau. The fee for such a temporary restricted license shall be twenty-seven dollars and fifty cents (\$27.50), and it shall be issued only with the approval of the building commissioner or his designee, who shall specify the terms, amount and duration of the bond to be furnished, and such license shall be issued for a term not to exceed one year and shall expire on November thirtieth.

Article VIII – Construction Excavations

§ 7-161 – Protection of Excavations; Duty of Sublateral Support

Until provision for permanent support has been made, all excavations shall be properly guarded and protected so as to prevent the excavation from becoming dangerous to life or limb and shall be sheetpiled, braced or

shored by the person causing the excavation to be made, where necessary, to prevent the adjoining earth from caving in.

§ 7-162 – When Retaining Wall Required

When an excavation is made on any lot, and provision for the support of adjoining earth is not otherwise made in accordance with law, the person making the excavation or causing it to be made shall, at his own cost and expense, except as provided in this article, build a retaining wall to support the adjoining earth. The retaining wall shall be carried to the height of the adjoining earth, and shall be properly protected by coping.

§ 7-163 – Lateral Support; Support of Neighboring Walls

- (a) When an excavation exceeds four feet. Whenever an excavation is intended to be, or shall be, carried to the depth of more than four (4) feet below the curb, the person causing the excavation to be made shall at all times, if afforded the necessary license to enter upon the adjoining land, and not otherwise, at his own expense, preserve and protect from injury any wall, building or structure, the safety of which may be affected by the excavation, and support the structure by proper foundations, whether the wall, building or structure is down more or less than four (4) feet below the curb. If the necessary license is not accorded to the person making the excavation, then it shall be the duty of the owner refusing to grant the license to make the wall, building or structure safe, and to support the structure by proper foundations; and when necessary for that purpose, the owner shall be permitted to enter upon the premises where the excavation is to be made.
- (b) When excavation does not exceed four feet. If an excavation is not intended to be, or shall not be, carried to a depth of more than four (4) feet below the curb, the owner of any wall, building or structure, the safety of which may be affected by said excavation, shall preserve and protect the structure from injury, and support the structure by proper foundations; when necessary for that purpose, he shall be permitted to enter upon the premises where the excavation is to be made. In case the wall, building or structure is so located that the curb to which it is properly referred is at a higher level than the curb to which the excavation is referred, such part of any necessary underpinning or foundation as may be due to the difference in curb levels, shall be made and maintained at the joint expense of the person causing the excavation to be made and the owner of the wall, building or structure.

Article IX – Fences

§7-179 – Height Limitations Generally

Except as otherwise provided in this article or when permitted by the board of zoning appeals pursuant to chapter 20 article II hereof [section 20-11 et seq.], fences on front yards shall not exceed four (4) feet in height; fences on side yards shall not exceed six (6) feet in height and fences on rear yards shall not exceed eight (8) feet in height.

§7-180 – Sight Obstructions at Intersections

Except as otherwise provided in this article or when permitted by the zoning board of appeals pursuant to Chapter 20 Article II hereof and provided for in Appendix A Zoning of the Code of Ordinances fences on the front and side yards of a corner lot shall not exceed two and one half (2 ½) feet in height for a distance of twenty (20) feet from the point of the curb where street lines intersect nor shall they be placed or maintained in such a place position or manner as to obscure the vision of a driver of a vehicle approaching the street intersection.

Article XII – Flood Hazard Zones

§ 7-227 – Administration

- (a) Designation of the local administrator. The Building Commissioner or his/her duly appointed representative is hereby appointed Local Administrator to administer and implement this article by granting or denying floodplain development permits in accordance with its provisions.
- (b) Purpose of floodplain development permit. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 7-226(b), without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (c) Fees. There shall be no fee charged with the permit application.
- (d) Application for a permit. The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.
 - 1. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
 - 2. The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zones V1- V30 or VE, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
 - 3. The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
 - 4. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 7-228(g), Utilities.
 - 5. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in Section 7-228(j), Non-residential structures (except coastal high hazard areas).
 - 6. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the

documents enumerated in Section 7-226(b), when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

7. A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
 8. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either fifty (50) lots or five (5) acres.
 9. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of twenty (20) pounds per square foot.
 10. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect, and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this article.
- (e) Duties and responsibilities of the local administrator. Duties of the Local Administrator shall include, but not be limited to the following:
1. Permit application review. The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:
 2. Review all applications for completeness, particularly with the requirements of Section 7-227(d), Application for a permit, and for compliance with the provisions and standards of this article.
 3. Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 7-228, Construction Standards and, in particular, sub-Section 7-228(c), Subdivision proposals.
 4. Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 7-228, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
 5. Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.
- (f) Use of other flood data.

1. When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 7-227(d)(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this article.
 2. When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this article.
- (g)** Alteration of watercourses.
1. Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
 2. Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (h)** Construction stage.
1. In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for one hundred eighty (180) consecutive days or longer (unless it is fully licensed and ready for highway use).
 2. In Zones V1-V30 and VE, and also Zone V if base flood elevation data are available, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the Local Administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site one hundred eighty (180) consecutive days or longer (unless it is fully licensed and ready for highway use).
 3. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.
- (i)** Inspections. The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested,

that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

(j) Stop work orders.

1. The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 7-226(e) of this article.
2. The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 7-226(e) of this article.

(k) Certificate of occupancy.

1. In areas of special flood hazard, as determined by documents enumerated in Section 7-226(b), it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this article.
2. A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
3. Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 7-227(i), Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

(l) Information to be retained.

The Local Administrator shall retain and make available for inspection, copies of the following:

1. Floodplain development permits and certificates of compliance;
2. Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 7-227(h)(1) and 7-227(h)(2), and whether or not the structures contain a basement;
3. Floodproofing certificates required pursuant to sub-section 7-227(h)(1), and whether or not the structures contain a basement;
4. Variances issued pursuant to Section 7-232, Variance Procedures; and,
5. Notices required under sub-section 7-227(g), Alteration of Watercourses.

§ 7-228 – Construction Standards

- (a) General Standards.** The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 7-226(b).
- (b) Coastal High Hazard Areas.** The following requirements apply within Zones V1-V30, VE and V:

1. All new construction, including manufactured homes and recreational vehicles on site 180 days or longer and not fully licensed for highway use, shall be located landward of the reach of high tide.
2. The use of fill for structural support of buildings, manufactured homes or recreational vehicles on site 180 days or longer is prohibited.
3. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- (c) Subdivision Proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
 1. Proposals shall be consistent with the need to minimize flood damage;
 2. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
 3. Adequate drainage shall be provided to reduce exposure to flood damage.
- (d) Encroachments.
 1. Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (a) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (b) the Local Administrator of the City of Long Beach agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City for all costs related to the final map revision.
 2. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 7- 226(b), no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (b) the Local Administrator of the City of Long Beach agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the City for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City for all costs related to the final map revisions.
- (e) Standards for all structures.
 1. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base

flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(f) Construction materials and methods.

1. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
2. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
3. For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (b) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.
4. Within Zones V1-V30 and VE, and also within Zone V if base flood elevation are available, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with non-supporting breakaway walls, open wood lattice-work or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls.

(g) Utilities.

1. New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
2. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have

openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(h) Residential structures (except coastal high hazard areas).

1. Elevation. The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 7-228(c), Subdivision Proposals and 7-228(d), Encroachments, and Section 7-228(e), Standards for all structures.
 - (a) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
 - (b) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
 - (c) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 7-226(b) (at least two feet if no depth number is specified).
 - (d) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

(i) Residential structures (coastal high hazard areas). The following standards, in addition to the standards in sub-sections 7-228(b), Coastal high hazard areas and 7-228(c), Subdivision Proposals, and Section 7-228(e), Standards for all structures, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zones V1-V30, VE or V on the community's Flood Insurance Rate Map designated in Section 7-226(b).

1. Elevation. New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two feet above base flood elevation so as not to impede the flow of water.
2. Determination of loading forces. Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.
 - (a) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered include inertial and drag forces of waves, current drag forces, and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or manmade flow obstructions could cause wave runoff beyond the elevation of the base flood.
 - (b) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical

walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.

(c) Wind loading values used shall be those required by the building code.

3. Foundation standards.

(a) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).

(b) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.

4. Pile foundation design.

(a) The design ratio of pile spacing to pile diameter shall not be less than 8:1 for individual piles (this shall not apply to pile clusters located below the design grade). The maximum center-to-center spacing of wood piles shall not be more than 12 feet on center under load bearing sills, beams, or girders.

(b) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads and shall include consideration of decreased resistance capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to an elevation of 5 feet below mean sea level (msl) datum if the BFE is +10 msl or less, or to be at least 10 feet below msl if the BFE is greater than +10 msl.

(c) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.

(d) The minimum acceptable sizes for timber piles are a tip diameter of 8 inches for round timber piles and 8 by 8 inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.

(e) Reinforced concrete piles shall be cast of concrete having a 28-day ultimate compressive strength of not less than 5,000 pounds per square inch, and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than 1 1/4 inches for No. 5 bars and smaller and not less than 1 1/2 inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than 2 inches.

(f) Piles shall be driven by means of a pile driver or drop hammer, jetted, or augered into place.

- (g) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.
 - (h) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at grade supports should be securely attached to the piles to provide support even if scoured from beneath.
 - (i) Diagonal bracing between piles, consisting of 2-inch by 8-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation, and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter 1/2 inch) or cable type bracing is permitted in any plane.
 - (j) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be 2-by-8 lumber bolted to the sides of the pile/beam, or 4-by-4 or larger braces framed into the pile/beam. Bolting shall consist of two 5/8-inch galvanized steel bolts (each end) for 2-by-8 members, or one 5/8-inch lag bolt (each end) for square members. Knee braces shall not extend more than 3 feet below the elevation of the base flood.
5. Column foundation design.
- (a) Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads, and be connected with a movement-resisting connection to a pile cap or pile shaft.
6. Connectors and fasteners.
- (a) Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.
7. Beam to pile connections.
- (a) The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or (of precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to wood piling at a notch, a minimum of two (5/8)-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by 4 inches by 18 inches each bolted with two 1/2 inch lag bolts per beam member shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below 50%.
8. Floor and deck connections.
- (a) Wood 2- by 4-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at

a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be 1- by 3-inch members, placed 8 feet on-center maximum, or solid bridging of same depth as joist at same spacing.

- (b) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than (3/4)-inch total thickness, and should be exterior grade and fastened to beams or joists with 8d annular or spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

9. Exterior wall connections.

- (a) All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32-inch or thicker plywood sheathing—overlapping the top wall plate and continuing down to the sill, beam, or girder—may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then 2-by-4 nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of 1/2-inch diameter or galvanized steel straps not less than 1 inch wide by 1/16 inch thick may be used to connect from the top wall plate to the sill, beam, or girder. Washers with a minimum diameter of 3 inches shall be used at each end of the 1/2-inch round rods. These anchors shall be installed no more than 2 feet from each corner rod, no more than 4 feet on center.

10. Ceiling joist/rafter connections.

- (a) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

Gable roofs shall be additionally stabilized by installing 2-by-4 blocking on 2-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of 8 feet toward the house interior from each gable end.

11. Projecting members.

- (a) All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of 2 feet and joist overhangs to a maximum of 1 foot. Larger overhangs and porches will be permitted if designed or reviewed and certified by a registered professional engineer or architect.

12. Roof sheathing.

- (a) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion resistant material.
- (b) All corners, gable ends, and roof overhangs exceeding six inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end, or roof overhang.

- (c) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys, and other points of discontinuity in the roofing surface.
13. Protection of openings.
- (a) All exterior glass panels, windows, and doors shall be designed, detailed, and constructed to withstand loads due to the design wind speed of 75 mph. connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple panel sliding glass doors shall not exceed three feet.
14. Breakaway wall design standards.
- (a) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.
 - (b) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components, and certifies that (1) the breakaway walls will fail under water loads less than those that would occur during the base flood; and (2) the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by the building code.
- (j) Non-residential structures (except coastal high hazard areas).** The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-Sections 7-228(c), Subdivision proposals and Section 7-228(d), Encroachments and Section 7-228(e), Standards for all structures.
1. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - (a) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (b) be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 2. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:

- (a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (b) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-Section 7-228(g).
- 3. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of sub-Section 7-228(j)(1)(b), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- 4. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- 5. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

(k) Non-residential structures (coastal high hazard areas).

- 1. In Zones V1-V30, VE and also Zone V if base flood elevations are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above two feet above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to two feet above the base flood elevation in Zones V1-V30, VE and V.

(l) Manufactured homes and recreational vehicles. The following standards in addition to the standards in Section 7-228(a) General standards and Section 7-228(e) Standards for all structures apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- 1. Recreational vehicles placed on sites within Zones A1-A30, AE, AH, V1- V30, V, and VE shall either:
 - (a) be on site fewer than 180 consecutive days,
 - (b) be fully licensed and ready for highway use, or
 - (c) meet the requirements for manufactured homes in paragraphs 7- 228(l)(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- 2. A manufactured home that is placed or substantially improved in Zones A1-A30, AE, AH, V1-V30, V, and VE shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- 3. Within Zones A or V, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that

are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

4. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 7-226(b) (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

Article XIII – Roll-off Containers; Storage Containers or Dumpsters

§ 7-243 – Application for Permit

The commissioner may issue a permit for the use of a roll-off container or a storage container as a temporary street obstruction prior to the placement thereof, upon written application by either the owner-lessee or lessee-permit holder, provided that:

- (a) The street upon which the roll-off container shall rest meets the minimum width requirement of twenty (20) feet, curb to curb.
- (b) The roll-off container or dumpster can be effectively placed parallel to the curb so that no part of the container shall extend into the street more than eight (8) feet six (6) inches from the adjacent curb.
- (c) The roll-off container shall have thereon a permanent installation of not less than sixteen (16) square feet of diagonal reflectorized stripping material at each end of the container facing opposing traffic; and the roll-off container shall also have permanently stenciled or printed thereon, in English letters at least two (2) inches in height, the name, address and telephone number of the owner-lessee.
- (d) Each application shall be accompanied by a certificate of insurance either from the owner-lessee or the lessee-permit holder, indicating public liability coverage insuring the city as a named insured in an amount not less than one hundred thousand dollars (\$100,000.00) for injuries, including wrongful death to any person, and subject to the same limit for each person, in an amount not less than three hundred thousand dollars (\$300,000.00) on account of each occurrence; and a certificate of insurance either from the owner-lessee or the lessee-permit holder indicating property damage insuring the city as a named insured in an amount not less than fifty thousand dollars (\$50,000.00) on account of any occurrence, and in an aggregate amount not less than one hundred thousand dollars (\$100,000.00).
- (e) A filing fee in the amount of seventy-five dollars (\$75.00) shall accompany each application for a permit hereunder.
- (f) The commissioner shall have the authority to deny the issuance of a permit hereunder if, in his judgment and discretion, he determines that the placement of a roll-off container or storage container at any street location shall constitute a public nuisance and hazard because of contour, narrow width, traffic or other highway conditions peculiar to the street at or near the proposed location.
- (g) A permit issued for a roll-off container or a dumpster under this article shall expire six (6) weeks from the date of its issuance, and may be extended for an additional thirty (30) days upon written application therefor and compliance with all of the requirements of this section.

§ 7-244 – Regulations

- (a) Both the owner-lessor and the lessee-permit holder shall be fully liable and responsible for compliance with all of the requirements and regulations of this article.
- (b) No roll-off container or dumpster shall be permitted to remain on any street or highway in the city at any time between 5:00 p.m. on Friday and 8:00 a.m. on Monday; and if Friday or Monday shall be a holiday, the aforesaid prohibited time period shall start twenty-four (24) hours sooner or be extended for an additional twenty-four (24) hours, to include the day of the holiday. (b) (a) No storage container shall be permitted to remain on any street or highway in the city for a time period of more than one hundred eighty (180) days.
- (c) Both the owner-lessor and the lessee-permit holder shall be liable and responsible for the repair of any street, sidewalk and/or curb damaged by the placement, movement, use or removal of any roll-off container or dumpster.
- (d) Such container or dumpster shall at all times be so placed or positioned that it shall be parallel to the curb, and so that no part of the container shall extend into the street more than eight (8) feet six (6) inches from the adjacent curb, and so that it shall not obstruct any part of the sidewalk or the sidewalk areas adjacent to the street.
- (e) The contents of each such container shall be emptied and disposed of before the contents reaches the container's water line.
- (f) No garbage or kitchen waste shall be deposited in any such roll-off container or dumpster.
- (g) The permit described in section 7-243 of this article shall be conspicuously posted on the site of the work for which the container is being used, at the location for which the permit was issued.

M.1.5 Chapter 10 – Electrical Code

Article I – In General

§ 10-3 – Electrical Code Standards Adopted

No electrical wiring or installation of electrical apparatus or appliances for furnishing light, heat or power shall be introduced into or placed in any building or structure by any master electrician except in compliance with the current code and requirements of the National Fire Protection Association, known as the National Electrical Code, and the rules and regulations of the current edition of that code are hereby made a part of this chapter with the same force and effect as though they were fully set forth herein.

Article II – Administration and Enforcement

§ 10-14 – Application for Inspection Prerequisite to Making Electrical Installation

It shall be a violation of this chapter for any person to install or cause to be installed or to alter, electrical wiring for light, heat or power in or on properties of the city until an application for inspection has been first filed with an authorized electrical inspection agency.

Article III – Electricians

Division 2 – Licenses

§ 10-40 – When Required

No person shall, within the city, engage in, carry on or work at the business of installing, repairing, altering or making additions or changes to existing systems of electrical wiring or electrical apparatus for heat, light or

power as a master electrician without first having passed an examination and obtained and paid for, and having in full force and effect, a license as provided in this division.

§ 10-41 – Employment of Unlicensed Electricians

It shall be unlawful for any person to employ any person not licensed as a master electrician pursuant to this division to do any electrical construction work in the city.

Article IV – Electrical Requirements

§ 10-62 – Electrical Requirements

- (a) General requirements. Existing electrical fixtures, devices, wiring and systems shall be maintained in safe working condition and in a manner which will avoid a potential source of ignition or shock and shall be properly connected to a reasonable, adequate source of electrical power. Any old, deteriorated, unused or unapproved materials and equipment shall be removed and replaced, as may be required, with approved materials and equipment. Existing electrical installations or systems shall further be installed in accordance with approved National Electrical Code standards in force at the time of installation. Any alterations, major repairs or additional installations shall comply with the requirements of the National Electrical Code and the city electrical code in existence at the time the work is performed. Fixed wiring, equipment, fixtures and devices shall be firmly secured to the surface on which they are mounted. Electrical wiring and equipment shall be protected against excessive current demands by properly rated overcurrent devices installed in approved locations. All panelboards shall be kept free from encumbrances and shall be accessible at all times.
- (1) Each outlet and fixture shall be properly installed and maintained in a good and safe working condition.
- (2) Extension cords which are not a part of a fixture shall not be permitted on a permanent or semipermanent basis as part of a branch circuit, or an extension of an existing circuit.
- (b) Additional requirements for hazardous locations. Electrical installations or systems located in hazardous locations shall comply with the current National Electrical Code for the particular location or use. Systems existing on September 14, 1970, shall comply with this subsection within twelve (12) months from September 14, 1970.
- (c) Exceptions. The commissioner may request other repairs, alterations, removal of or additional wiring, equipment, safety controls or methods, when he deems it necessary to assure safety to the occupants or users. He may further modify the requirements of this section for a particular location when, in his opinion, reasonable and adequate safety is assured by a different but equally safe installation.

Article V – Electrical Standards

§ 10-63 – Wiring Methods

- (a) No aluminum wire shall be used for electrical installations of any kind in any building or residence hereafter constructed. This restriction shall include alterations to existing buildings and replacement or repair on existing electrical service.
- (b) There must be conduit rises in buildings that are three (3) stories and larger.
- (c) Armored cable (BX) will not be permitted in any electrical installation in the city of Long Beach.

M.1.6 Chapter 11 – Fire Protection and Prevention

Article I – In General

§ 11-19 – Use of Certain Portable Heating Facilities Prohibited

The use of portable appliances such as stoves, heaters or similar fuel-burning devices, using gasoline, kerosene or other similar flammable liquids for cooking or warming food, or heating purposes, is prohibited anywhere in the city.

§ 11-20 – Fires in Public Places

- (a) No person shall build or cause to be built, ignite or cause to be ignited, any fire upon the street, highway nor upon a lot or uninhabited place within the city.
- (b) Any person, firm or corporation violating this section shall be deemed guilty of an offense and fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each violation.

M.1.7 Chapter 12 – Garbage and Refuse

Article I – In General

§ 12-1 – Improper Disposal of Refuse

- (a) No person shall dump any ashes, garbage, refuse or debris on any land within the geographical boundaries of the city or upon those areas over which the city has jurisdiction (including but not limited to all streets, avenues, boulevards, roads, runways, alleys, sidewalks, public way, the land adjacent to the bulkhead on the bay front, the Ocean Beach Park, (as defined in section 18-13 of this Code), public parks and any vacant land or lots within the city), except with the prior written consent and permission of the city council.
- (b) Any person committing an offense under the provisions of this section shall be guilty of a violation. Each occurrence shall constitute a separate and distinct violation. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct violation. Each violation, upon conviction, shall be punishable by a fine and/or imprisonment in accordance with the following schedule:
 - (1) Upon a first conviction, by a fine not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed seven (7) days or by both such fine and imprisonment.
 - (2) Upon a second conviction, by a fine not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed ten (10) days or by both such fine and imprisonment.
 - (3) Upon a third conviction or subsequent conviction, by a fine not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed fifteen (15) days or by both such fine and imprisonment.

§ 12-26 – Private Incineration or Burning of Solid Waste Prohibited

- (a) *Purpose.* The purpose of this section is to reduce to a minimum the dissemination of smoke, gas, dust, odor or any other atmospheric pollutant caused by private incineration of garbage and solid wastes within the City of Long Beach to ensure and maintain a reasonable degree of purity of the air resources therein and maintain and improve the natural and environmental resources for the protection of our present and future citizens.

- (b) Commencing six (6) months after the effective date of this section, no person shall use, or permit the use of, or operation of, refuse burning equipment or incinerators within the City of Long Beach.
- (c) Any person who shall violate the provisions of this section shall be guilty of a violation punishable for each violation by a fine not exceeding two hundred fifty dollars (\$250.00), or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day such violation continues shall constitute a separate violation.

Article VII – Dune Protection

§ 13-123 – Prohibitions

- A. It shall be unlawful for any person firm corporation or municipality to damage destroy remove excavate or relocate any sand dune or portion thereof within the dune protection zone
- B. It shall be unlawful for any person firm corporation or municipality to kill destroy or remove in any manner any vegetation growing within the dune protection zone except that certain species of vegetation may be removed from or planted in the dune protection zone specifically for erosion control with the approval of the city manager or his duly designated representative.
- C. No person firm or public or private corporation shall trespass upon the dunes and it shall be an offense against this article for any such person firm or public or private corporation to trespass or walk upon any sand dune within a dune protection zone For purposes of this section trespass shall mean to transgress cross intrude go upon injure or damage except at designated crossings
- D. It shall be unlawful for any person firm corporation or municipality to operate or direct the operation of a vehicle of any description within the dune protection zone except as necessary for erosion control with the approval of the city manager or his duly designated representative.

M.1.8 Chapter 15 – Motor Vehicles and Traffic

Article I – In General

§ 15-2 – State Vehicle and Traffic Law Applicable

The State Vehicle and Traffic Law applicable to cities is hereby declared to be included in this Code of Ordinances of the city.

§ 15-5 – Uses of Vehicles, Bicycles and Tricycles on Pedestrian Ways

- (A) No person shall ride, drive or otherwise propel any wagon, horse, cart, automobile, motorcycle, motorized bicycle, velocipede or other like vehicle or conveyance on or over any sidewalk, boardwalk, beach or other place reserved for the use of pedestrians or bathers with the city, except that nothing in this section shall be construed to prohibit driving or riding any vehicle across a sidewalk at a place set apart as a driveway, as an entrance to or exit from a building, providing that permission shall have been received from the proper city officials to maintain such driveway. Any provision herein contained to the contrary notwithstanding, bicycle riding (except motorized bicycle riding) and tricycle riding (except motorized tricycle riding) shall be permitted on the boardwalk in the center lane only. Pedestrians shall not walk in the center lane of the boardwalk, except to cross it from one side of the boardwalk to the other. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

- (B) Any person violating any of the provisions of this section shall be liable for each offense to a fine of not less than two dollars (\$2.00) nor more than two hundred fifty dollars (\$250.00), or imprisonment for not more than fifteen (15) days, or both.

§ 15-11 – Traffic Control Signals - Obedience to

- (a) Every person shall obey the instructions of any official traffic-control signal applicable to him, in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer.
- (b) Whenever official traffic-control signals are placed in position approximately conforming to the requirements of this chapter, such signals shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (c) Any official traffic-control signal placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such signals shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

§ 15-12 – Same – Legend

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively, one at a time or in combination, only the colors green, yellow and red shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (a) Green indication:
 - (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection of an adjacent crosswalk at the time such signal is exhibited.
 - (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Steady yellow indication:
 - (1) Vehicular traffic facing a steady yellow signal may enter the intersection; however, said vehicular traffic is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (c) Dark period or red-green combined when shown following the green indication:

- (1) Vehicular traffic facing such signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (2) Pedestrians facing such signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (d) Red indications:
- (1) Traffic, except pedestrians, facing a steady circular red signal, unless to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraph (2) of this subdivision.
 - (2) When a sign is in place permitting a turn, traffic, except pedestrians, facing a steady red signal may cautiously enter into the intersection to make the turn indicated by such sign after stopping as required by paragraph (1) of this subdivision. Such traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Traffic, except pedestrians, facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection and shall remain standing until an indication to proceed is shown.
 - (4) Unless otherwise directed by a pedestrian-control signal, pedestrians facing any steady red signal shall not enter the roadway.
- (e) Obedience to signs indicating signals
- Vehicular traffic shall obey signs requiring obedience to traffic-control signals at intersections other than those at which such signals are located. No intersection not controlled by such signs prior to the effective date of this section shall hereafter be made subject to such method of control and no ordinance, order, rule or regulation requiring such obedience shall hereafter be adopted.
- (f) Obedience at locations other than intersections; stopping where indicated
- In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Article III – Operation

Division 1 – Generally

§ 15-106 – Maximum Speed Limits

- (a) Fifteen miles per hour. No person shall operate a motor vehicle upon any public highway or street of the city between Nevada Avenue and New York Avenue, both inclusive, excepting only West Park Avenue and West Beech Street; and upon East Pine Street between Neptune Boulevard and Curley Street and East Chester Street between Neptune Boulevard and Curley Street; upon Curley, Harmon, Clark, Vinton, Farrell, Barnes, Kirkwood, Heron, Boyd, Dalton, Kerrigan, Armour, Doyle and Forester Streets; and upon Cleveland, Harding, Mitchell, Belmont, Pacific, Atlantic, Coolidge, Wilson and Taft Avenues at a rate of speed in excess of fifteen (15) miles per hour.
- (b) Thirty miles per hour: No person shall operate a motor vehicle upon any public highway or street of the city at a rate of speed in excess of thirty (30) miles per hour, except as otherwise provided.

§ 15-108 – Vehicles not to be Driven on a Sidewalk

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

§ 15-109 – Entering and Leaving Controlled-Access Facilities

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

§ 15-110 – One-Way Streets; Signposting

- (a) Whenever any ordinance or regulation of the city designates any one-way street or alley, the city manager shall place and maintain signs giving notice thereof, and no such ordinance or regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- (b) Upon the following streets, parts of streets and alleys, vehicular traffic shall move only one way in the indicated direction when signs indicating the direction of traffic are erected and maintained:

SOUTHBOUND

Alabama Street, from Beech Street to Ocean View.

Armour Street, from Pine Street to Chester Street.

Barnes Street, from Pine Street to Chester Street.

California Street, from Beech Street to Ocean View.

Clark Street, from Chester Street to Pine Street.

Cleveland Avenue, from Walnut Street to Broadway.

Coolidge Avenue, from Walnut Street to Broadway.

Dalton Street, from Pine Street to Chester Street.

Doyle Street, from Chester Street to Pine Street.

Farrell Street, from Pine Street to Chester Street.

Florida Street, from Beech Street to Ocean View.

Forrester Street, from Pine Street to Chester Street.
 Harmon Street, from Pine Street to Chester Street.
 Heron Street, from Pine Street to Chester Street.
 Kentucky Street, from Beech Street to Ocean View.
 Louisiana Street, from Beech Street to Ocean View.
 Michigan Street, from Beech Street to Ocean View.
 Mitchell Avenue, from Walnut Street to Broadway.
 Nebraska Street, from Beech Street to Ocean View.
 Nevada Avenue, from Park Avenue to Beech Street.
 New Hampshire Street, from Beech Street to Ocean View.
 Oregon Street, from Beech Street to Ocean View.
 Pacific Boulevard, from Walnut to Broadway.
 Taft Avenue, from Walnut Street to Broadway.
 Vermont Street, from Beech Street to Ocean View.
 Wisconsin Street, from Beech Street to Ocean View.

NORTHBOUND

Alabama Street, from Beech Street to Park Avenue.
 Atlantic Avenue, from Broadway to Walnut Street.
 Belmont Avenue, from Broadway to Walnut Street.
 Boyd Street, from Chester Street to Pine Street.
 California Street, from Beech Street to Park Avenue.
 Centre Street, from Park Avenue to Chester Street.
 Curley Street, from Chester Street to Pine Street.
 Florida Street, from Beech Street to Park Avenue.
 Forester Street, from Pine Street to State Street.
 Harding Avenue, from Broadway to Walnut Street.
 Kentucky Street, from Beech Street to Park Avenue.
 Kerrigan Street, from Chester Street to Pine Street.
 Kirkwood Street, from Chester Street to Pine Street.

Louisiana Street, from Beech Street to Park Avenue.
Michigan Street, from Beech Street to Park Avenue.
Nebraska Street, from Beech Street to Park Avenue.
New Hampshire Street, from Beech Street to Park Avenue.
New York Avenue, from Beech Street to Park Avenue.
Oregon Street, from Beech Street to Park Avenue.
Park Place, from Park Avenue to Pine Street.
Vermont Street, from Beech Street to Park Avenue.
Vermont Street, from Beech Street to Park Avenue.
Vinton Street, from Pine Street to Chester Street.
Wilson Avenue, from Broadway to Walnut Street.
Wisconsin Street, from Beech Street to Park Avenue.

WESTBOUND

East Chester Street, from Park Place to Long Beach Boulevard.
Fulton Street, from Neptune Boulevard to Park Place.
Harrison Street, from Riverside Boulevard to Park Place.
Market Street, from Neptune Boulevard to Park Place.
Olive Street, from Roosevelt Boulevard to New York Boulevard.
West Bay Drive, from Magnolia Boulevard to Laurelton Boulevard.
West Chester Street, from Centre Street to Grand Boulevard.
West Fulton Street, from National Boulevard to Lindell Boulevard.

EASTBOUND

East Bay Drive, from Monroe Boulevard to Neptune Boulevard.
East Chester Street, from Long Beach Boulevard to Farrell Street.
Hudson Street, from Park Place to Neptune Boulevard.
Ocean View, from Connecticut Avenue to New York Avenue.
Park Alley, from Park Place to Long Beach Boulevard.
Penn Street, from New York Boulevard to Roosevelt Boulevard.

Pine Street, from Park Place to Neptune Boulevard.

Shore Road, from Long Beach Road to Pacific Boulevard.

Walnut Street, from New York Boulevard to Roosevelt Boulevard.

West Market Street, from Grand Boulevard to National Boulevard.

West Pine Street, from Lafayette Boulevard to Magnolia Boulevard.

§ 15-111 – Authority to Designate One-Way Roadways During Certain Time Periods; Reversible Lanes

- (a) The city manager is authorized to determine and designate streets, parts of streets, or specific lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city manager may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.
- (b) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

§ 15-112 – Prohibition of "U" turns; locations enumerated

The turning of vehicles so as to proceed in the opposite direction is hereby prohibited at the following locations:

- (1) On Beech Street between New York Avenue and Nevada Avenue.
- (2) On Park Avenue between New York Avenue and Nevada Avenue.
- (3) On Park Place between Park Avenue and Fulton Street.
- (4) On Riverside Boulevard between Park Avenue and Market Street.
- (5) At the intersection of Monroe Boulevard with Chester Street.

Division 2 – Restrictions on Use

§ 15-119 – Load Restrictions upon Vehicles Using Certain Streets

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amount specified at any time upon any of the designated streets or parts thereof.

§ 15-120 – Commercial Vehicles Prohibited from Using Certain Streets

- (a) When signs are erected giving notice thereof, no person shall operate any Sec. 15-111. Authority to designate one-way roadways during certain time periods; reversible lanes commercial vehicle at any time upon any of the streets or parts thereof, except that commercial vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.
- (b) The provisions of this section shall not apply to any person driving or in charge of a bus which has clearly marked on its exterior the name of its owner.
- (c) The words "commercial vehicle" when used herein shall mean any vehicle, regardless of the type of plate displayed thereon, either horse drawn or motor driven, designed, used, constructed or equipped

for the transportation of goods, wares or merchandise in trade or commerce or for the transportation of property.

- (d) Every violation of this section shall be deemed a violation within the intent of the Penal Law of the State of New York, and that upon conviction thereof, be subject to a fine of not more than two hundred fifty dollars (\$250.00), or by imprisonment not to exceed fifteen (15) days, or by both such fine and imprisonment.

Article V – Stopping, Standing and Parking

Division 1 – Generally

§ 15-149 – Bus Stops: Designation; Observances

- (a) The city manager shall have the authority to designate bus stops at such locations and in such number as may be necessary and of the greatest benefit and convenience to the public. Each bus stop shall be designated by appropriate signs.
- (b) (No person shall stop, stand or park a vehicle at an authorized bus stop so designated as provided in this section, or between the right curb and any bus stop.

§ 15-151 – Designation of Passenger and Freight Loading Zones

- (a) Designation of curb loading zones. The city manager is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.
- (b) Designation of public carrier stops and stands. The city manager is hereby authorized to establish taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and each taxicab stand or other stand shall be designated by appropriate signs.
- (c) Standing in passenger curb loading zone. No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.
- (d) Standing in freight curb loading zone. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of materials exceed thirty (30) minutes.

§ 15-152.1 – Restricted use of bus and taxicab stands

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

§ 15-153 – Angle (diagonal and perpendicular) Parking; Locations Established and Enumerated; Obedience to Signs and Markings

- (a) *Applicability; schedule:* Angle parking, either by diagonal parking or perpendicular parking, shall be permitted for passenger vehicles only (commercial and camper parking being prohibited) at the

following designated locations, and proper signs posted at said locations indicating that such parking is permitted or the streets shall be marked to indicate the spaces where such parking is permitted:

(A) DIAGONAL PARKING

<i>Location</i>	<i>Center Mall</i>
(1) Park Ave.	Roosevelt Blvd. to Neptune Blvd.
(2) Park Ave.	Monroe Blvd. to Long Beach Blvd.
(3) Park Ave.	Long Beach Blvd. to Riverside Blvd.
(4) Park Ave.	Riverside Blvd. to Edwards. Blvd.
(5) Park Ave.	Park Place to Center St.
(6) Park Ave.	Center St. to National Blvd.
(7) Park Ave.	National Blvd to Magnolia Blvd.
(8) Park Ave.	Magnolia Blvd. to Laurelton Blvd.
(9) Park Ave.	Laurelton Blvd. to Lafayette Blvd.
(10) Park Ave.	Grand Blvd. to 300 feet west
(11) Broadway	Maple Blvd. to Cleveland Ave.
(12) Broadway	Cleveland Ave. to Harding Ave.
(13) Broadway	Harding Ave. to Mitchel Ave.
(14) Broadway	Mitchel Ave. to Belmont Ave.
(15) Broadway	Belmont Ave. to Pacific Blvd.
(16) Broadway	Pacific Blvd. to Atlantic Ave.
(17) Broadway	Atlantic Ave. to Coolidge Ave.
(18) Broadway	Coolidge Ave. to Wilson Ave.
(19) Broadway	Wilson Ave. to Taft Ave.
(20) Broadway	Taft Ave. to Roosevelt Ave.
(21) Broadway	Roosevelt Ave. to Neptune Blvd.
(22) Broadway	Neptune Blvd. to Franklin Blvd.
(23) Broadway	Franklin Blvd. to Lincoln Blvd.
(24) Broadway	Monroe Blvd. to Long Beach Blvd.
(25) Broadway	Long Beach Blvd. to Riverside Blvd.
(26) Broadway	Riverside Blvd. to Edwards Blvd.
(27) Broadway	Edwards Blvd. to National Blvd.
(28) Broadway	National Blvd to Magnolia Blvd.
(29) Broadway	Magnolia Blvd. to Laurelton Blvd
(30) Broadway	Laurelton Blvd to Lafayette Blvd.
(31) Broadway	Lafayette Blvd. to Washington Blvd.
(32) Broadway	Washington Blvd. to Lindell Blvd
(33) Broadway	Lindell Blvd to Grand Blvd.
(34) Broadway	Grand Blvd. to New York Ave.
(35) Pacific Blvd.	Broadway to Shore Rd.
(36) Roosevelt Blvd.	Broadway to Beachfront
(37) Neptune Blvd.	Broadway to Beachfront
(38) Franklin Blvd.	Broadway to Beachfront
(39) Lincoln Blvd.	Broadway to Beachfront
(40) Monroe Blvd.	Broadway to Beachfront
(41) Long Beach Blvd.	Broadway to Beachfront
(42) Monroe Blvd.	Broadway to Beachfront

(43) Roosevelt Blvd.	Park Ave. to Walnut St.
(44) Neptune Blvd.	Park Ave. to Walnut St.
(45) Monroe Blvd.	Park Ave. to Walnut St.
(46) Riverside Blvd.	Park Ave. to Walnut St.
(47) Edwards Blvd	Park Ave. to Walnut St.
(48) National Blvd.	Park Ave. to Walnut St.
(49) Lindell Blvd.	Hudson St. to Walnut St.
(50) Lindell Blvd.	Walnut St. to Olive St.
(51) Delaware Ave.	Park Ave. to Bayfront
(52) Centre St. (west curb)	Park Ave. to Chester St.
(53) Centre St. (east curb)	Park Ave. to Chester St.

(B) PERPENDICULAR PARKING

<i>Location</i>	<i>Municipal Parking Area</i>
(51) Delaware Ave.	Park Ave. to Bayfront
(52) Centre St. (west curb)	Park Ave. to Chester St.
(53) Centre St. (east curb)	Park Ave. to Chester St.
(1) Centre St.	Approximately 200 feet east and 500 feet north of Chester St.
(2) Long Beach Blvd.	Approximately 100 feet north and 100 feet west at northwest corner Walnut St.
(3) Beech St.	Approximately 80 feet north and 60 feet west at northwest corner Georgia Ave.
(4) Beech St.	Approximately 80 feet south and 60 feet west at southwest corner Maryland Ave.
(5) Bay Dr.	Magnolia Blvd. (in an easterly direction for approximately 300 feet and the north to the Bayfront)
(3) Centre St. (east curb)	Chester St. to 200 feet north

- (b) *Obedience to angle parking signs or markings:* No person shall park or stand any vehicle at an angle or perpendicularly to the curb or edge of the roadway except on such streets and at such locations designated in subsection (a) of this section. When parking such vehicle in such parking spaces (diagonal or perpendicular) vehicles must be parked forward into the space (head-on), with the front end of the vehicle nearest the curb or sidewalk.

§ 15-154 – Parking Restrictions as Indicated by Signs

When signs are erected in any block giving notice thereof, no person shall park a vehicle at any time during any twenty-four (24) hour period nor during such other period of time so designated.

§ 15-156 – Display of Lights upon Vehicles Parked at Night

- (a) Whenever a vehicle is lawfully parked at nighttime upon any street within a business or residence district, no lights need be displayed upon the parked vehicle.
- (b) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

State law references: Authority to dispense with requirement that vehicle parked at night be lighted, Vehicle and Traffic Law, § 375(e)(4).

§ 15-158 – Parking so as not to obstruct traffic

No person shall park any vehicle upon a street other than an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

§ 15-159 – Parking for extended period prohibited

No person shall park any vehicle on any street continuously for a period of time exceeding two (2) weeks without changing the location of such vehicle.

§ 15-160 – Designation of No Parking Zones in Proximity to Schools

- (a) The city manager is authorized to erect signs indicating no parking upon either or both sides of any street adjacent to or near any school property or recreation area when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
- (b) When official signs are erected indicating no parking upon either side of a street adjacent to or near any school property or recreation area as authorized herein, no person shall park a vehicle in any such designated place.

§ 15-161 – Establishing No-Parking Zones on Narrow Streets

- (a) The city manager is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- (b) When official signs prohibiting parking are erected upon narrow streets as authorized by subsection (a), no person shall park a vehicle upon any such street in violation of any such sign.

§ 15-162 – Prohibiting Standing or Parking on One-Way Streets

The city manager is authorized to erect signs upon the left-hand side of any oneway street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

§ 15-162.1 – Standing or Parking on One-way Roadways Permitted when Signs Erected

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The city manager is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

§ 15-163 – Prohibiting stopping, standing or parking in hazardous locations.

- (a) The city manager is authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized by subsection (a) no person shall stop stand or park a vehicle in any such designated place.

§ 15-164 – Stopping, Standing or Parking During Certain Hours as indicated by Signs

When signs are erected in any block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified of any day in a residential area of the city for a period of time longer than thirty (30) minutes, except for the purpose of loading or unloading, and then only for the time actually required for such loading or unloading.

§ 15-165 – Parking Time Limited as indicated by Signs

When signs are erected in any block giving notice thereof, no person shall park a vehicle for longer than two (2) hours at any time between the hours of 8:00 a.m. and 5:00 p.m. of any day upon any of the streets where the signs are erected.

§ 15-166 – Parking Commercial Vehicles, Trucks, Trailers, Buses, Limousines and Livery Vehicles Generally

- (a) No person shall park any commercial vehicle, truck, trailer, bus, school car, limousine or livery vehicle to stand upon, within or adjacent to any mall, except as otherwise indicated by appropriate signs.
- (b) No person shall stop, stand or park any truck, trailer, commercial vehicle, bus, school car, limousine or livery vehicle on any street in a residential area for a period of time in excess of thirty (30) minutes, except:
 - (1) For the purpose of loading or unloading, and then only for the time actually required for such loading or unloading; or
 - (2) For the purpose of performing services at premises within the block in which such vehicle shall be parked, and then only for the time actually required for the completion of such services.
- (c) No person shall stop, stand or park any truck, trailer, commercial vehicle, bus, limousine, livery or any vehicle which is more than twenty (20) feet in length or eight (8) feet in width or height, on any street for a period of time in excess of thirty (30) minutes, except for the purpose of loading or unloading, and then only for the time actually required for such loading or unloading.
- (d) No person shall stop, stand or park any trailer or vehicle, more than five (5) feet in height, adjacent to any median on Broadway within one hundred (100) feet of any intersecting street, avenue or boulevard.
- (e) Notwithstanding the prohibitions and limitations set forth in this section, persons may stop, stand or park their permitted truck, commercial vehicle, bus, limousine, livery or any vehicle in a Commercial Parking Area as set forth in Chapter 15, Article V, Division 4, Commercial Permit Parking.

§ 15-169 – Parking for Physically Handicapped Persons

- (a) Any person having a current driver's license and owning an automobile, who is physically handicapped, as that term is defined in Section 50 of the New York Public Building Law, or who has a member of his or her household who is nonambulatory by reason of limited or no use of one or both lower limbs or who has a neuromuscular disfunction which severely limits mobility, may petition the city manager in writing to set aside a properly marked parking space for physically handicapped persons only, located conveniently to the residence of such person. Such petition shall be accompanied by a written statement from a physician duly licensed to practice medicine in the State of New York, certifying that such condition constitutes a physical handicap as that term is defined in Section 50 of the New York Public Buildings Law, or renders such individual, for whom the petition is made, nonambulatory.
- (b) Upon receipt of a petition described in subsection (a) hereof, the city manager shall cause an investigation to be made concerning the petitioner or such member of petitioner's household for whom

the petition is made, and the availability of the requested parking space. The city manager may, in his discretion, require the petitioner or such member of petitioner's household, to be examined by a physician other than the physician submitting the certification described in subsection (a) hereof. On the basis of such investigation, the city manager is authorized to cause such parking space to be properly marked for the use of physically handicapped persons only, and to issue a parking permit to such physically handicapped person.

- (c) When an official sign is erected at a parking space designated as in this section provided, no person other than a certified physically handicapped person shall stop, stand or park a vehicle in any such designated place.
- (d) Each parking permit issued pursuant to this section shall expire on the thirtieth day of June of each year.
- (e) Upon receipt by the city manager of a written request of the owner or a person in general charge of the operation and control of the parking area of a multiple dwelling or other private parking facility, in which one or more spaces are set aside and clearly marked as reserved for vehicles registered and having identification plates or a special parking permit, as being owned by a severely handicapped person, such parking restriction shall be enforced by the police department of the city.
- (f) The city manager is authorized to designate other parking spaces on public property within the City of Long Beach for the exclusive use of physically handicapped persons, who have been issued permits hereunder; and when properly marked for the use of such physically handicapped persons, the use of such parking spaces by others shall constitute a violation of this chapter.

§ 15-170 – Standing or parking close to the curb

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within twelve (12) inches of the curb or edge of the roadway except as otherwise provided in this article.

§ 15-171 – Parking prohibited at all times on certain streets

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the following designated locations.

- (a) On the boulevards from Edwards Blvd to New York Ave., inclusive, between Broadway and the boardwalk. On the boulevards from Riverside Blvd to Maple Blvd., inclusive, between Front Street and the board walk.
- (b) The east and west curbs of Center St. from West Park Ave. to West Chester St.
- (c) The south curb of West Beech St. from New York Ave. running westerly fifty 50 feet. The east curb of New York Ave. between Beech St. and Broadway. The west curb of New York Ave. from Beech St. twenty-five (25) feet in a southerly direction and between Beech St. and Broadway from 6:00pm to 6:00am. The south curb of Park Ave. for a distance of fifty (50) feet west from Minnesota Ave. for a distance of fifty (50) feet east from Minnesota Ave.
- (d) The north side of West Park Ave. from the corner of Center St. fifteen (15) feet east and from the corner of Station Place fifteen (15) feet west.
- (e) Inside or across white lanes marking off any crosswalks or fire hydrant line, or outside or across white lines marking off parking spaces.

- (f) Entrances to places of public assembly as follows: The south side of West Beech St. from Tennessee Ave. running east forty (40) feet; the north side of East Park Ave. from a point one hundred (100) feet west of the Long Beach Blvd. running west sixty (60) feet; the south side of West Park Ave. from Laurelton Blvd. west one hundred (100) feet; the north side of Harrison St. from the west side of Long Beach Blvd. running west two hundred (200) feet.
- (g) The entrance to any hotel, boarding house or apartment house as authorized by the chief of police.
- (h) West side of National Blvd. one hundred fifty (150) feet south from West Chester Street.; north and south curbs of West Chester St. from Center St. to National Blvd.
- (i) East and west curbs on all boulevards from Roosevelt Blvd. to Grand Blvd., inclusive, south of Park Ave.
- (j) North curb of Front St. from Lincoln Blvd. to Roosevelt Blvd.
- (k) East and west side of the following streets and avenues as indicated by police signs: Florida, Kentucky, Louisiana, Michigan, New Hampshire, Vermont, Wisconsin, Alabama, Oregon, Nebraska and California.
- (l) In the municipal parking lots on Center St. between the hours of 4:00 a.m. and 6:00 a.m. and no commercial vehicles shall park therein at any time.
- (m) The east and west curbs of Laurelton Blvd. between Park Ave. and Chester St.
- (n) East curb of Monroe Blvd. from Chester St. to Park Ave.
- (o) North curbs of East Bay Drive from Monroe Boulevard to Neptune Boulevard.
- (p) West of the following streets from Chester Street north to the Bay:
 - (1) Forrester Street.
 - (2) Doyle Street.
 - (3) Armour Street.
 - (4) Kerrigan Street.
 - (5) Dalton Street.
 - (6) Heron Street.
 - (7) Barnes Street.
 - (8) Farrell Street.
 - (9) Vinton Street.
 - (10) Clark Street.
 - (11) Harmon Street.

§ 15-172– Identification of Commercial Vehicles

(a) No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device whether or not signs are erected in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen (15) feet of a fire hydrant;
5. On a cross walk;
6. Within (10) feet of a cross walk at an intersection;
7. Within thirty (30) feet upon the approach to any flashing beacon, stop, sign, or traffic-control signal located at the side of a roadway;
8. Within fifty (50) feet of the nearest rail of a railroad crossing;
9. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted;
10. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
11. On a roadway side of a vehicle stopped or parked at the edge or curb of a street;
12. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
13. At any place where official signs or markings prohibit stopping.
14. Opposite a public or private driveway on streets less than thirty (30) feet in width.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

§ 15-173 – Parking Prohibited During Certain Hours on Certain Streets

When signs are erected in any block giving notice thereof, no person shall park a vehicle between the hours specified of any day within the following districts or upon any of the following streets:

- (a) At the following locations for more than one hour between the hours of 8:00 a.m. and 9:00 p.m.; east side of Park Place from Park Avenue to East Fulton Street.

North sidewalk curb of Park Avenue from a point four hundred (400) feet east of Laurelton Boulevard to National Boulevard.

South sidewalk curb of Park Avenue from a point four hundred (400) feet east of Laurelton Boulevard to National Boulevard. (Code 1957, § 8-134)

North and south side of West Beech St. from Alabama St. to Georgia Ave.

- (b) At the following locations for more than two (2) hours between the hours of 8:00 a.m. and 9:00 p.m., all streets in the City of Long Beach east of Washington Blvd. and west of Neptune Blvd. and south of Market St., except in those areas for which specific lesser limitations are set forth herein and except in those areas which are equipped with parking meters, and except on the north and south sidewalk curbs of West Park Ave. westerly from a point four hundred (400) feet east of Laurelton Blvd.

§ 15-173.1 – Parking Prohibited on Certain Days During Certain Times on Certain Streets

Where signs are erected giving notice thereof, no person shall park a vehicle in the following designated locations during the following designated times:

- (a) On East Park Avenue from Long Beach Boulevard to Maple Boulevard on the south side of the avenue from 12:01 a.m. to 7:00 a.m. on Mondays.
- (b) On East Park Avenue from Long Beach Boulevard to Maple Boulevard on the north side of the avenue from 12:01 a.m. to 7:00 a.m. on Tuesdays.
- (c) On Park Avenue from Long Beach Boulevard to Lafayette Boulevard, on both sides of said avenue, every day from 5:01 a.m. to 7:00 a.m.
- (d) On Walnut Street from Long Beach Boulevard to Magnolia Boulevard on the south side of Walnut Street from 9:00 a.m. to 12:00 p.m. on Tuesdays.
- (e) On Walnut Street from Long Beach Boulevard to Magnolia Boulevard on the north side of Walnut Street from 9:00 a.m. to 12:00 p.m. on Thursdays.
- (f) On Olive Street from Long Beach Boulevard to Magnolia Boulevard on the south side of Olive Street from 9:00 a.m. to 12:00 p.m. on Tuesdays.
- (g) On Olive Street from Long Beach Boulevard to Magnolia Boulevard on the north side of Olive Street from 9:00 a.m. to 12:00 p.m. on Thursdays.
- (h) On Beech Street from Long Beach Boulevard to Magnolia Boulevard on the south side of Beech Street from 9:00 a.m. to 12:00 p.m. on Tuesdays.
- (i) On Beech Street from Long Beach Boulevard to Magnolia Boulevard on the north side of Beech Street from 9:00 a.m. to 12:00 p.m. on Thursdays.
- (j) On Shore Road from Riverside Boulevard to Pacific Boulevard on the south side of Shore Road from 9:00 a.m. to 12:00 p.m. on Tuesdays.
- (k) On Shore Road from Riverside Boulevard to Pacific Boulevard on the north side of Shore Road from 9:00 a.m. to 12:00 p.m. on Thursdays.
- (l) On Riverside Boulevard, Edwards Boulevard and National Boulevard, between Beech Street and Park Avenue, adjacent to any mall, on Mondays through Fridays, inclusive, between the hours of 6:00 a.m. and 9:00 a.m.
- (m) On the south sides of Chester Street, Market Street, Hudson Street, Fulton Street and Pine Street from Long Beach Boulevard to Park Place, from 9:00 a.m. to 12:00 p.m. on Tuesdays.
- (n) On the north sides of Chester Street, Market Street, Hudson Street, Fulton Street and Pine Street, from Long Beach Boulevard to Park Place, from 9:00 a.m. to 12:00 p.m. on Thursdays.

§ 15-174 – Identification of Commercial Vehicles

Every commercial vehicle operating on the streets of the City of Long Beach shall at all times display permanently, plainly marked on both sides in letters and numerals not less than three (3) inches in height, the name and address of the owner thereof.

§ 15-175 – Vehicle Unattended

It shall be unlawful for any person driving or in charge of a motor vehicle to permit it to stand unattended for more than three (3) minutes on the streets or thoroughfares of the City of Long Beach without first stopping the engine, locking the ignition, and removing the key.

§ 15-175.3 – Angled Parking; Head-in Parking

All vehicles in angled parking spaces shall park front end first. Any violation of this section shall be punishable in accordance with Section 15-22 of this chapter.

Division 2 – Resident Parking

§ 15-177 – Parking Limited

- (a) No motor vehicle shall be parked nor stand in any of the aforementioned parking fields for more than two (2) hours between the hours of 8:00 a.m. and 8:00 p.m., Mondays through Fridays, excepting holidays.
- (b) No motor vehicle shall be parked nor stand in any of the aforementioned parking fields between the hours of 8:00 p.m. and 8:00 a.m. on Mondays through Fridays, and all day on Saturdays, Sundays and holidays, except a private passenger vehicle owned by and registered in the name of a resident of the City of Long Beach, attested as to name and address by the registration certificate of said vehicle, or such other proof of residency acceptable to the city clerk, and for which vehicle a parking permit has been issued in accordance with the provisions of section 15-178.

Division 3 - Commuter Parking

§ 15-182 – Parking Permits; Restrictions, Fees, Terms

- (a) Parking permits shall be issued only for noncommercial vehicles. No commercial vehicle shall be permitted to park in the commuter parking fields.
- (b) No parking permit shall be issued hereunder unless the fees hereinafter provided for are first paid by the licensee.
- (c) The said parking permit or hangtag may be transferred by the owner of one motor vehicle to another motor vehicle owned by the same owner or a member of the owner's family, in which case both license plate numbers will be entered on said parking permit.
- (d) No parking permit shall be transferable from the owner of a vehicle to another owner of said vehicle without the return of the original parking permit and the reapplication for a new parking permit from the city clerk.
- (e) The parking permit year shall commence July 1 of each year and terminate on the last day of June the following year.

- (f) Prior to the issuance of any parking permit hereunder, the applicant must furnish the city clerk's office with proof satisfactory to it that the applicant is qualified to receive the parking permit for which the application is made.
- (g) The fees for an annual parking permit (July 1st to June 30th) required by the provisions of this division shall be two hundred fifty dollars (\$250.00) for residents and three hundred dollars (\$300.00) for nonresidents, or at levels fixed from time to time by the city council. The fees for annual parking permits may be pro-rated for the balance of the year on a monthly basis at a rate of twenty-five dollars (\$25.00) for residents and thirty dollars (\$30.00) for non-residents. The fees for an annual parking permit for a low-emission and energy-efficient vehicles shall be reduced by twenty (20%) percent. Notwithstanding anything set forth above, any fee changes or modifications set forth herein shall refer to, affect, and reduce only the City's portion of the proceeds generated through sales of parking passes, and shall have no impact whatsoever on the fees owed and payable to the Metropolitan Transportation Authority and/or the Long Island Railroad.

§ 15-184 – Rules and Regulations

- (a) All automobiles must be parked in accordance with the rules and regulations enacted for the operation of municipal parking fields, and automobiles parked in the commuter parking field shall be parked in a parking stall and in no other area. No automobile shall be parked or permitted to stand in any lane or driveway of the parking field.
- (b) All vehicles shall be parked head-in only.
- (c) Only two-axle passenger vehicles used and operated for noncommercial purposes shall be permitted to park in the commuter parking fields. It shall be unlawful for any person to park in the commuter parking fields any delivery truck, wagon or other commercial vehicle or trailer.
- (d) The police commissioner is authorized to designate by regulation any safety zone, parking space, parking areas parking time limitations or other traffic regulations within any public parking field, in addition to those otherwise provided for in this division and limiting or prohibiting parking in those zones, spaces and areas, and a violation of any such regulation marked and indicated by suitable signs shall constitute a violation of this division.
- (e) Any vehicles parked in violation of this section may be towed away and impounded according to police department rules.

Article VI – Motor Vehicles

Division 1 – Abandoned Vehicles

§ 15-202 – Abandonment of Vehicle

No person shall cause any vehicle to be an abandoned vehicle, as defined in Section 1224 of the New York State Vehicle and Traffic Law. A violation of this section 15-202 shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

M.1.9 Chapter 16 – Noise

Article II – Prohibited Acts

§ 16-5 – Unreasonable Noise Prohibited

No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the city or within those areas over which the city has jurisdiction, including the waters and beaches adjacent to, abutting or bordering the city.

§ 16-6 – Specific Acts Considered to be Unreasonable Noise

Any of the following acts and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise:

- A. No person shall operate or use or cause to be operated any loud speaker, public-address system or similar amplification device between the hours of 11:00 p.m. and 8:00 a.m., except when used in connection with a public emergency by officers of the police department, fire department or of any municipal entity.
- B. Using or operating any sound reproduction device for commercial or business advertising purposes or for the purposes of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial operation in front or outside any building, place or premises, or through any aperture of such building, place or premises, abutting on or adjacent to any public right-of-way, or in or upon any vehicle operated, standing or being in or on any public right-of-way, or from any stand, platform or other structure, or from any airplane or other device used for flying over the city, or on a boat on the waters within the jurisdiction of the city or anywhere on any public right-of-way. Nothing in this subsection is intended to prohibit sound emanating from sporting, public entertainment or other public events where such devices are used.
- C. No animal or bird owner shall permit any animal to cause annoyance, alarm, or noise disturbance for more than fifteen (15) minutes at any time of the day or night, by repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property.
- D. The shouting, yelling, calling, or hooting at any time or place so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensibilities.
- E. The shouting, yelling, crying or hooting of peddlers, hawkers and vendors.
- F. No person shall cause or permit the creation of any noise by means of any device or otherwise on any sidewalk, street or public place adjacent to any school, court, house of worship or public library while such facility is in use or adjacent to any hospital or nursing home at any time, so that such sound disrupts the normal activities conducted at such facilities or disturbs or annoys persons making use of such facilities.
- G. No person shall engage in, cause or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 8:00 p.m. and 7:00 a.m. the following day in such a manner as to cause unreasonable noise across a residential real property boundary.

- H. No person shall cause or permit to be caused the sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a warning of danger.
- I. No person shall operate or permit to be operated any tools or equipment used in construction, drilling, excavations or demolition work, between the hours of 8:00 p.m. and 8:00 a.m. the following day or any time on Sunday or legal holidays prior to noon, except the provisions of this section shall not apply to emergency work.
- J. No person shall cause or permit the operation of any device, vehicle, construction equipment or lawn maintenance equipment, including but not limited to any diesel engine, internal combustion engine or turbine engine, without a properly functioning muffler, in good working order and in constant operation regardless of sound level produced.
- K. Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities.

§ 16-9 – Motor Vehicles

- A. Motor vehicle sound level limits and equipment shall be in compliance with provisions of any state law including but not limited to Section 386 and 375 of the New York State Vehicle and Traffic law.
- B. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.
- C. No person shall allow noise from an automobile alarm in excess of five (5) minutes after it has been activated.

§ 16-10 – Vessels and Boats

- A. Vessel and boat sound level limits and equipment shall be in compliance with provisions of any state law including but not limited to Section 44 of the New York State Navigation Law.
- B. No person shall operate or permit to be operated any vessel, boat, jet ski or similar machinery in any canal, channel, ocean or tidal waterway at any time, at any speed and at any manner whatsoever, as to exceed a sound level of sixty five (65) dB(A) at the nearest shoreline or at fifty (50) feet, whichever distance is less.

Article III – Exceptions

§ 16-11 – Exceptions

Regardless of the decibel limits, the provisions of this chapter shall not apply to:

- A. Sound and vibration emitted for the purpose of alerting people in an emergency.
- B. Sound and vibration emitted in the performance of correcting an emergency.
- C. Sounds created by church bells or chimes, when a part of a religious observance or service, provided such activity does not occur between 10 p.m. and 7 a.m.
- D. Sounds created by any government agency by the use of public warning devices.
- E. Noise from domestic power tools, lawn mowers, leaf blowers and agricultural equipment when operated with a muffler between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and 9:00

a.m. and 8:00 p.m. on weekends and legal holidays, provided they produce less than seventy five (75) dBA at or within any real property line of a residential property.

- F. Noise from snow blowers, snow throwers, and snow plows when operated with a muffler for the purpose of snow removal.
- G. Noise from an exterior burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within five (5) minutes after it has been activated.
- H. Noise from construction activity provided all motorized equipment used in such activity is equipped, where applicable, with functioning mufflers, except as provided in section 16-6.
- I. Noise generated by municipality sponsored concerts and events designed to promote the health, safety or welfare of the citizens of Long Beach.

M.1.10 Chapter 17 – Offenses – Miscellaneous

§ 17-1 – Excavations of Sand, Topsoil and Other Earthen Materials

- (a) An excavation made for the purpose of taking soil, earth, sand, gravel or other material, shall be made in such a manner as will prevent injury to neighborhood properties, to the street or streets which adjoin the lot where such excavation is made, or to the public health and comfort.
- (b) Excavations for the purpose of taking soil, earth, sand, gravel or other material shall not be commenced until a permit therefor has been obtained from the building commissioner. Application for the permit shall be in such form as the building commissioner may prescribe, which application shall be accompanied by a plot plan on which is indicated the location of the plot, the exact location of the proposed excavation and the area and depth of the excavation.
- (c) A permit required by subsection (b) shall be issued only upon proof by the applicant therefor that the land is free from any lien for unpaid city taxes, assessments, water or sewer charges or judgments obtained by the city.
- (d) It shall be unlawful for any excavation subject to this section to exceed a depth below the grade of the street or streets adjacent thereto.
- (e) Any person who shall violate any provision of this section, upon conviction thereof, shall be punished by a fine of not more than two hundred fifty dollars (\$250.00), or by imprisonment of not more than fifteen (15) days, or both.

§ 17-5 – Injuring Shade Trees, Flowers and Plants

No person shall in any way injure or destroy any shade tree, plant or flower planted along the streets, malls or sidewalks of the city. Any person violating this section shall be subject to a penalty of up to ten thousand dollars (\$10,000.00) for each such offense, or imprisonment for not more than five (5) days, or both such fine and imprisonment.

The building department commissioner shall promulgate rules, regulations and fees authorizing tree and/or shrub removal only after the property owner has secured a permit from the building department. Application shall be made to the building department commissioner and appealable only to the city manager.

M.1.11 Chapter 18 – Parks and Recreation

Article II – Ocean Beach Park

§ 18-17 – Entrances

- (a) No person shall be permitted to enter upon the Ocean Beach Park except through regular entrances provided by the city.
- (b) The provisions of subsection a shall not apply to hotels, apartment houses, apartment hotels and bathhouses adjacent to the park which may, upon application and the payment of charges provided in this section have separate entrances which shall be supervised and maintained by the city and through which persons residing in such hotels, apartment houses, and apartment hotels or persons using the facilities of such bathhouses may enter upon the park on the payment of the admittance charges as prescribed by this article. However, no separate entrance shall be permitted unless the owner or lessee of such hotel, apartment house, apartment hotel, or bath house shall on or before the first day of July in each year pay to the city a sum of money equal to the number of days in each such year the park will remain in operation and admission will be charged, multiplied by one hundred twenty-five (125%) percent of the daily rate of pay of the gate tenders as fixed by the city council.

§ 18-32 – Hours of operation

No person or persons shall be permitted in or upon the Ocean Park Beach for any purpose between the hours of 11:00 p.m. and 5 a.m., except for employees engaged in the operation of the park. This prohibition shall not apply to the boardwalk, but shall apply to the beach under the boardwalk.

§ 18-42 – Pollution of water

No person shall, within the Ocean Beach Park, throw, cast, lay, drop, or discharge into or leave in the waters any substance, matter or thing, liquid or solid which may or shall result in the pollution of said water.

§ 18-43 – Removal of sand

No person shall remove or cause to be removed more than five (5) pounds of sand from any part of Ocean Beach Park, except a city employee in the performance of his duties.

§ 18-45 – Rubbish and refuse matter

- (a) No person shall take into, carry through, leave in, or throw, cast, lay, drop, or discharge into or on, or suffer or permit any servant, agent, employee or person in his or her charge, to take into, carry through, leave in, or throw, cast, lay, drop, or discharge into or on the Ocean Beach Park any ashes, dross, cinders, shells, paper, dirt, sand, oil, grease, clay loam, stone, or building rubbish, hay straw, oats, sawdust, shavings, or manufacturing, trade, or household waste, old iron or other metal or object made therefrom or rubbish of any sort, or sick, diseased or dead animals, organic refuse, or other offensive matter, including swill, brine, urine, offal, fecal matter, garbage or rubbish.

- (b) No person shall throw, cast, lay or deposit any glass bottles or pieces of crockery, nor any glass or glassware or any part thereof, or metallic substance on any bathing area in, or adjoining the Ocean Park Beach.
- (c) No person shall take, carry, bring, possess or use any glass bottle or any glass, crockery, porcelain or other breakable article on any portion of the beach or Boardwalk within the Ocean Beach Park.

§ 18-48 – Beach Jetties

Legislative intent - It is the intent of the City Council in enacting this legislation to protect the public safety and welfare of people visiting and working in Ocean Beach Park. The Army Corps of Engineers began working with the City in March of 2017, creating new, larger beach jetties along the shoreline to protect our beaches from erosion. Unfortunately, people have been climbing and walking on these new jetties, putting themselves in harms' way, risking slipping and falling onto the rocks and/or into the ocean, as well as placing our first responders and lifeguards at risk. This Section is designed to regulate the use of these jetties, for the protection of people enjoying our beaches and working on our beaches.

- a) For purposes of this part: “Jetties” means the man-made rock structures that run perpendicular to the shoreline of the Ocean Beach Park, also known as beach groins, designed to create beaches and prevent their erosion.
- (b) No person visiting the Ocean Beach Park shall stand, walk or run upon the jetties at any time. A violation of this section shall be punishable by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than fifteen days, or by both such fine and imprisonment.
- (c) Emergency personnel, authorized government and/or City employees, or authorized independent contractors, engaged in authorized services related to the jetties and the Ocean Beach Park, shall be exempt from violations of this Section.”

M.1.12 Chapter 21 – Plumbing Code

Article I – In General

Article II – Administration and Enforcement

Division 2 – Plumbing Permits

§ 21-2 – Applicability of New York State Building Construction Code

The New York State Building Construction Code made applicable to the city by Resolution No. 109 duly adopted by the city council on August 6, 1957, and the section thereof which applies to plumbing is declared to be applicable to plumbing installations in the city.

M.1.13 Chapter 23 – Plumbing Code

Article I – In General

§ 23-3 – Obstruction of Streets

It shall be unlawful for any person to obstruct any street, alley, sidewalk or public square, by allowing any wagon, cart, vehicle, merchandise, stand, garbage, debris, wood, sand, ashes, snow, ice, coal, coke, brick, stone or any encumbrance whatever to remain on such street, alley, sidewalk or public square for more than four (4) hours.

§ 23-4 – Encroachments

It shall be unlawful to erect, build or maintain any wall, fence, building, courtyard or area, show window or showcase which projects over the building line or is upon any street or boardwalk within the city. In addition to prosecution for violation of this section, the building commissioner shall cause the removal of the encroachment if the owner of the premises fails to do so after ten (10) days' written notice and the cost of such removal shall be a charge against the property, collectible in the same manner as taxes.

§ 23-8 – Duty of Property Owners and Others to Keep Sidewalks, Curbs and Gutters Clean

- (a) The sidewalks and curbs, abutting or in front of every building or lot in residential areas of the city, shall be kept clean and clear of any litter, garbage, trash, refuse or other debris, except in proper containers and at proper times for collection, by the owner, tenant, occupant or person in charge of each such building or lot.
- (b) No such owner, tenant, occupant or person in charge of any building or lot, and no gardener/landscaper or any employee or other person shall use a power sweeper or blower to clean any sidewalk, curb, gutter or street area unless all sweepings and debris are collected and removed from such areas immediately after using such power sweeper or blower.
- (c) Any person violating any provision of this section shall be guilty of a violation punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for the first offense, and not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each subsequent offense, or by imprisonment for not more than ten (10) days, or by both such fine and imprisonment.

Article II – Excavations and Alteration of Grades

§ 23-22 – Bond and Insurance

Except where otherwise provided or authorized by law, the applicant shall be required to post with the commissioner of public works a bond in the sum of ten thousand dollars (\$10,000.00) or such additional sum as shall be deemed sufficient by the commissioner of public works to insure the payment of any and all of the charges or expenses of the city for restoring and/or maintaining the street, highway, pavement, curb or gutter in accordance with the requirements of the commissioner of public works. The bond must indemnify and hold harmless the city and must be effective for a minimum of two (2) years. The filing by a public service, water, light, power or telephone company of one (1) bond in the sum as hereinbefore determined, which by its terms indemnifies the city for an unlimited number of street openings shall be deemed sufficient compliance with the terms hereof. Each applicant must also file an insurance policy or certificate with the commissioner of public works insuring the city in the sum of one million dollars (\$1,000,000.00) per person and two million dollars (\$2,000,000.00) per occurrence for bodily (personal injury) and two hundred fifty thousand dollars (\$250,000.00) per occurrence and five hundred thousand dollars (\$500,000.00) aggregate for property damage liability. The owner shall provide an owner's protection liability policy in the aforementioned amount at no cost to the city, naming both the permittee and the city as insured and must contain the following protection to the city by use of this or similar type of language:

"This policy shall defend, indemnify, protect and hold harmless the City of Long Beach, its officers, agents and employees, from and against any losses, damages, detriments, suits, costs, and expenses arising out of or in connection with the performance of the work hereunder and caused by or resulting from the operations of (contractor's name) or his/her or any sub-contractor, or anyone directly or indirectly employed by them or either of them in connection with this permit."

The insurance shall continue in force for the full term of the permit and extent for a period of three (3) years following completion. Such evidence of insurance shall provide for ten (10) days prior notice, in writing to the city, of cancellations or modifications of such insurance, by registered or certified mail. It will also be the responsibility of the contractor to provide proof of worker's compensation insurance.

§ 23-24 – Protection of Excavations

It shall be the duty of all persons making excavation in streets to surround them with suitable barriers or guards for the protection of persons using the streets in the daytime and, in addition thereto, with lights or flares from twilight continuously to daylight. Such barriers and lights shall conform in kind and numbers to the requirements of the commissioner of public works. Failure to provide barriers and lights conforming to the requirements of the commissioner of public works shall be prima facie evidence of a failure to provide suitable barriers or lights.

§ 23-25 – Protection of Property

All permits granted for city streets or highway excavation for any purpose shall be conditioned upon the adequate protection and repair, at the expense of the applicant, to the property of the city, including, but not limited to, the following: All excavations shall be back-filled properly with acceptable material, in accordance with the rules and regulations of the department of public works, and temporarily paved within a period of five (5) days after making of the excavation. Between sixty (60) and ninety (90) days after the installation of the temporary paving, patches will be removed and prepared for permanent restoration. A written notice of intent to permanently restore the excavation shall be filed with the commissioner of public works forty-eight (48) hours prior to the performance of such work, and a written notice of completion shall be filed when fully performed. Until the disturbed area is permanently restored, the permittee retains full responsibility to maintain the trench in a safe condition whereby pedestrian and vehicular traffic is neither impeded nor endangered. All permanent restoration of such excavations shall be maintained by the applicant for a period to continue until one (1) year after such notice of completion has been given. If the excavation shall not have been temporarily restored or permanently restored as hereinabove required, then, and in either or in both events, the city shall have the right to restore the same and charge the actual cost thereof to the person, firm or corporation making said excavation. All debris, broken concrete, loose aggregate, etc. resulting from the performance of any restoration must be removed from the site of operations daily. All such material shall be removed from the city.

Article III – Abandonment of Property on Public Ways

§ 23-38 – Prohibited

It shall be unlawful for any person or his agent or employee, to leave or to suffer or permit to be left, any vehicle, cart, wagon, box, barrel, bale of merchandise or other movable property, either owned by him or in his possession, custody or control, upon any street; however, this section shall not apply to materials lawfully placed at the curbs or sides of streets for collection by the department of sanitation, nor to vehicles legally parked.

M.1.14 Chapter 25 – Water and Sewers

Article I – In General

§ 23-3.1 – Road Opening Permits

- (a) After the payment of the connection deposit required by section 25-2, the applicant must secure a road opening permit from the commissioner of public works. The requirements for granting a road opening permit are:

- (1) Completion of an application supplied by the commissioner; and
 - (2) Payment of an application fee of seventy-five dollars (\$75.00); and
 - (3) A certificate of insurance showing that the applicant has procured a policy of general liability insurance, in which the City of Long Beach is an additional named insured, and which covers the applicant's intended work at the time and place covered in the application, and which further provides a minimum of three hundred thousand dollars (\$300,000.00) in coverage for bodily injury for each occurrence and twenty thousand dollars (\$20,000.00) for property damage; and
 - (4) Either a survey or an accurate diagram of the site of the proposed work which details the locations of the proposed connections.
- (b) Upon each application, the superintendent shall make an estimate of the cost of restoring the roadway after the applicant's anticipated work is completed, and he shall provide the commissioner with said estimate. Based upon this estimate, the commissioner shall require, before granting a permit, that the applicant deposit moneys in escrow with the commissioner to ensure that funds are available to restore the roadway in the event that the applicant fails to do so. The escrow moneys shall be held by the commissioner until such time as the applicant advises the commissioner that the roadway is restored and the commissioner approves the restoration.
- (c) The commissioner may deduct from the applicant's escrow moneys any costs incurred by the city in providing temporary maintenance to the site of the applicant's work.
- (d) The applicant and/or his agents, servants, independent contractors and employees shall bear the sole tort liability for any injury or damage which results, or is alleged to have resulted, from the failure of the applicant and/or his agents, servants, independent contractors and employees to safely and properly perform the work in the roadway and make complete restoration thereat. The applicant shall hold the city harmless and indemnify the city for any judgment which results from bodily injury or property damage alleged to have arisen from the applicant's work, even if the city found it necessary or expedient to perform temporary or permanent maintenance and/or restoration work at the site of the road opening prior to the occurrence of the injury or damage.

Article III – Sewage and Sewage Disposal

Division 1 – Generally

§ 25-86 – Use of Public Sewers Required

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (c) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the treatment and disposal of sewage.
- (d) The owner of each house, building or property used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there

is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this article, within twenty (20) days of official notice to do so. All connections to the sewerage works of the POTW treatment plant service area, whether within or without the city, shall be made subject to such terms and conditions as the city may prescribe.

Division 2 - Connections

§ 25-101 – Installation Standards Generally

- (a) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- (b) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the commissioner before installation.

Division 3 – Use of public sewers

§ 25-111 – Manner of disposal of unpolluted water

- (a) The size slope alignment materials of construction of a building sewer and the methods to be used in excavating placing of the pipe jointing testing and back filling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification there of the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- (b) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the commissioner before installation.

§ 25-112 – Materials not to be discharged into public waters

- (a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - 1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL).

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the POTW treatment plant.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
4. Solid or viscous substances in such quantities or of such size as to be capable of causing an interference or obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works such as but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, either whole or ground by garbage grinders.
5. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius) or heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature of the sewage at the sewage treatment plant exceeds one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
6. Materials which exert or cause:
 - (a) Unusual biochemical oxygen demand (BOD) or chlorine requirements in such quantities as to constitute a significant load on the POTW treatment plant.
 - (b) Unusual volume of flow or concentration of wastes constituting "slugs" as defined in this article.
- (b)** No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the commissioner that such wastes can harm either the sewer, POTW treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the commissioner will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewer treatment process, capacity of the POTW treatment plant, degree of treatability of wastes in the POTW treatment plant and other pertinent factors. The substances prohibited are:
 1. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Celsius).
 2. Any garbage, shredded or otherwise.
 3. Any waters or wastes containing acid pickling wastes or concentrated plating solutions.
 4. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received at the plant or into the sewer or as discharged from the industry exceed

the limits established by any governmental authority or agency. The following are the limits allowed for industrial wastes at the point of entry into the public system:

OBJECTIONABLE SUBSTANCE LIMITATIONS FOR DISCHARGE TO SANITARY SEWERS	
Concentration Limit Milligrams per Liter Substance 24HourAverage	
Aluminum	(c) 2.0
Cadmium	(d) 0.2
Hex [avalent], chromium	(e) 0.1
Total chromium	(f) 2.0
Copper	(g) 0.4
Iron	(h) 4.0
Lead	(i) 0.1
Mercury	(j) 0.1
Nickel	(k) 2.0
Zinc	(l) 0.6
Arsenic	(m) 0.1
Available chlorine	(n) 0.5
Cyanide, free	(o) 0.2
Cyanide, complex	(p) 0.8
Selenium	(q) 0.1
Sulfide	(r) 3.0
Barium	(s) 2.0
Manganese	(t) 2.0
Ammonia nitrogen	(u) To be determined
Gold	(v) 0.1
Silver	(w) 0.1
Fluorides	(x) 3.0

5. Any waters or wastes containing phenols or other taste- or odorproducing substances in such concentrations exceeding limits which may be established by the commissioner as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters.
6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the commissioner in compliance with applicable state or federal regulations.
7. Any waters or wastes having a pH in excess of 9.5.
8. Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids such as, but not limited to, diatomaceous earth, fuller's earth, lime slurries and lime residues; or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - (b) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, and would pass-through to such degree that the POTW treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
10. (10) Any substance creating conditions which violate any statute, rule, regulation or ordinance of any public agency, including EPA.
11. (11) Each violation of this section shall subject the violator to a fine of not less than two hundred fifty dollars (\$250.00) and not more than five thousand dollars (\$5,000.00). In addition to the fine, the court shall order the violator to make restitution to the city for the cost of any damage to city property or facilities caused by the violation. In setting the amount of restitution, the court shall rely upon a statement of damages provided by the commissioner of public works.

Article VI – Stormwater Management

§ 25-176 – Stormwater pollution prevention plans

(a) Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the building department has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this article.

(b) Contents of stormwater pollution prevention plans.

(1) All SWPPPs shall provide the following background information and erosion and sediment controls:

a. Background information about the scope of the project, including location, type and size of project;

b. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); the site map should be at a scale no smaller than one (1) inch equals twenty (20) feet;

c. Description of the soil(s) present at the site;

d. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance that is inconsistent with the "New York Standards and Specifications for Erosion and Sediment Control" (erosion control manual);

e. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

f. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater and spill-prevention and response;

g. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;

- h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- i. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- j. Temporary practices that will be converted to permanent control measures;
- k. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
- l. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- m. Name(s) of the receiving water(s);
- n. Delineation of SWPPP implementation responsibilities for each part of the site;
- o. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
- p. Any existing data that describes the stormwater runoff at the site;
- q. Land development activities as defined in section 25-175 of this article and meeting condition "A", "B" or "C" below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in subsection 25-176 (b)(2) below as applicable:

(2) Condition A. Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B. Stormwater runoff from land development activities disturbing five (5) or more acres (two hundred seventeen thousand eight hundred (217,800) square feet).

Condition C. Stormwater runoff from land development activity disturbing between one (1) acre (43,560 square feet) and five (5) acres (two hundred seventeen thousand eight hundred (217,800) square feet) of land during the course of the project, exclusive of the construction of single or two (2) family residences.

(3) SWPPP requirements for condition A, B and C:

- a. All information in subsection 25-176(b)(1) of this article;
- b. Description of each post-construction stormwater management practice;
- c. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- d. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- e. Comparison of post-development stormwater runoff conditions with pre-development conditions; f. Dimensions, material specifications and installation details for each post-construction stormwater management practice;

- g. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
 - h. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
 - i. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with section 25-178 of this article;
 - j. For condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this article.
- (c) Other environmental permits. The applicant shall assure that all other applicable permits have been submitted for the land development activity prior to approval of the final stormwater design plan.
- (d) Contractor certification.
- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (3) The certification statement(s) shall become part of the SWPPP for the land development activity.
- (e) Copy of SWPPP retained on-site. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization. Failure to comply will be deemed a violation.

§ 25-177 – Performance and design criteria for stormwater management and erosion and sediment control.

All land development activities shall be subject to the following performance and design criteria:

- (a) Technical standards. For the purpose of this article, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article:
 - a. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the design manual).
 - b. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the erosion control manual).

(b) Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in subsection 25-177 (a) and the SWPPP shall be prepared by a licensed professional.

(c) Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 25-178 Maintenance, inspection and repair of stormwater facilities

(a) Maintenance and inspection during construction.

(1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

(2) For land development activities as defined in section 25-175 of this article and meeting condition A, B or C in subsection 25-176(b)(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven (7) days and within twenty-four (24) hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.

(b) Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the City of Long Beach to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article. The easement shall be recorded by the grantor in the office of the county clerk.

(c) Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this article shall ensure they are operated and maintained to achieve the goals of this article. Proper operation and maintenance also includes as a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this article.

(2) Written procedures for operation and maintenance and training new maintenance personnel.

(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with subsection 25-177(c). (d) Maintenance agreements. The stormwater management officer shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the county clerk as a deed restriction on the property prior to final plan approval. The City of Long Beach in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Article VII – Prohibition of Illicit Discharges, Activities, and Connections to Separate Storm Sewer System

§ 25-195 – Discharge Prohibitions

a. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in subsection 25-195(a)(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance, unless the NYSDEC or the City of Long Beach has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the NYSDEC, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order.

(5) Other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

b. Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 25-196 – Prohibition against activities contaminating stormwater.

Activities that are subject to the requirements of this section are those types of activities that:

(1) Cause or contribute to a violation of the municipality's MS4 SPDES permit;

(2) Cause or contribute to the city being subject to the special conditions as defined in section 25-193 (definitions) of this article; or

(3) Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the city's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the city's MS4 SPDES permit authorization.

§ 25-197 – Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices

Best management practices. Where the SMO has identified illicit discharges as defined in section 25-193 or activities contaminating stormwater as defined in section 25-193, the city may require implementation of best management practices (BMPs) to control those illicit discharges and activities, as follows:

(1) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs;

(2) Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge as defined in section 25-193 or an activity contaminating stormwater as defined in section 25-196, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4;

(3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

§ 25-198 – Suspension of access to MS4

a. Illicit discharges in emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

b. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefore. The violator may petition the SMO for reconsideration. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the SMO.

§ 25-199 – Industrial or construction activity discharges

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4.

§ 25-200 – Access and monitoring of discharges

a. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this ordinance.

b. Access to facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.

(2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.

(3) The city shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The city has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Unreasonable delays in allowing the municipality access to a facility subject to this ordinance is a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.

(6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 25-201 – Notification of spills

Notwithstanding other requirements of this article, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three (3) business days of the telephone notice. If the discharge of prohibited materials

emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

M.2 Incorporated Village of Island Park General Legislation

M.2.1 Chapter 183– Boats and Boating

§ 183-4 – Discharging or dumping prohibited

Discharging of toilets or dumping of oil, refuse, garbage or waste in channel systems is prohibited.

§ 183-5 – Operations Restrictions

A. Every person operating a boat shall at all times operate the same in a careful and prudent manner and at such a rate of speed as not to disturb the reasonable comfort or endanger the property of another or the life or limb of any person, or so as not to interfere with the free and proper use of the waters of the channel.

§ 183-6(A) – Speed limits; sport activity and racing restrictions.

A. No boat shall be operated at a greater speed than four miles per hour in areas designated as a boat basin, anchorage, bathing area or any such areas in which speed limit signs are posted. The term "speed" shall mean the speed of a boat as measured in slack water in statute miles.

M.2.2 Chapter 183– Building Construction

Article II – Procedures, Rules and Regulations

§ 188-9 – Building permit required; Application

- A. Permit required. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, repair or conversion of any building or structure or part thereof, or change the nature of the occupancy of any building or structure, or cause same to be done, or to install in or in connection with a building or structure an elevator or heating or heat-producing appliance or equipment other than ordinary stoves or ranges, without first filing with the Building Inspector an application for such construction, alteration, moving or demolition, or installation of elevator, heating or heat-producing appliance or equipment other than ordinary stoves or ranges, and obtaining a permit.
- (1) It shall further be unlawful for any property to be maintained with any building, structure, or other improvement for which a building permit is required under the laws of the Village of Island Park, or any law duly enforceable by the Village of Island Park, unless and until a building permit and any required certificate of completion or occupancy has been duly issued therefor.
- (2) It shall not be a defense to the above provisions of this article, on behalf of any owner, tenant, or other person or entity in control of the premises, that any such building, structure, or improvement was fully or partially in existence prior to the time that such owner, tenant, or other person or entity in control of the premises acquired such status, and they or any of them shall be liable for such violation(s) to the extent provided by law.
- (3) Construction fencing, defined as six-foot-high chain-link fence, must be installed at construction work sites that are unoccupied during construction and at locations as directed by the Building Inspector.

Failure to comply with any provision of this subsection will be deemed a violation punishable in accordance with § 188-23, Penalties for offenses.

- (4) The erection, including excavation, demolition, alteration or repair, of any building other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturday is prohibited except in the case of an urgent necessity in the interest of public safety, and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues. Failure to comply with any provision of this subsection will be deemed a violation punishable in accordance with § 188-23, Penalties for offenses.

B. Application contents.

- (1) Such application shall be made to the Building Inspector on forms provided by him and shall contain the following information:
 - (a) A description of the land on which the proposed work is to be done.
 - (b) A statement of the use or occupancy of all parts of the land and the proposed building or structure.
 - (c) The valuation of the proposed work.
 - (d) The full name and address of the owner and of the applicant, and the names and addresses of their officers if any of them are corporations.
 - (e) A brief description of the nature of the proposed work.
 - (f) A duplicate set of plans and specifications as set forth in Subsection C of this section.
 - (g) Such other information as may reasonably be required by the Building Inspector to establish the compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.
 - (2) Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.
 - (3) If the application contemplates the moving of an existing building or structure from one location to another, it shall be accompanied by a description of the method to be used and a statement of the route to be followed. Permits from the state, county, town and/or Village authorities shall be submitted at the time of making application for permit.
 - (4) The Building Inspector shall require a separate application to be filed for an elevator installation, but in case such separate application is filed by the same applicant in connection with and relating to an application to construct or alter a building or structure, it shall not be necessary to duplicate the affidavit attached to, or information contained in, the application to construct or alter.
 - (5) Nothing in this section shall prevent the Building Inspector from requiring such additional information as may be necessary to an intelligent understanding of any proposed work.
- C. Each application for a building permit shall be accompanied by duplicate plans and specifications, duplicate property surveys by a licensed land surveyor, and a recent tax bill for the subject property.

The applicant shall type or print legibly all pertinent information on the applications. The plot plan shall be drawn to scale and shall show the location, size, shape and dimensions of the property, the setbacks from the property lines and the size of all existing and proposed buildings, additions and/or structures on the property and the front yard setbacks of all existing buildings within 200 feet on each side of the plot.

- (1) The plans shall be drawn to scale and shall show all necessary details of all structural, mechanical, electrical and plumbing work to be performed.
 - (2) Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by law, the seal of a licensed architect or a licensed professional engineer.
 - (3) The Building Inspector, at his discretion, may accept a written description of work, in lieu of construction documents, signed and sealed by a licensed architect or a licensed professional engineer, for emergency repairs.
 - (4) An application to demolish shall give the full name and addresses of the owner or owners, the applicant and of the person who is to do the work; the lot number or street number of the premises.
- D. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Building Department and approval received from the Building Inspector prior to the commencement of such change of work.

§ 188-12 – Performance of Work Under Building or Plumbing Permit; Conditions of Permit

- A. A building permit or a plumbing permit shall be considered authorization to commence work in accordance with the application, plans and specifications as approved by the Department of Buildings. Except for building or plumbing permits issued for demolition purposes, work shall commence within 90 days of the date of issuance. For permits issued for demolition purposes, work shall commence within 15 days of the date of issuance. A project shall be deemed abandoned if work is not commenced within the specified time limitation, or if the project is not completed prior to the permit expiration date.
- B. Whenever a project has been deemed abandoned, it shall be unlawful to continue work thereon except upon the issuance of a supplementary permit setting forth an extension of time. However, if a written application is filed simultaneously with the required fee, outlining the reasons necessitating an extension of time, the Chief Building Inspector may, for good cause, allow a reasonable extension of time and grant the issuance of a supplementary permit.
- C. Each supplementary permit issued for an extension of time shall be limited to a period of 90 days or less, except that each extension granted on a permit for demolition work shall be limited to a period of 15 days or less. If any project for which a building or plumbing permit has been issued, except for demolition work, has not been completed within one year from the date of issuance, it shall be deemed abandoned. Permits for demolition work shall be considered abandoned if such demolition is not completed within 30 days of the date of issuance of such permit. Where application is made to complete any project within a period of time beyond said one-year period, it will be necessary to obtain a supplementary permit for an additional period, but in no event shall this completion period be extended beyond two years from the original date of issuance.
- D. The fee required for each extension requested shall be 25% of the total fees charged for the issuance of such permit, but shall not be less than \$50 nor exceed \$120. The fee required upon filing the

application for extension of a permit shall be payable at such time. Any fees paid for an extension shall be nonrefundable and shall not be applicable to nor deductible from any other fees associated with such permit.

- E. The location of a new building or structure or an extension of an existing building or structure shown on an accepted and approved plot diagram or an approved amendment thereof shall be strictly adhered to.
- F. It shall be unlawful to reduce or diminish the area of any lot or plot for which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in condition shall have been filed and approved; provided, however, that this shall not apply when the lot area is reduced by reason of a street opening or widening or other public improvement.
- G. Notice in writing shall be given to the Chief Building Inspector at least 24 hours before the commencement of any work requiring a permit.
- H. Where a permit is required for the construction or erection of walls, ceilings or partitions, or where such work is done in conjunction with other work requiring a permit, the Chief Building Inspector shall be notified, in writing, and permission shall be secured before installing any covering thereon.
- I. Permits, plans and surveys approved by the Department of Buildings shall be available on the job site at all times during the progress of construction. Permits issued by the Department of Buildings shall be displayed and affixed so as to be readily seen from adjacent thoroughfares during this period.

§ 188-13 – Abandonment of Project

In the event of the abandonment of any building project, it shall be the duty of the holder of the permit or the owner of the premises, his agent or duly authorized representative, to backfill any open excavation up to the street or ground level; in case the construction of the building or structure has proceeded beyond the cellar excavation, all uncompleted structures or openings shall be completely boarded up so as to prevent access to the building or structure, in order to limit and prevent danger to persons or property and possible fire hazards.

§ 188-22 – Tests

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of the applicable building laws, ordinances or regulations, the Building Inspector may require the same to be subjected to tests by a testing agency designated by the Building Inspector at the applicant's own cost, in order to furnish proof of such compliance.

§ 188-25 – Unsafe buildings

The provisions of Chapter 197, Unsafe Buildings, notwithstanding;

- A. All buildings or structures which are structurally unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, 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 section, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure of this section.
- B. The Building Inspector shall examine or cause to be examined every building reported as unsafe or damaged, and shall make a written record of such examination.

- C. Whenever the Building Inspector shall find any building or structure or portion thereof to be an unsafe building as defined in this section, he shall, in the same manner as provided for the service of stop orders of this article, give to the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements or to demolish and remove the building or structure or portion thereof.
- D. If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Building Inspector. The Building Inspector shall cause to be posted at each entrance to such building a notice that the building is unsafe, forbidding anyone to enter it and directing the owner to get in touch with the Building Department immediately. 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 Building Inspector, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.
- E. In case the owner, agent or person in control cannot be found, or if such owner, agent or person in control fails, neglects or refuses to comply with a notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the Village Attorney shall be advised of all the facts in the case and shall institute an appropriate action in the courts to compel compliance.
- F. In case of emergency which, in the opinion of the Building Inspector, involves imminent danger to human life or health, he shall promptly cause such building, structure or portion thereof to be vacated and to be made safe or to be removed. For this purpose, he may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way.
- G. Costs incurred under Subsections E and F of this section shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

§ 188-26 – Zoning Restrictions

The restrictions of Chapter 625, Zoning, with respect to the location of trades and industries, the use and occupancy of buildings and the areas of yards and other open spaces, and the height of buildings and structures, shall not be deemed to be modified by any provision of this article; and those restrictions shall be controlling except insofar as this article imposes greater restrictions by reason of the type of construction used, in which case the provisions of this article shall control.

M.2.3 Chapter 220 – Construction Codes, Uniform

Article I – International Energy Conservation Code and New York State Uniform Prevention and Building Code.

§ 220-2 – Administration and Enforcement

The code shall be administered and enforced by the Building Inspector of the Village of Island Park in the same manner, to the extent as and in accordance with procedure applicable to the Village Building Code, except as otherwise provided herein.

M.2.4 Chapter 239 – Electricians, Licensing of

§ 239-3 – License required for work in Village

- A. No person, corporation or copartnership shall install, alter or repair or cause to be installed, altered or repaired any electrical installation within the Village of Island Park except a person, corporation or copartnership holding an electrician's license as a registered electrician issued by the Village of Island Park as set forth in this chapter.
- B. A corporation may install, alter or repair or cause to be installed, altered or repaired any electrical installation, provided such work is done pursuant to the direction and supervision of an electrician pursuant to this chapter.
- C. This chapter shall not apply to any employee of the federal government doing governmental work, or to the State of New York, or of any political subdivision.

§ 239-5 – Conformity with Town Electrical Code

All electrical installations, alterations or repairs hereafter made, installed, altered or repaired in the Village of Island Park shall be in conformity with the Electrical Code of the Town of Hempstead and any amendments thereto.

M.2.5 Chapter 258 – Fire Prevention

Article II – Fire Hydrants

§ 258-3 – Placement of Materials to Block Hydrants Prohibited

No person or persons, firm, association or corporation shall cause to be placed or permitted to be placed any boxes, goods, wares, merchandise or any object or thing in or upon any of the sidewalks, highways or public streets or other places in the Village of Island Park within a distance of 15 feet from any hydrant without a permit in writing from the Board of Trustees of said Village of Island Park.

§ 258-5 – Placement of Snow or Ice Near Hydrants Prohibited

No person or persons, firm, association or corporation shall obstruct any hydrant in the Village of Island Park by placing or causing or permitting to be placed any ice or snow around or about the same.

Article III – Sprinkler Systems

§ 258-8 – Requirements

- A. All buildings, including those classified as multiple dwellings by the State Uniform Fire Prevention and Building Code but excluding one- and two-family residences used for only residential purposes, which buildings are constructed pursuant to a building permit issued after the effective date of this article, shall be required to have approved sprinkler systems as hereinafter defined. Such systems shall comply with the current edition of the National Fire Protection Association Standards for the Installation of Sprinkler Systems, NFPA 13, in effect at the time of the issuance of the building permit for such construction. Residential structures shall comply with National Fire Protection Association Standards 13D or 13R where applicable. Sprinkler systems designed to comply with NFPA 13 shall be approved by the Insurance Service Office of New York (ISO) or Factory Mutual Insurance Company (FM) prior to installation. Sprinkler systems designed for residential structures pursuant to NFPA 13D or 13R

shall be signed by a registered professional engineer (PE), a member grade of the Society of Fire Protection Engineers (SFPE) or by a Nicet Level III sprinkler designer.

- B. No building permit shall be issued for the construction of any building or structure or alteration or restoration of any portion thereof or addition thereto unless the plans and specifications therefor comply with this article. For the purposes of this section, any alteration or restoration of any existing building or structure or addition thereto which:
 - (1) Increases the habitable or occupiable square footage of such building or structure more than 30% shall require a sprinkler system in the permit area only; or
 - (2) Increases the habitable or occupiable square footage of such building or structure more than 50% shall require a sprinkler system for the entire structure; or
 - (3) Cost of alterations, additions or repairs made within any six-month period exceeds 30% of the cost of replacement of the building at the beginning of that six-month period; or
 - (4) Repairs damage caused by fire, storm or other act of God or natural deterioration to more than 30% of the habitable or occupiable square footage of such building or structure shall require a sprinkler system in the permit area only; or
 - (5) Repairs damage caused by fire, storm or other act of God or natural deterioration to more than 50% of the habitable or occupiable square footage of such building or structure shall require a sprinkler system for the entire building or structure.
- C. No certificate of occupancy shall be issued for the occupancy use of any building or structure or portion thereof required to have a sprinkler system in accordance with this article unless such sprinkler system shall have been approved, installed, inspected and tested.
- D. Sprinklers shall not be required to be installed in spaces where the discharge of water would be hazardous. In such places, other fire-extinguishing equipment as approved by the Building Department shall be provided.
- E. All sprinkler systems operated from a dedicated fire line tap shall be inspected at least once annually, and a certificate of proper operation thereof shall be filed with the Building Department on or before October 31 in each year. F. Sprinkler systems shall be installed over heating boilers.

§ 258-14 – Required Documents and Certifications

The following documents or certifications are required:

- A. Fire sprinkler application.
- B. Two copies of the sprinkler installation plans stamped and sealed by a licensed professional architect or engineer.
- C. A plumber or sprinkler contractor must be licensed within the Incorporated Village of Island Park.

M.2.6 Chapter 264 – Flood Damage Prevention

Article IV – Administration

Article V – Construction Standards

§ 264-14 – General Standards

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 264-6:

- A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
 - (1) Proposals shall be consistent with the need to minimize flood damage;
 - (2) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage; and
 - (3) Adequate drainage shall be provided to reduce exposure to flood damage.
- B. Encroachments.
 - (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - a. The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - b. The Village of Island Park agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Island Park for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Island Park for all costs related to the final map revision.
 - (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 264-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
 - (b) The Village of Island Park agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Island Park for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Island Park for all costs related to the final map revisions.

§ 264-15 – Standards for All Structures

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - (a) Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - 2. The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
 - (b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.
- C. Utilities.
 - (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
 - (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
 - (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 264-17 – Nonresidential Structures

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in § 264-14A, Subdivision proposals, § 264-14B, Encroachments, and § 264-15, Standards for all structures.

- A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (2) Be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

M.2.7 Chapter 286 – Hazardous Materials

Article II – Keeping Premises Free from Inflammable Material

§ 286-1 – Storage restrictions

No person or persons, firm, association or corporation shall keep or permit to be kept at one time any quantity of inflammable liquid in excess of five gallons within 20 feet of any building used wholly or partly as a dwelling unless said inflammable liquids are kept in metal containers, which containers shall be kept in a building or portion thereof which shall be constructed of fireproof material or in a building or portion thereof which shall be floored and sealed with materials of fireproof construction.

§ 286-3 – Standards

Every owner or occupant of any house, store or other building and every person, firm, association or corporation owning or being entitled to possession of any vacant lot or improved property in the Village of Island Park shall at all times keep the premises owned or occupied by him, it or them, or to the possession of which they are entitled, free from papers, boxes, rubbish or other inflammable materials which are likely to cause damage by fire.

M.2.8 Chapter 326 – Licenses, Permits and Certificates

§ 326-6 – Demolition Contractors

All demolition contractors must have a current demolition license from Nassau County Consumer Affairs.

M.2.9 Chapter 326 – Noise

§ 349-2 – General Prohibition

- A. No person, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, shall cause, suffer, allow or permit to be made unreasonable noise. For purposes of this chapter, "unreasonable noise" is any disturbing, excessive or offensive sound that disturbs a reasonable person of normal sensitivities, including, but not limited to, noise resulting from the operation of any band or orchestra, radio, phonograph, recording device, juke box or soundproducing device or instrument or from any device amplifying any of said noises or from making unreasonable or excessive outcries, loud singing or exclamations or any other excessive or unreasonable noise by a person or group of persons or from a device to amplify such noise.
- B. The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.
 - (1) Driving or operating a motor vehicle in or through the Village of Island Park, or in any of the streets of said Village, with the cut-out open, and the use of an open cut-out on any automobile or motor vehicle within the Village of Island Park is strictly prohibited.
 - (2) Noise from a dog or other pet animal that is continuous and exceeds 15 minutes.
 - (3) Noise from a burglar alarm or other alarm system of any building, motor vehicle or boat which is continuous and exceeds 15 minutes.
 - (4) Noise from any sound reproduction system, operating or playing any radio, portable radio or tape player, television, tape deck or similar device that reproduces or amplifies sound in such a manner as to be heard 60 feet from its source or over any property line.
 - (5) The erection, including excavation, demolition, alteration or repair, of any building other than between 7:00 a.m. and 9:00 p.m., except in case of a public safety emergency.
 - (6) The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.
 - (7) The making of improper noise or disturbance or operating an automobile or motorcycle in such a manner as to cause excessive squealing or other excessive noise of the tires.
 - (8) Offering for sale anything by shouting or outcrying upon the public streets and sidewalks.

§ 349-3 – Time Limitations

No person or persons, firm, association, corporation or contractor shall do, perform, cause, suffer or permit the operation of any mower or power lawn mower, machine or power tools or any other power equipment to commence operation earlier than 8:00 a.m. or later than 9:00 p.m. on Monday through Saturday or earlier than 9:00 a.m. and later than 9:00 p.m. on Sunday. All other noise generated from musical instruments or events will be allowed until 11:00 p.m.

§ 349-5 – Exceptions

The provisions of this chapter shall not apply to the following acts:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- B. Noise from municipally sponsored celebrations or events.
- C. Noise from individually sponsored events where a permit for public assembly or other relevant permission has been obtained from the Village Clerk.
- D. The operation or use of any organ, radio, bell, chimes or other instrument, apparatus or device by any church, synagogue or school licensed or chartered by the State of New York, provided that such operation or use does not occur between the hours of 10:00 p.m. and 8:00 a.m.
- E. Noise generated by the installation and maintenance of utilities.
- F. Any performance, concert, band or orchestra or group for which a permit been granted by the Village shall be exempt from the provisions of this chapter.

M.2.10 Chapter 327 – Nuisances

§ 367-3 Public nuisances prohibited

It shall be unlawful, and a violation of this chapter, for any person or legal entity to be the owner, lessee or otherwise in control of a building or structure which has become a public nuisance as defined herein.

M.2.11 Chapter 373 – Outdoor Storage

Article I – General Restrictions

§ 373-1 – Screening Required; Storage of Trailers and Boats

No article or material shall be kept, stored or displayed outside the confines of a building unless the same is screened by a special planting or a fence as approved by the Board of Trustees or Building Department. No storage shall be located in a front yard nor in a side yard adjoining a street. Said storage shall meet the setback requirements from property lines for accessory buildings. In addition, there shall be no outdoor storage or parking of trailers, except during the course of loading and unloading or moving and storage operations, nor shall there be any outdoor storage or parking of construction equipment except during the course of construction on the premises. However, in a residential zone, outdoor storage or parking of a trailer used for the purpose of storing a boat of a length not exceeding 24 feet shall be permitted, provided the boat is owned by a member of the household who resides in the residence on the property on which the trailer is stored or parked, and the trailer is parked on asphalt or concrete pavement.

§ 373-2 – Exceptions

Outdoor storage is prohibited except for the storage of trash and garbage in containers and in locations as approved by the Board of Trustees or Building Department.

M.2.12 Chapter 381 – Parking

Article I – Public Parking

§ 381-1 – Parking Contrary to Official Signs or Directions

No person shall park or leave any automobile or other vehicle on the grounds of any public park, bathing beach, public parking field or other parking place in the Village of Island Park contrary to posted signs or instructions of the Police Department or Board of Trustees, indicating the manner of such parking, contrary to the instructions of any police officer or other person in charge of such parking field or public place.

§ 381-3 – Interference with Streets or Highways

No person shall park or leave an automobile or other parked vehicle on any public or private place, which is not a street or highway, so that any portion thereof shall protrude or remain on any adjacent street or sidewalk.

§ 381-4 – Tampering with signs prohibited

No person shall injure, deface, displace, remove or destroy any sign, inscription or markings, placed or displayed in public places, directing, restricting or regulating parking thereon, or giving information or direction to the public in relation thereto, except by proper authority.

Article II – Conduct in Parking Lots

§ 381-6 – Operation of Vehicles

No person shall operate any motor vehicle on any parking lot in a careless manner or at a speed in excess of 10 miles per hour. This limitation shall not apply to emergency vehicles.

M.2.13 Chapter 386 – Parking Fields, Municipal

§ 386-12 – Certain vehicles restricted

No commercial vehicle in excess of 2 1/2 tons shall be parked or left standing in any of the parking fields of the Village of Island Park, and no truck containing sewage effluent commonly known as a "scavenger truck," or any equipment used in connection therewith or any truck of any size containing any flammable, explosive, toxic or obnoxious materials or any commercial vehicle in excess of 20 feet, including the load or trailer truck or tractor, shall be permitted to stand, park or to be loaded or unloaded in any portion of said parking fields within the Village of Island Park.

§ 386-14 – Handicapped Parking Spaces

Designated handicapped parking spaces in all municipal parking fields require the proper New York State handicapped permit or handicapped license plates. All designated handicapped parking spaces in parking permit fields will also require the appropriate Village parking permit as designated for each field. All handicapped parking spaces at parking meters require the deposit of coins for a designated time interval.

M.2.14 Chapter 403 –Peace and Good Order

Article VII – Injuring Hydrants and Lamps

§ 403-14 – Prohibited Conduct

No person or persons shall injure any fire hydrant, lamppost, electric lamp or globe within the limits of the Village of Island Park.

M.2.15 Chapter 417 – Plumbers, Licensing of

§ 417-1 – License Required; Fee

- A. No person or persons shall be permitted to engage in or carry on the trade, business or calling of employing plumbers, or as master of plumbers in the Village of Island Park, unless such person or persons shall have secured a license from the Village Clerk of said Village upon the payment of a fee as set from time to time by the Board of Trustees to cover the cost of the license.
- B. The license may be renewed each year upon payment of a renewal fee as set from time to time by the Board of Trustees, along with the necessary insurance and workers' compensation requirements.
- C. All plumbing fixtures, gas conversions, and applications to maintain existing fixtures will require a plumbing permit along with payment of the associated fees as per the schedule set from time to time by the Board of Trustees.
- D. These fees are subject to change by resolution of the Board of Trustees.

§ 417-5 – Conformity with State Plumbing Code

All plumbing, installations, alterations or repairs hereafter made, installed, altered or repaired in the Village of Island Park shall be in conformity with the Plumbing Code of the State of New York and any amendments thereto.

M.2.16 Chapter 431 – Property Maintenance

Article III – Cement Truck Residue

§ 431-7 – Containment of Cement

- A. The contractor and/or homeowner/resident and/or concrete contractor and/or driver must provide perimeter controls, such as tarps and gravel bag, around work areas to contain materials and residue. It is illegal to wash out concrete, stucco and paint from equipment or trucks onto the ground or streets.
- B. The contractor and/or homeowner/resident and/or concrete contractor and/or driver must provide a washout area, such as a lined pit or container, for disposal of wet construction material (concrete, stucco, paint, etc.) or for cleaning tools and equipment.
- C. Washout areas need to be lined and maintained to ensure wash water and residue are contained and do not leak.

§ 431-8 – Concrete Truck Washout

- A. The washing of concrete material into a street, catch basin or other public facility or natural resource is prohibited.

- B. The licensed general contractor, homeowner, and/or concrete contractor and/or driver must also comply with all requirements of the New York State SPDES General Permit for Stormwater Systems MS4 as set forth in Chapter 496 of the Island Park Code.

Article IV – Standards for Enforcement

§ 431-10 – General Property Maintenance Requirements

- A. Residential premises shall be maintained in a clean, safe and sanitary condition.
- B. Fences, walls, and other minor constructions shall be maintained in good appearance and safe condition.
- C. Steps, walks, driveways, parking spaces, and similar paved areas shall be maintained to afford safe and convenient passage.
- D. Yards, courts, and vacant lots shall be kept clean and free of hazards and debris.
- E. Ground cover shall be properly established to prevent undue soil erosion due to elements.
- F. Heavy undergrowth and accumulations of plant growth which are noxious or detrimental to health or safety shall be eliminated.
- G. Lawns, weeds, and ground cover vegetation shall be maintained and shall not exceed eight inches in height.
- H. Adequate sanitary facilities and methods shall be used for the collection, storage, handling, and disposal of garbage and refuse.
- I. The accumulation or storage of rubbish, garbage, or refuse in public view shall be prohibited.
- J. Refrigerators, and similar equipment with locking mechanisms, shall not be discarded, abandoned, or stored on premises accessible to children without first removing the locking devices or the hinges of the doors.
- K. Junked vehicles, equipment, and materials shall not be stored in areas of premises which can be viewed by the public from any public street or thoroughfare.

§ 431-19 – General Responsibilities of Owners

- A. Owners of premises shall be responsible for compliance with the Property Maintenance Standards and this article, and shall remain responsible therefor regardless of the fact that this article may also place certain responsibilities on occupants, and regardless of any agreement between or among owners, lessors, and occupants as to which party shall be responsible, except as provided in § 431-21B.
- B. Owners of premises shall be responsible for proper maintenance of the premises.
- C. Owners and lessors of premises shall be responsible for the removal of garbage, refuse, and junk, to assure that the premises are maintained in a safe, clean, healthful, and sanitary condition, and shall provide adequate private carting for such removal. Any municipal collection which may be provided shall be supplemented by private carting service, when necessary.

§ 431-21 – Specific Responsibilities of Owners

Owners shall be responsible for compliance with the provisions of this article and with respect to premises in regard to the following:

- A. Maintenance in a clean, safe, and sanitary condition;
- B. Disposing of garbage and refuse into provided facilities in a sanitary manner and keeping the premises free and clear therefrom;
- C. Extermination of insects, vermin, rodents, pests, and elimination of harborage; and
- D. Keeping domestic animals and pets in an appropriate manner and under control.

M.2.17 Chapter 482 – Signs

§482-2 – Design and Construction Requirements

No consent shall hereafter be given by the Board of Trustees of said Village to the hanging or erection of any such sign, banner, or other emblem or insignia, nor shall such sign, banner or other emblem or insignia be hereafter hung or erected, unless such sign, banner or other emblem or insignia shall be at least eight feet above the sidewalk. Any sign, banner or other emblem or insignia intended to run parallel with the building in a horizontal position must be fastened securely to the building wall, and must not project over the sill of the second story or below the front window cornice. Signs, banners or other emblems or insignia extending out from the building shall not extend above the floor beams of the second story. Vertical signs, banners and other emblems or insignia must not extend above the roof of the building. No sign, banner or other emblem or insignia shall cover any portion of any window.

§482-5 – Placement on public property, utility poles or light fixtures prohibited

No sign, banner or other emblem or insignia shall be placed, installed or anchored in any way on any property owned by the Incorporated Village of Island Park. Additionally, signs, banners or other emblems or insignia shall not be placed or anchored in any way to any utility poles or light fixtures located within the jurisdiction of the Incorporated Village of Island Park. The signs, banners or other emblems or insignia referred to herein include but are not limited to advertisements, sales of any kind and political signs.

M.2.18 Chapter 489 – Solid Waste

Article I – Building Material in Streets

§ 489-1 – Restrictions on Placement; Permits

No person or persons, firm, association or corporation shall place or cause to be placed, or suffer or permit to be kept, any stone, timber, lumber, concrete blocks, or other building material, or any boxes, barrels, casks or any other article or substances whatsoever, in the Village of Island Park, so as to obstruct or impede in any manner the free and uninterrupted use of the street, except that any person or persons, firm, association or corporation which is the owner of or engaged in the erection of any building may apply to the Village Clerk or Building Inspector of the Village of Island Park, in writing, for a permit for the partial obstruction of such public street during such building operations, which written application shall state the reason for such application and the length of time for which such permit is desired, and the Village Clerk or Building Inspector of the Village of Island Park may, in its discretion, thereupon grant a written permit for such partial obstruction, to be signed by the Building Inspector of the Village and countersigned by the Clerk, which permit shall state the length of time, the purpose and extent for which it is granted.

Article II – Depositing of Materials on Streets

§ 489-3 – Certain Accumulations Prohibited

No person or persons, firm, association or corporation shall cause or permit any accumulation of sand, gravel, cinders, topsoil, mud, earth, or any other material or substance to be placed, deposited, tracked or flowed or spilled upon any street, road, or highway within the Incorporated Village of Island Park.

Article III – Garbage, Refuse, Recycling and Composting

§ 489-6 – Uncovered Garbage

It shall be unlawful to place or permit to remain anywhere in the Village any garbage or other material subject to decay, other than leaves or grass, except in a tightly covered refuse container.

§ 489-8 – Deposit on Streets

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or sidewalk in the Village, provided that this section shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this article preparatory to having such material collected and disposed of in the manner provided herein.

§ 489-10 – Recycling

It shall be unlawful to place or permit reusable and recyclable material to be combined with regular garbage or composting. All reusable and recyclable materials shall include but not be limited to newspapers, glass (clear and colored), metal cans and plastic containers from food, beverages, detergents, milk and nontoxic household cleaners.

§ 489-15 – Containers

All garbage and refuse for collection by the Village shall be placed in refuse containers equipped with a cover and equipped with handles so that they may be lifted and carried by one man. No such containers shall have a capacity of more than 30 gallons or shall be filled so that the total weight, including the container, exceeds 75 pounds. All reusable and recyclable materials must be cleaned and placed in a recycling container provided by the Village. It shall be the responsibility of each resident to keep containers in as clean a condition as possible and to keep covers on containers at all times.

§ 489-16 – Building Material

Building material or other refuse caused by construction shall be disposed of by the builder or contractor at his expense.

M.2.19 Chapter 496 – Storm Sewers

Article I – Illicit Discharges, Activities and Connections

§ 496-5 – Discharge Prohibitions

- A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- (2) Discharge approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
- (3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- (4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 496-7 – Activities contaminating stormwater prohibited

A. Activities that are subject to the requirements of this section are those types of activities that:

- (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
- (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 496-2, Definitions, of this article.

B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 496-8 – Use of best management practices to prevent, control and reduce stormwater

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 496-2 or activities contaminating stormwater as defined in § 496-7, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.
 - (1) The owner or operator of a commercial or industrial establishment shall provide, at his or its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 496-2 or activities contaminating stormwater as defined in § 496-7 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Individual sewage treatment systems: response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants.
 - (1) Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 496-2 of this article, the owner or operator of such individual sewage treatment systems shall be required to maintain and operate individual sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum, bad sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;
 - (b) Avoid the use of septic tank additives;
 - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins trash and other such items.
 - (2) Most tanks should be pumped out every two to three years. However, pumping may be more or less frequent depending on use. Inspection of the tank for cracks, leaks and blockages should be done by the septage hauler at the time of pumping of the tank contents.

§ 496-10 – Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permits. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 496-11 – Access to facilities; monitoring of discharges

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.
- B. Access to facilities.
 - (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
 - (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Unreasonable delays in allowing the municipality access to a facility subject to this article are violations of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.
 - (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 496-12 – Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which is resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emits from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an

on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years

M.2.20Chapter 503 – Stormwater Management and Erosion and Sediment Control

Article II – Stormwater Control

§ 503-7 – Stormwater Pollution Prevention Plans

- A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.
- B. Contents of stormwater pollution prevention plans.
 1. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project.
 - (b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s). The site map should be at a scale no smaller than one inch equals 100 feet.
 - (c) Description of the soil(s) present at the site.
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff.
 - (f) Description of construction and waste materials expected to be stored onsite with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project close-out.

- (h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
 - (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.
 - (j) Temporary practices that will be converted to permanent control measures.
 - (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.
 - (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
 - (m) Name(s) of the receiving water(s).
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site.
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
 - (p) Any existing data that describes the stormwater runoff at the site.
2. Land development activities as defined in § 503-6 of this article and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection B(3) below as applicable:
- (a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B: stormwater runoff from land development activities disturbing five or more acres.
 - (c) Condition C: stormwater runoff from land development activity disturbing between one acre and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
3. SWPPP requirements for Conditions A, B and C:
- (a) All information in Subsection B(1) above.
 - (b) Description of each post-construction stormwater management practice.
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.
 - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.

- (e) Comparison of post-development stormwater runoff conditions with predevelopment conditions.
 - (f) Dimensions, material specifications and installation details for each postconstruction stormwater management practice.
 - (g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
 - (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
 - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 503-9.
 - (j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.
- C. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- D. Contractor certification.
- (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (3) The certification statement(s) shall become part of the SWPPP for the land development activity.
- E. A copy of the SWPPP shall be retained at the site of the land development activity during construction, from the date of initiation of construction activities to the date of final stabilization.

§ 503-8 – Performance and Design Criteria

All land development activities shall be subject to the following performance and design criteria:

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

- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
 - (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Subsection A, and the SWPPP shall be prepared by a licensed professional.
- C. Water quality standards. No land development activity shall cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 503-9 – Maintenance, Inspection and Repair of Stormwater Facilities

- A. Maintenance and inspection during construction.
- (1) The applicant or developer of the land development activity or his or its representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
 - (2) For land development activities as defined in § 503-6 of this article and meeting Condition A, B or C in § 503-7B(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site log book.
- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Island Park to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Island Park.
- C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.

- (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 503-8C.
- D. Maintenance agreements. The Village of Island Park shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement."¹ The Village of Island Park, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Article III – Administration and Enforcement

§ 503-10 – Construction inspections

- A. Erosion and sediment control inspection.
 - (1) The Village of Island Park Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Island Park enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:
 - (a) Start of construction.
 - (b) Installation of sediment and erosion control measures.
 - (c) Completion of site clearing.
 - (d) Completion of rough grading.
 - (e) Completion of final grading.
 - (f) Close of the construction season.
 - (g) Completion of final landscaping.
 - (h) Successful establishment of landscaping.
 - (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted, except for site stabilization, until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.
- B. Stormwater management practice inspections. The Village of Island Park Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

- C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including, but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
- D. Submission of reports. The Village of Island Park Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.
- E. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village of Island Park the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.

M.2.21 Chapter 510 – Streets and Sidewalks

Article II – Removal of Snow, Ice and Debris

§ 510-3 – Duty to Remove Snow and Ice

It shall be the duty of every owner, lessee, occupant or the agent thereof of any one family dwelling and of every owner or agent thereof of any other building and of every owner or person entitled to possession or the agent thereof of any vacant lot or lots and of every person having charge of any church, school or other public building in the Village of Island Park during the winter season and during the time the snow shall continue on the ground to keep the sidewalks in front of or adjacent to such house, building, lot or lots free from obstruction by snow or ice.

§ 510-4 – Time frame for clearing

No such person shall cause, suffer or allow any snow or ice to collect and remain on any sidewalk fronting on or adjacent to such house, building lot or lots, so as to impede, obstruct or render difficult or dangerous public travel upon such sidewalk later than 10:00 a.m. following the day the same shall have fallen or collected thereon, but in no event later than 24 hours after the same shall have fallen or collected thereon, or for more than two hours after being notified by an officer of said Village or a duly delegated agent thereof.

§ 510-5 – Duty to Maintain Sidewalks

- A. It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition.
- B. Notwithstanding any other provision of law, the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such sidewalk in a reasonably safe condition. Failure to maintain such

sidewalk in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair or replace defective sidewalk flags and the negligent failure to remove snow, ice, dirt or other material from the sidewalk.

- C. Notwithstanding any other provision of law, the Village shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain sidewalks in a reasonably safe condition. This subsection shall not be construed to apply to the liability of the Village as a property owner pursuant to Subsection B of this section.
- D. Nothing in this section shall in any way affect the provisions of this article or of any other law or rule governing this matter in which an action or proceeding against the Village is commenced, including any provisions requiring prior notice to the Village of defective conditions.

Article IV – Sidewalk Construction

§ 510-10 – Grading Requirements

No person or persons, firm, association or corporation shall construct or cause or permit to be constructed a curb or sidewalk of cement, concrete, stone, brick or other similar substance on any street, highway or other public place within the Village of Island Park without first obtaining from the Board of Trustees of said Village the proper grade for such curb or sidewalk upon such street, avenue, highway or public place upon which said curb or sidewalk is to be constructed.

Article V – Protection of New Construction

§ 510-15 – Interference with safety structures prohibited.

No person or persons shall remove, displace or in any manner interfere with any barrier, guardrail, or other object which shall have been placed along or across any public street in the Village of Island Park, Nassau County, New York, for the purpose of preventing persons, animals or vehicles from entering upon any street in which a roadway, concrete or otherwise, is about to be, is being, or which has been constructed.

Article VI – Driveways

§ 510-21 – Specifications

- A. Driveways shall be constructed in a manner and of a material at least equal to that existing for the paving in the public sidewalk adjacent thereto.
- B. The width of the driveways for a residential or dwelling house shall be not less than nine feet or more than 14 feet at the outer edge of the sidewalk.

§ 510-22 – Grading

Any driveway hereafter constructed shall be sufficiently graded between the garage or front building line and the street to create a gradual descent. The descent shall be a minimum of 1/4 inch vertical to one foot horizontal.

Article VII – Obstruction of Dedicated Streets

§ 510-24 – Prohibited Conduct

It shall be unlawful for any person to encumber, block, build upon or in any other way interfere with access to and use of any street, road, highway, thoroughfare or sidewalk which is shown as such on the deed of dedication of said streets and highways.

Article VIII – Repair of Street Openings

§ 510-30 – Street Opening Regulations and Restrictions

- A. Safety codes. The permittee, his agents and employees shall strictly comply with all laws, rules and regulations, including:
 1. United States Department of Labor, Bureau of Labor Standards, Safety and Health Regulations for Construction, as promulgated in accordance with the Occupational Safety and Health Act of 1970, Public Law 91596:84 Stat. 1590, Laws of 91st Congress, 2nd Session; and
 2. Industrial Code Rules 23: State of New York, Department of Labor, Bureau of Standards and Appeals, entitled "Protection of Persons Employed in Construction and Demolition Work."
- B. Emergency opening. If it becomes necessary to enter upon a Village highway for the purpose of making emergency repairs, any person, public utility, municipality and/or municipal subdivision may do so forthwith, provided that within 24 hours of the time of making such openings (Saturdays, Sundays or holidays not included) an application for a permit is made therefor pursuant to these rules and regulations.
- C. Openings on newly constructed or resurfaced highways. No excavation shall be permitted on any newly constructed or resurfaced highway for a period of not less than five years. This subsection does not include any excavation on the right-of-way abutting said newly constructed or resurfaced highway or excavation for emergency repairs. Should such an opening be required for emergency purposes, the restoration plans must be reviewed and approved by the Village Clerk.
- D. Notification.
 1. The Village Clerk shall receive at least 72 hours' advance written notice, except for emergency work, including a diagram, engineering drawings or the equivalent thereof, of the proposed excavation in any Village highway or sidewalk area.
 2. Work must commence within 30 days from the date of the permit and be satisfactorily restored within 90 days thereafter unless otherwise extended, in writing, by the Village Clerk.
 3. Residents of the project areas must be notified of intentions to close off driveways by use of a form approved by the Village Clerk. The permittee shall prepare the necessary number of copies of said form on its own letterhead and distribute the same to the homeowners at least 48 hours in advance.

§ 510-31 – Maintenance of Traffic and Protection of Public

The following work procedures and construction practices shall be adhered to in order to assure proper maintenance or traffic.

- A. In those areas where work performed by the permittee interferes with vehicular or pedestrian traffic, the permittee shall place and maintain traffic control devices pursuant to and consistent with the requirements of the Vehicle and Traffic Law of the State of New York, including §§ 1680 and 1682 of the Vehicle and Traffic Law of the State of New York, which require that all traffic control associated with maintenance, repair and construction within the highway limits shall be carried out in accordance with standards set forth in the New York State Manual of Uniform Traffic Control Devices, latest edition. The Village Clerk reserves the right to order the correction of any unsafe condition or the installation of additional signs, lights, temporary pavement, plating or other traffic control devices or to order the removal of any and/or all obstructions to traffic.
- B. The permittee may be required to submit with the permit application a traffic control plan showing all provisions for maintaining, protecting and/or detouring of traffic. Such plan shall show, but not be limited to, all signs locations, sizes, colors, barricades, markings, etc., and all in accordance with the above referenced New York State requirements.
- C. Whenever a traffic lane is closed or traffic is required to use other than its normal lanes, the local police precinct, fire district and school district must be notified in advance by the permittee and/or those doing the work.

§ 510-32 – Construction Details

- A. All procedures and materials shall be in conformance with the latest edition of the Nassau County Specifications for Construction of Highways and Bridges and the Nassau County Traffic Signal Specifications as prepared by the Nassau County Department of Public Works.
- B. Upon request by the Village Clerk, a schedule of operations shall be submitted by the permittee.
- C. No Village highway shall be closed without prior written notice to and approval of the Village Clerk.
- D. No trench area shall be left open after working hours.
- E. A space at least four feet wide shall be maintained at all times on the side of the right-of-way for the safe use of pedestrians.
- F. Trench areas shall be kept open as short a time as possible consistent with the installations involved.
- G. In no case shall sidewalks or pavements be removed or broken unless all subsequent activities needed to complete the permit work proceed without delay thereafter; where concrete pavement is broken and left in place prior to removal, these pavement areas shall be resurfaced with a temporary asphalt pavement before opening traffic.
- H. Every precaution shall be taken to prevent the marring of or damage to structures such as pavements, curbs, sidewalks, etc. abutting the work as follows:
 - (1) Timber planks shall be used to support steel-treaded mobile equipment, and timber blocks or planks shall be placed under all outriggers used to stabilize excavation and other mechanical equipment.

- (2) Loose stones, broken concrete, sand, dirt, debris, etc., shall be swept up daily from the areas adjoining the work.
- (3) Under no circumstances shall the mixing of mortar or concrete or the storage of asphalt be permitted directly on unprotected surfaces adjoining the work.
- I. Immediately following saw cutting, all residue shall be flushed, swept and removed from adjoining surfaces.
- J. All possible care shall be taken to prevent undermining of the adjoining pavement. The use of driven sheeting may be required to prevent such undermining. Any such undermining shall be deemed sufficient reason for the issuance of orders to remove additional pavement.
- K. The permittee shall have a competent representative at the site while the work is in progress to ensure adherence to the conditions of the permit.
- L. The permittee shall provide and maintain temporary pavement with hot asphalt mixes, and they should be flush with the grades of the adjoining surfaces until final restoration.
- M. Neither a transverse road opening nor a road opening within an intersection may exceed 1/3 the width of the highway, nor shall any more than that same length be blocked by construction, truck loading or unloading or by construction materials and barricades at any one time.
- N. All existing traffic signs temporarily removed from construction shall be carefully stored and must be reinstalled upon completion of work.
- O. All restorations shall be cut back a minimum of 12 inches on each side of the excavation as necessary to avoid ragged edges on the restored area. The area to be restored shall be increased as necessary to avoid residual strips of existing pavement of less than three feet in the smaller dimension.
- P. Pavement restoration specifications shall be as follows:
 - (1) Specifications:
 - (a) Bituminous-type pavement 1 1/2 inches minimum compacted asphalt concrete, Type 1A, Item 36D, three inches minimum compacted densegraded base course asphalt concrete, Item 22CX-M-2.
 - (b) Alternate pavement section one-inch minimum compacted asphalt concrete, Type AC, Item 36E.
 - (c) One-and-one-half-inch minimum compacted asphalt concrete binder course, Type 1A, Item 36DX-M.
 - (d) Four inches minimum compacted dense-graded aggregate base course, Item 398.
 - (2) Oil and bluestone pavement: five inches of Village Item 398 and two inches top course.
 - (3) Concrete pavement:
 - (a) Where existing pavement is reinforced or contains joint supports, the removal of the pavement shall be performed in such a manner as to allow projection of six inches of the reinforcement and the undisturbed joint supports into the replacement area. If such is not feasible, the permittee shall indicate proposed

corrective measures for approval by the Village Clerk. Replacement concrete shall be Type II and entrained with additives such as will assure compressive strength cores of 2,500 pounds per square inch in 48 hours. The concrete shall be of the same thickness as the adjacent undisturbed concrete.

- (b) With the approval of the Village Clerk, asphalt concrete base may be used as a replacement for adjacent concrete base on longitudinal cuts only. Where asphalt concrete is used, it shall be two inches thicker than the concrete it replaces.

Article IX – Driveway Curb Cuts

§ 510-34 – Approval required

- A. Any owner of real property within the Village of Island Park seeking to install a driveway curb cut must submit an application to the Building Department, which must review the proposed plans to confirm that the design meets safety and zoning requirements.
- B. If the plans are approved by the Chief Building Inspector, the plans must then be submitted to the Village Board for approval.
- C. The Village Board may impose standards for aesthetic or safety purposes in connection with any request received by the Village for approval, including but not limited to the length, width, color, texture and placement of the curb cut.

Article X – Roll-Off Containers

§ 510-36 – Prior approval required

No roll-off container shall be placed on public roadways within the Village of Island Park unless prior written approval is granted by the Chief Building Inspector.

M.2.22Chapter 560 – Trees

§ 560-1 – Planting in sidewalk area; existing planting

No trees, shrubs or hedges shall be planted within the area between the sidewalk and curb in front of or adjacent to any private premises without a permit first being obtained from the Village Hall. All such plantings shall conform to appropriate regulations as may be set for the issuance of said permit. The care and maintenance of all new and existing trees, shrubs or hedges located within the sidewalk area shall be the responsibility of the owners or occupants of the premises located immediately adjacent to said trees, shrubs or hedges, as provided in § 560-2 of this article.

§ 560-2 – Removing and Trimming; Repairing Root Damage to Sidewalks

It shall be the duty of every owner, tenant or other occupant of any house or structure, and every owner or person entitled to possession of any vacant lot, to remove trees, shrubs or hedges when required by the Village authorities and to keep trees, shrubs and hedges in front of or adjacent to his or her premises and within the sidewalk area trimmed so that dead limbs are removed and overhanging limbs will not interfere with passersby on the sidewalk or roadway; such limbs must be kept trimmed at all times to allow a passage space of not less than eight feet above the center of the sidewalk and not less than 13 feet above the roadway, measured at a point five feet from the curblin. It shall also be the duty of every owner, tenant or other occupant of any house or structure, and every owner or person entitled to possession of any vacant lot, to repair any sidewalk or curb

in front of or adjacent to such premises damaged by tree, shrub or hedge roots located in front of or adjacent to said premises, whether or not within the property line or sidewalk area

§ 560-3 – Village Approval Required for Certain Trees

No person shall in any way injure, destroy or remove any shade tree(s) of over 10 feet in height planted within the area between the sidewalk and curb in front of or adjacent to any private premises without first securing the written approval of the Village Board of the Village of Island Park.

§ 560-4 – Certain Types of Trees Prohibited

No person or persons, firm, association or corporation shall plant or permit to be planted any poplar trees of any type or willow trees or trees known as "swamp maple trees" on any street within the Village limits of the Village of Island Park, or within 25 feet of any water conduit, sewage main or storm drain belonging to either the Village of Island Park, the Town of Hempstead, the County of Nassau or the State of New York.

§ 560-5 – Hedges at Intersections

- A. No person, persons, firm, association or corporation shall suffer or permit any fence, hedge, ornamental planting, bush or other structure or plant which reduces visibility to an extent which creates a hazard to vehicular traffic to be erected or to grow to a height greater than 2 1/2 feet above street level on any property owned or occupied by him or them at a street intersection in the Village of Island Park within the area of the triangle formed by the property corner and a line connecting the two property line cutback points as tabulated in the included cutback distance chart showing required cutback distances for various angles of street intersections. If intersections have different angles than those shown, then the property line cutbacks shown for the closest corresponding angle will prevail.
- B. The following are exceptions:
 - (1) At any street intersection where all approaches are controlled by traffic control devices.
 - (2) At T-intersections where at least one approach is controlled by a traffic control device.
- C. Cutback distance chart.

Angle of Intersection	P/L Cutback Distance in Feet
90°	3
85°	5
80°	8
75°	10
70°	13
65°	16
60°	19
55°	22
50°	24

D. Definitions. As used in this section, the following terms shall have the meanings indicated:

- (y) P/L CUTBACK DISTANCE — Distance from corner formed by the intersection of the property lines to property line cutback point.
- (z) PROPERTY LINE CUTBACK POINT — That point on the property line of the major street or the minor street established by proceeding along the property lines from their point of intersection the cutback distances as shown in the cutback distance chart.

§ 560-7– Prohibited Conduct

No person or persons shall in any way injure or destroy any shade trees planted along the public streets or sidewalks within the Village of Island Park.

M.2.23 Chapter 583 – Vehicles and Traffic

Article II – Traffic Regulations

§ 583-4 – Street markings

It shall be unlawful, except in an emergency, to drive a vehicle across a double line marked on the street surface by or under the authority of the Board of Trustees of the Village of Island Park.

§ 583-6 – Speed limits.

The maximum speed at which vehicles may proceed on or along any streets or highways within the Village is hereby established at 30 miles per hour, except that the speed limit for vehicles proceeding on or along those streets or parts of streets described in Schedule II (§ 583-42) shall be as indicated in said schedule.

§ 583-7 – School speed limits.

A. No person shall drive a vehicle at a speed in excess of that indicated in Schedule III (§ 583-43), in the areas described in said Schedule III, during school days between the hours of 7:00 a.m. and 6:00 p.m. B. It shall be unlawful for any person to operate a motor vehicle within a school speed zone at a speed in excess of 20 miles per hour. As used in this section, “school speed zone” means that portion of street passing a school building and extending 300 feet along such street in either direction from the building line of the school.

§ 583-9 – U-turns.

No person shall make a U-turn on any of the streets or parts of streets described in Schedule V (§ 583-45), attached to and made a part of this chapter.

§ 583-10 – Prohibited turns at intersections.

No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule VI (§ 583-46), attached to and make a part of this chapter.

§ 583-11 – Prohibited right turns on red signal.

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described in Schedule VII (§ 583-47), attached to and made a part of this chapter.

§ 583-12 – Stop intersections.

The intersections described in Schedule VIII (§ 583-48), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

§ 583-13 – Yield intersections.

The intersections described in Schedule IX (§ 583-49), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

§ 583-14 – Commercial vehicles over certain weights excluded.

Commercial vehicles, as defined in § 583-1 of this chapter, are hereby excluded from the streets or parts of streets described in Schedule X (§ 583-50), except for the pickup and delivery of materials on such streets.

§ 583-15 – Truck Route System

- A. A truck route system upon which all trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five tons are permitted to travel and operate shall be as set forth in Schedule XI (§ 583-51).
- B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five tons are hereby excluded from all streets except those streets listed in Schedule XI, except that this exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the street from which such vehicles and combinations are excluded.

Article III – Parking, Standing and Stopping

§ 583-17 – Applicability of article.

The provisions of this article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

§ 583-18 – Parking near public gatherings.

Parking in the vicinity of large public gatherings shall be subject to temporary regulations as established by police authority.

§ 583-19 – Long-term parking.

No person shall park a vehicle for longer than 14 days in the same location on any street in the Village.

§ 583-20 – Parking near crosswalks.

No person shall park a vehicle within 10 feet of a crosswalk in the Village of Island Park.

§ 583-21 – Parking near places of public assembly.

No person shall park a vehicle in front of an exit or entrance of any theater, motion picture theater or to other places of public assembly during the period of assembly therein.

§ 583-22 – Parking of doctors' vehicles.

A duly licensed physician will be permitted to leave his automobile, properly identified by having affixed thereto "MD" or "OP" registration plates issued by the Motor Vehicle Bureau of the State of New York, on the street in front of hospitals, clinics and premises wherein actually attending a patient, for such length of time as may be necessary for that purpose.

§ 583-23 – Parking of emergency vehicles.

The driver of an authorized emergency vehicle, as defined herein, shall be permitted to park such vehicle adjacent to the scene of an emergency while actually engaged in activities connected therewith.

§ 583-24 – Parking of truck trailers, commercial vehicles, buses and livery vehicles.

- A. No person shall park on any street a truck trailer without having attached thereto a means of mechanical traction constructed or designed for the purpose of drawing such trailer. This section shall not apply to truck trailers at loading platforms in the process of loading or unloading.
- B. No person shall park a commercial vehicle or a vehicle used for commercial purpose on any street in a residential area from 8:00 p.m. to 8:00 a.m. This shall not include a commercial vehicle or a vehicle used for commercial purpose from parking temporarily for the purpose of going to or from an adjoining building, or for the purpose of performing work in the immediate area.
- C. No person shall park a bus or omnibus on any street at any time. This shall not prohibit the parking of a bus or omnibus at authorized stops for the purpose of picking up or discharging passengers.
- D. No person shall park a livery vehicle on any street in a residential area, except for temporary pick-up and delivery of passengers.
- E. No person shall park a commercial vehicle or a vehicle used for commercial purpose overnight in any driveway of a residential property.

§ 583-25 – Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XIII (§ 583-56), attached to and made a part of this chapter.

§ 583-26 – No stopping.

No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule XIV (§ 583-54), attached to and made part of this chapter.

§ 583-27 – No standing.

No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule XV (§ 583-55), attached to and made part of this chapter.

§ 583-28 – Parking prohibited certain hours.

No person shall park a vehicle between the hours specified in Schedule XVI (§ 583-56) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XVI, attached to and made a part of this chapter.

§ 583-29 – No stopping certain hours.

No person shall park a vehicle between the hours specified in Schedule XVII (§ 583-57) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XVII, attached to and made part of this chapter.

§ 583-30 – No standing certain hours.

No person shall stand a vehicle during the times specified in Schedule XVIII (§ 583-58) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XVIII, attached to and made a part of this chapter.

§ 583-31 – Time-limit parking.

A. Unless otherwise restricted in this article, no person shall park a vehicle for more than four hours on any street in the Village of Island Park between the hours of 7:00 a.m. and 7:00 p.m.

B. No person shall park a vehicle for longer than the time limit shown in Schedule XIX (§ 585-59) at any time between the hours listed in said Schedule XIX of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XIX, attached to and made a part of this chapter

§ 583-32 – Angle parking.

No person shall park a vehicle upon any of the streets or parts thereof described in Schedule XX (§ 583-60) except at the angle designated and only within the painted stall lines. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

§ 583-33 – Loading zones.

The locations described in Schedule XXI (§ 583-61), attached to and made a part of this chapter, are hereby designated as loading zones.

§ 583-34 – Taxi stands.

1. No person shall park a vehicle other than a taxi in any designated taxi stand in the Village, except for the loading or unloading of passengers.
2. The locations described in Schedule XXII (§ 583-62), attached to and made a part of this chapter, are hereby designated as taxi stands.

§ 583-35 – Bus stops.

- A. No person shall park a vehicle other than a bus in any designated bus stop in the Village, except for the loading and unloading of passengers.
- B. The locations described in Schedule XXIII (§ 583-63), attached to and made a part of this chapter, are hereby designated as bus stops.

M.2.24 Chapter 625 – Zoning

Article VIII – Commercial Districts

§ 625-32 – Commercial A Permitted and Prohibited Uses

In a Commercial A District, no building or other structure shall be used, built, altered or erected to be used, and no land shall be used for any purpose other than one or more of the following:

- A. Offices, yacht clubs and restaurants.

- B. Marinas, including establishments limited to the sale and display of new and used boats, marine supplies, sporting goods and fishing equipment.
- C. The servicing and repair of boats, marine engines, and marine equipment, in or out of the water.
- D. The storage and dockage of boats in and out of water, and other customary accessory uses.
- E. The retail sales of marine fuels, bait, fish, ice and cooking fuels.
- F. The operation of commercial party and charter fishing boats, boat liveryes.
- G. Residential quarters for a caretaker or an owner shall be permitted accessory uses.

The following uses are prohibited in a Commercial A District:

- (1) Any use which is noxious or offensive by reason of the emission of odor, dust, noise, smoke, gas, fumes, radiation, or which presents a hazard to public health and safety.
- (2) Any use which would create unusual traffic hazards or congestion by reason of the type of vehicles required in connection therewith or by reason of the manner in which traffic enters or leaves the site thereof.

§ 625-33 – Commercial B Permitted Uses

In a Commercial B District, no building or other structure shall be used, built, altered or erected to be used, and no land shall be used for any purpose other than one or more of the following:

- 3. All uses permitted in a Commercial A District, except the outdoor storage and the service and repair of boats, marine engines and equipment out-of-doors.
- 4. Business and professional offices.
- 5. Research laboratories.
- 6. Warehouses for the indoor storage of merchandise, provided that there are no retail sales on the premises.
- 7. Tennis courts, indoor and outdoor.
- 8. Nursing homes.

Any use consisting of those enumerated under Subsection A(1), (2), (3) and (4) above, and any use consisting of the manufacture, fabrication, assembling or other handling of products, shall be permitted, provided that:

- 1. No smoke, gas, dust, fumes, odors or any other atmospheric pollutant, radiation, noise, glare or vibration is disseminated beyond the building in which such use is conducted.
- 2. Such use does not constitute a fire, explosive, radiation or other physical hazard.

3. No water pollution or other health hazard results from the operation of such use.
4. Such use does not create unusual traffic hazards or congestion by reason of the type of vehicles required in connection therewith or by reason of the manner in which traffic enters or leaves the site thereof, and no storage of materials or merchandise takes place outside of the building.
5. No building permit or certificate of occupancy shall be granted without the approval of the site plan by the Village Board.

§ 625-35 – Bulk, Parking and Loading Requirements

Bulk, parking and loading requirements for Commercial Districts are as set forth in the table below:

District	Commercial A	Commercial B	Commercial C
Maximum building height	2 stories to 35 feet	3 stories to 45 feet	2 stories to 35 feet
Minimum first floor area	None	None	None
Minimum lot area	None	20,000 square feet	None
Minimum lot frontage	None	None	None
Maximum land coverage	50%	80%	30%
Minimum front yard	None	20 feet	15 feet
Minimum rear yard	15 feet	10 feet	15 feet
Minimum side yard	None (15 feet along a residential boundary)	None (15 feet along a residential boundary)	None (15 feet along a residential boundary)
Minimum corner yard	None	None	15 feet
Minimum off street loading*	1 space for each 7,500 square feet of building area	1 space for each 7,500 square feet of building area	None
Minimum parking**	1 space for each 1,000 square feet of building area plus 1 space for each boat slip	1 space for each 400 square feet of floor area Nursing homes: 1 space for each 1,200 square feet of floor area Tennis courts: 8 spaces for each court	1 space for each 400 square feet of floor area plus 1 space for each 2 boat slips plus 1 space for each 2 passengers on a commercial party boat

Notes:

* Off-street loading requirements may be waived for business parcels within 150 feet and located within the same block as a public parking field containing a uniform off-street loading facility.

** Parking requirements for a business parcel within 300 feet of a public parking field may be waived.

Article IX – Parking Regulations

§ 625-36 – General Regulations

- A. The following regulations shall apply to all districts:
 - (1) The open air parking of any commercial vehicle is prohibited.
 - (2) No vehicle shall be permitted on an open lot except as otherwise herein provided.
 - A. Multiple dwellings.
 - (1) Whenever a multiple dwelling shall hereafter be erected, provisions shall be made on the same lot for parking spaces for private passenger automobiles in a number equal to at least one space for each dwelling unit, and shall be for the use only of the tenants or occupants of such multiple dwelling. In case of a garage erected upon the premises, the front, rear and side yards shall not be encroached upon and the height shall not exceed one story.
 - (2) Multiple dwellings for senior citizens shall provide parking spaces for private passenger automobiles in a number equal to at least one space for each two dwelling units. The parking spaces need not be located on the same plot as the multiple dwelling but must be located within 100 feet of the subject plot.

Article X – Additional Regulations

§ 625-41 – Use Limitations

- A. All uses permitted in the Village of Island Park shall be in a structure erected in accordance with the building code requirements of the Village of Island Park and after a permit and certificate of occupancy have been issued.
- B. No building shall be erected or altered and no lot area shall be so reduced that thereby the minimum dimensions of yards, courts or other open spaces shall be less than prescribed by this chapter, except where a practical and unnecessary hardship results.
- C. In no district shall there be permitted any showy exhibitions, or performance, circus, carnival, theatrical representation, moving-picture shows, feats of horsemanship, caravan of animals, or of any animals, or artificial curiosity, unless same be housed in a permanent structure erected for theatrical or show purposes in conformity with the building codes of the Village of Island Park.
- D. In no district shall there be permitted the erection or maintenance of a carousel, Ferris wheel, gravity steeplechase, scenic cave, or scenic railway, bicycle carousel, striking machine, switch back or merry-go-round unless housed in an enclosed building, except by special permit from the Board of Trustees for a limited period of time only.
- E. The Village of Island Park may erect, alter or use in any district any building or premises for municipal use or purpose.
- F. The Village of Island Park may license for use in the Business District any lot or plot for public parking, upon a fee to be paid by the owner or lessee of said premises to the Village of Island

Park, and said Village of Island Park may use for public parking any lot or plot in the Village of Island Park.

- G. The Board of Appeals may, in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards imposed by the Board of Appeals for the health, safety, morale or general welfare of the public, determine and vary the application of the use regulations contained in this article established in harmony with the general purpose of the zoning ordinances and within the limits of the state enabling acts and the intent thereof without the applicant being obliged to show practical difficulties or unnecessary hardship.
- H. The Board of Trustees reserves to itself the discretion, approval and authority to issue permits for the erection, enlargement or increase of buildings and uses for public utility companies for public utility use, upon such conditions as it may deem necessary for the public health, safety, morale and general welfare.

§ 625-51 – Fences, hedges and walls

- A. Fences, hedges, walls or other property line demarcation shall be erected or maintained from the property line fronting on a street to the front house line no more than four feet in height and from the front house line to the rear property line of the property no more than six feet in height. The fencing erected or maintained across the rear property line of residentially zoned property backing onto commercially or business zoned property shall be no more than eight feet in height and upon the approval of the Chief Building Inspector.
- B. Plantings of evergreens shall be continuously cared for and maintained alive, and any other type of fence shall be maintained in good and sound condition. Evergreen screens or fences shall adhere to all height requirements stated in this chapter. Decorative or landscape plantings, shrubs, evergreens, deciduous plantings and similar plants which are not designed or intended as fencing are permitted in any yard and are excepted from the height provisions of this article, provided that such plantings do not obstruct traffic or driveway access, are maintained and kept at a safe and aesthetically pleasing height and are not detrimental to adjoining properties.
- C. The Superintendent of Public Works, Building Inspector and Board of Trustees may impose more restrictive standards for aesthetic or safety purposes than are required by this article in connection with any matter reviewed by such officers or Board.
- D. Any fence in any district shall have its most pleasant or decorative side facing the adjacent lot, with all posts being in the applicant's yard unless such posts are an integral part of the decorative design of the fence. The pleasant or decorative side of a fence may face an applicant's yard where such fence will be adjacent to a preexisting opaque fence or screening on the adjoining property of the same height or higher.
- E. All fences that are erected on private property, whether a new or replacement fence (or any part thereof), require a permit. Commercial properties will be subjected to rules and regulations set by the Board of Trustees, Zoning Board of Appeals and

Building Inspector. The fee for any fence permit will be as set from time to time by the Village Board of Trustees.

- F. All fencing installed in the front yard, from the property line fronting on a street to the front house line, is to be no more than four feet in height, and be of the type of construction that allows for 50% visibility. (Example: picket or chain-link fencing.)
- G. Fees. Building permit filing fees, building permit approval fees and certificate of completion fees shall be as set from time to time by the Board of Trustees.

§ 625-52 – Minimum Elevation for Structures; Required Finish

- A. No person shall erect any dwelling within the Village of Island Park having a first floor elevation less than two feet above the base flood elevation as determined from the FEMA FIRM Map 2009.
- B. When constructing a structure with a first floor above base flood elevation +2'0", all exterior walls of any such dwelling below base flood elevation +2'0" on any building plot, the grade of which is not wholly above the elevation of the base flood elevation +2'0", shall be of monolithic construction without window openings.
- C. When constructing a structure with a first floor no higher than base flood elevation +2'0", all exterior walls of any such dwelling below base flood elevation +2'0" on any building plot, the grade of which is not wholly above the elevation of base flood elevation +2'0", shall be permitted to be built to FEMA V-Zone construction standards (piers, posts, piles, columns, or parallel shear walls). All such walls and floors below the elevation of base flood elevation +2'0" will meet the FEMA flood mitigation requirements and be finished with a material approved by the Building Department.
- D. Unfinished exterior concrete walls are prohibited. Furthermore, the exterior façade facing the street must be finished with a coating including but not limited to siding, shingles, stucco and veneer. Said coating must be approved by the Building Inspector. The exterior sides and rear of the structure must, at a minimum, be painted so that no bare concrete is exposed.

M.3 Incorporated Village of Island Park Local Law No. 2 of the year 2021

M.3.1 Island Park Transit Oriented Development Overlay District (TOD Overlay)

§ 6 – Permitted uses in the TOD Overlay – Business Subdistrict

In the TOD Overlay Business Subdistrict, no lot or building shall be erected, altered or used other than as follows:

Principal Uses.

1. Existing uses permitted within the Business District and Commercial B District, except those uses permitted in the Commercial A District
2. Apartment Houses or Multiple Dwellings.
3. Mixed-use buildings, as defined in this Article

A. Accessory uses. The following uses customarily incidental to permitted uses shall be permitted in the TOD Overlay District:

1. Off-street parking and loading.
2. Open space or plaza areas.
3. Signage.

§ 7 - Permitted uses in the TOD Overlay – Waterfront Subdistrict

In the TOD Overlay Waterfront Subdistrict, no lot or building shall be erected, altered or used other than as follows:

A. Principal Uses.

1. Existing uses within the Commercial A District and Commercial C District.
2. Apartment Houses or Multiple Dwellings.

B. Accessory uses. The following uses customarily incidental to permitted uses shall be permitted in the TOD Overlay District:

1. Off-street parking.
2. Signage
3. Boat slips associated with Multiple Dwelling units.
4. Indoor and outdoor recreational facilities associated with Multiple Dwelling units.

§ 9 – Off-street Parking

Accessory parking. Accessory off-street automobile parking spaces shall be provided on the same lot or premises or off the premises within 1,500 feet of such premises. A minimum of one parking space per unit shall be provided on-site. The minimum number of accessory parking spaces required shall be determined by the type of each included use and shall be calculated as follows

Use	TOD Business District	TOD Waterfront District
Retail/Commercial	1 space per 300 SF	See §625-35
Multiple Dwelling/Apartment House: Studios	1 space per unit	1 space per unit
Multiple Dwelling/Apartment House: One-bedroom units	1 space per unit	1.3 spaces per unit
Multiple Dwelling/Apartment House: Two-bedroom units	1.5 spaces per unit	1.75 spaces per unit
Multiple Dwelling/Apartment House: Three or more bedroom units	1.75 spaces per unit	2 spaces per unit
All Other Permitted Uses	Shall comply with the parking requirements outlined in §§625-35 and/or 625-38 of the Village Zoning Code	

§ 10 – Sustainability and Green Building Design

Sustainability and green building refer to the practice of creating buildings using a process that is environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition. Buildings shall be designed for resiliency, durability, and adaptability. New buildings created under this Chapter shall be compliant with Federal and State guidelines related to environmental regulations, including but not limited to the Federal Emergency Management Agency and New York State Energy Conservation Construction Code.

M.4 Incorporated Village of Island Park Local Law No. 5 of the year 2023

M.4.1 Lighting, Outdoor

§ 3 – Light Sources are to be Directed Away from Adjacent Property

All exterior light sources shall be placed so as not to constitute a nuisance or to interfere with the enjoyment of the property of other landowners in the area adjacent to said premises. All such exterior sources shall be appropriately shielded and directed away from adjacent property owners.

§ 4 – Light Sources to be Directed Away from Public Streets

No exterior light source shall be placed or oriented so as to shed light directly upon any public street or upon any parcel of real property other than the one on which it is located, nor shall any exterior light be placed so as to interfere with motorists' vision or otherwise affect safe driving conditions on any street.

M.5 Town of Hempstead Code

M.5.1 Part I – Administrative Legislation

Division 4 – Water Rules and Regulations

Chapter 70 – Department of Water, Rates and Regulations

Article I – Rates and Regulations

§ 70-40 – Fire Hydrants

- A. No unauthorized person shall open or interfere with Department fire hydrants or draw water therefrom without written permission from the Department and in accordance with § 70-15.
- B. The Department is authorized herein to enter into agreement with fire districts or fire protection districts located in the Department's water districts to provide public fire protection by making available sufficient quantities of water for prescribed periods of time to meet area fire flow requirements.
- C. An annual fee of \$75 shall be charged for each public fire hydrant located within the Department's water districts. The fee shall be paid by the fire district or fire protection district and shall be billed on a semiannual basis.
- D. The Department is authorized herein to enter into agreement with owners of private fire hydrants within the Department's water districts to provide annual inspection and maintenance of said fire hydrants by virtue of an annual confirming and ratifying resolution adopted by the Town Board.

- E. An annual fee of \$100 shall be charged to the owner for each private fire hydrant for which said service is rendered. Where repairs to said fire hydrants are necessary, the Department will effect the necessary repairs if so authorized by the owner, the cost of which shall be charged to the owner.
- F. Requests for the removal or relocation of Department fire hydrants by the Department shall be made in writing to the Department indicating the reason provided for said request. The Department shall then determine if sufficient cause exists for the requested removal or relocation. Subject to written approval by the Department, the person or persons requesting removal or relocation of a Department fire hydrant shall assume all Department costs thereof, payable in advance.
- G. No person or persons shall cause the obstruction of a Department fire hydrant limiting the visibility of said fire hydrant and/or accessibility for fire-fighting purposes and maintenance and repair by the Department. The Department shall be authorized to remove said obstruction, if the person or persons causing said obstruction, after due timely notice, fails to remove said obstruction. The cost of removal of said obstruction by the Department shall be charged to the person or persons causing said obstruction.
- H. Any person who shall damage any fire hydrant shall be liable for the cost of repairs to the damaged hydrant, as well as any other repair costs related thereto.

M.5.2 Part II – Public Places

Chapter 78 - Parks

Part 1 – General Provisions

Article I – Regulations of Parks

§ 78-20 – Protection of Property

A person shall not injure, deface, displace, remove, fill in, raze, destroy or tamper with any drive, path or walk; take up, remove or carry away trees, shrubs, turf or other material; remove, deface or destroy any structure, building or any appurtenances connected with the park or any other property or equipment, real or personal owned by the Town or others under the jurisdiction and control of the Town Board or the Director.

§ 78-21 – Refuse or Garbage

A person shall not take, carry, leave, throw, lay, drop, discard or in any manner discharge any cans, bottles, broken glass, refuse, garbage, rubbish or waste into or on any park. Litter must be placed in receptacles provided for that purpose.

§ 78-25 – Traffic Control

- A. Traffic control maps. The Commissioner shall cause to be prepared a map of each park, showing graphically all traffic control regulations applicable to the respective park. Thereafter, the Town Board may hold public hearings for the adoption of the Traffic Control Map. The public hearings shall be held after at least 10 days' prior notice of the time and place thereof, by publication in the official newspaper of the Town. After the public hearing, the Town Board may modify a traffic control map and, by ordinance, rule or regulation, shall adopt the map with modification or without change. A certified copy of the ordinance, rule or regulation and a copy of the map, as adopted, shall be filed forthwith in the office of the Town Clerk and in the Department of Parks and Recreation. In addition, the Commissioner is hereby

authorized, but not required, to post traffic control maps, as adopted from time to time, at respective parks.

- B. It shall be unlawful for the operator of any vehicle to disobey the direction of any sign or marking relating to traffic control in any park which shall be placed in accordance with the provisions of Subsection A of this section.
- C. Unless otherwise posted, the speed limit throughout any park shall be 15 miles per hour.
- D. In parking areas, all persons shall comply with the directions of the parking attendant and shall occupy the designated parking stall assigned to them when applicable. Overnight parking shall not be allowed except in areas designated for that purpose. Any vehicle illegally parked shall be towed away at owner's expense.
- E. Driving instruction of persons operating motor vehicles, motorcycles or minibikes, either under a New York State learner's permit, or otherwise, shall be prohibited in all parks.
- F. Except for vehicles operated by Town or district personnel, a person shall not operate any type of vehicle within the area between parking fields and beach or shore area.
- G. A person shall not drive or operate within any park any omnibus having an overall length in excess of 20 feet, unless a special permit is obtained therefor from the Department of Parks and Recreation.
- H. A person shall not solicit for hire passengers for any vehicle in any park.
- I. Hitchhiking is prohibited in any park.
- J. Obstruction of traffic by vehicle or otherwise, except in case of emergency, is prohibited.
- K. Exemption of emergency and municipally owned or leased vehicles and equipment. Nothing herein contained shall be construed to prohibit the standing, parking or operation of police or fire vehicles, ambulances and other emergency vehicles or municipally owned or leased vehicles and equipment in the Town of Hempstead parks.
- L. No person shall operate, park or leave standing any vehicle within a park or district park as defined in this chapter if the vehicle has an expired vehicle registration sticker or expired vehicle inspection sticker, and the presence of any such vehicle in a Town park or district park shall constitute a violation hereof, subject to the applicable penalties set forth in this chapter.

§ 78-25.1 – Additional Traffic Control Regulations

- A. Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or a public safety officer of the Town of Hempstead Department of Public Safety or an official traffic control device, no person shall:
 - (1) Stop, stand or park a vehicle:
 - (a) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of any aisle or roadway within a park.
 - (b) On a sidewalk within a park.

- (c) Within an intersection of any aisle or roadway, except when permitted by official signs.
 - (d) On a designated crosswalk.
 - (e) Between a safety zone and the adjacent curb or the marked boundaries thereof.
 - (f) Alongside or opposite any excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - (g) In a parking field within a park other than within markers designating parking spaces and as nearly in the center of designated stalls as possible.
 - (h) On any lane or roadway in any parking field within a park.
- (2) Stop, stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (a) In front of a driveway.
 - (b) Within 20 feet of a crosswalk unless a different distance is indicated by official signs.
 - (c) Within 30 feet upon the approach of any flashing signal, stop or yield sign or traffic control signal located at the side of the aisle, lane or road, unless a different distance is indicated by official signs.
- B. No person shall stop, stand or park a vehicle within 15 feet of a fire hydrant except when said vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move the vehicle in case of an emergency, unless a different distance is indicated by official signs.
- C. No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such distance as is unlawful.
- D. Except where angle parking is authorized, every vehicle stopped, standing or parked wholly upon a two-way roadway shall be so stopped, standing or parked with the right-hand wheels of such vehicle parallel to and within 12 inches of the right-hand curb or edge of the roadway.
- E. Except where angle parking is authorized, every vehicle stopped, standing or parked wholly upon a one-way roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.
- F. Except where angle parking is authorized, every vehicle stopped, standing or parked partly upon a roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway. On a one-way roadway, such vehicle shall be facing in the direction of authorized traffic movement; on a two-way roadway, such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway on which the vehicle rests.
- G. No person shall disobey any instructions, directions or time periods contained in any sign duly posted by the Town of Hempstead in any parking field within a park.
- H. No person shall use any parking field within any park as a through-traffic means for any purpose.

- I. It shall be unlawful and a traffic infraction for any person who is not a holder of a valid special parking permit issued by the County of Nassau for use by the physically handicapped to leave a motor vehicle parked, stopped or standing in any of the spaces set aside in a public parking field in a Town park for the sole and exclusive use of holders of valid special handicapped parking permits issued by the County of Nassau. Any person or persons, association or corporation committing an offense under this subsection shall be subject to a fine of not more than \$750.

M.5.3 Part III – Buildings and Structures

Chapter 80 – Public Parking Fields

§ 80-9 – Passenger and Commercial Vehicles

- A. In any portion of the Town or district parking fields, other than those designated as loading zones, only vehicles used and operated for pleasure purposes and pickup or panel trucks, not exceeding a load capacity of three-fourths ton, and owned and occupied by occupants of business property abutting the parking field in which said vehicles shall stand or be parked, shall be permitted to park or stand. Except for loading zones provided by signs posted after a public hearing, it shall be an offense against this chapter for any person to park or leave standing therein any delivery truck, wagon, commercial vehicle or trailer except in those areas marked and designated "No Stopping — Loading Zone," except as aforesaid.
- B. Exemption of emergency and municipally owned or leased vehicles and equipment. Nothing herein contained shall be construed to prohibit the standing, parking or operation of police or fire vehicles, ambulances and other emergency vehicles or municipally owned or leased vehicles and equipment in Town of Hempstead public parking fields.

Chapter 84 - Master Electricians

§ 84-5 – Master Electrician’s License Required; Applications

- A. Except as otherwise permitted in § 84-10 herein, no person shall engage in the installation and wiring of electrical apparatus in the Town of Hempstead in a professional capacity until such person shall apply for and obtain a master electrician's license to engage in such electrical work as herein provided.
- B. Any person desiring a master electrician's license shall submit the following to the Examining Board of Electricians:
 - (1) An application, in the form prescribed by the Examining Board of Electricians, stating the applicant's name and place of business and, in the case of business under an assumed or trade name, a certified copy of the certificate of registration for such name, as is required by state law, and an application for written examination on a form provided by the educational testing service, together with an examination administration registration fee.
 - (2) Two photographs showing a recent likeness of the applicant and having dimensions of 1 1/2 inches by two inches.
 - (3) Proof of previous employment or the equivalent thereof (as required by the rules and regulations promulgated by the Examining Board of Electricians), with the exception of those individuals duly licensed as master electricians in any other

municipality in the State of New York and who maintain their principal places of business in such municipality, provided that such municipality has like requirements and has signified, in writing, its desire to reciprocate with the Examining Board of Electricians of the Town of Hempstead, who must submit a certified copy of their master electricians' licenses

§ 84-11 – Accepted Methods and Practices

- A. Except as may be provided otherwise in duly adopted rules and regulations, the regulations of the most current issue of the National Electric Code, or its equivalent, shall be deemed the accepted methods and practices of the electrical trade in the Town of Hempstead.
- B. Except as may be provided otherwise in duly adopted rules and regulations, the materials, fittings and devices enumerated in the Underwriters' Laboratories, Inc., list of inspected electrical appliances, as revised, or those materials, fittings and devices enumerated in such list's equivalent shall be deemed those suitable for use by the electrical trade in the Town of Hempstead.

Chapter 86 - Building Construction Administration

§ 86-9 – Applications for Permit; Minimum Elevations for Erection of Structures and Construction of Roads

- A. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition or conversion of any building or structure or part thereof, or change the nature of the occupancy of any building or structure, or cause same to be done, or to install in or in connection with a building or structure an elevator or heating or heat-producing appliance or equipment other than ordinary stoves or ranges, without first filing with the Building Inspector an application for such construction, alteration, moving or demolition, or installation of elevator, heating or heat-producing appliance or equipment other than ordinary stoves or ranges, and obtaining a permit; except that no permit shall be required for the performance of ordinary repairs which are not structural in nature.
 - i. It shall further be unlawful for any property to be maintained with any building, structure, or other improvement for which a building permit is required under the laws of the Town of Hempstead, or any law duly enforceable by the Town of Hempstead, unless and until a building permit and any required certificate of completion or occupancy, has been duly issued therefor.
 - ii. It shall not be a defense to the above provisions of § 86-9 of this chapter, on behalf of any owner, tenant, or other person or entity in control of the premises, that any such building, structure, or improvement was fully or partially in existence prior to the time that such owner, tenant, or other person or entity in control of the premises acquired such status, and they or any of them shall be liable for such violation(s) to the extent provided by law.
- B. Such application shall be made to the Building Inspector on forms provided by him and shall contain the following information:
 - i. A description of the land on which the proposed work is to be done.
 - ii. A statement of the use or occupancy of all parts of the land and the proposed building or structure.

- iii. The valuation of the proposed work.
- iv. The full name and address of the owner and of the applicant, and the names and addresses of their officers if any of them are corporations.
- v. A brief description of the nature of the proposed work.
- vi. A duplicate set of plans and specifications as set forth in Subdivision C of this section.
- vii. Such other information as may reasonably be required by the Building Inspector to establish the compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.

Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

If the application contemplates the moving of an existing building or structure from one location to another, it shall be accompanied by a description of the method to be used and a statement of the route to be followed. Permits from the state, county, town and/or village authorities shall be submitted at the time of making application for permit.

The Building Inspector shall require a separate application to be filed for an elevator installation, but in case such separate application is filed by the same applicant in connection with and relating to an application to construct or alter a building or structure, it shall not be necessary to duplicate the affidavit attached to, or information contained in, the application to construct or alter.

Nothing in this section shall prevent the Building Inspector from requiring such additional information as may be necessary to an intelligent understanding of any proposed work.

- C. Each application for a building permit shall be accompanied by duplicate plans and specifications, duplicate property surveys by a licensed land surveyor, and a recent tax bill for the subject property. The applicant shall type or print legibly all pertinent information on the applications. The plot plan shall be drawn to scale and shall show the location, size, shape and dimensions of the property, the setbacks from the property lines and the size of all existing and proposed buildings, additions and/or structures on the property and the front yard setbacks of all existing buildings within 200 feet on each side of the plot.

The plans shall be drawn to scale and shall show all necessary details of all structural, mechanical, electrical and plumbing work to be performed.

Plans and specifications shall bear the signature of the person responsible for the design and drawings, and where required by Section 7302, as amended, of Article 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer.

The Building Inspector may waive the requirement for filing plans and specifications for minor alterations.

An application to demolish shall give the full name and addresses of the owner or owners, the applicant and of the person who is to do the work; the lot number or street number of the premises.

- D. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Building Department and approval received from the Building Inspector prior to the commencement of such change of work.
- E. Floor and street elevations.

- i. No person shall erect any dwelling within the Town of Hempstead having a first floor elevation less than 1 1/2 feet above the highest level of the groundwater table for the location of such dwelling or dwellings as determined from the records of the Nassau County Department of Public Works. All exterior walls of any such dwelling below the elevation of nine feet above mean sea level on any building plot, the grade of which is not wholly above the elevation of nine feet above mean sea level, shall be of monolithic construction without openings, and all such walls and floors below the elevation of nine feet shall be properly waterproofed with a waterproofing material approved by the Building Department.

[Amended 4-16-1963, effective 7-6-1963]

In the case of a dwelling erected with a flat slab construction without cellar or crawl space, the surface of the slab shall not be constructed at an elevation less than 18 inches above the crown of the road at its highest point adjacent to the building plot, nor less than nine feet above sea level, whichever is the higher.

In the case of a garage either attached to or incorporated within a dwelling, the following regulations shall apply:

1. The surface of the floor shall be constructed at an elevation not less than six inches above the highest point of the crown of the road immediately in front of the garage entrance.
2. There shall be constructed a concrete curb of sufficient height to prevent seepage of liquids from garage to the house area.
3. The garage floor shall be sloped from the rear to the front of the garage to effect proper drainage.

When, in the opinion of a majority of the Superintendent of Highways, Town Engineer and Manager of the Building Department, the above requirements for garages cause undue hardship for the applicant, and further that the established grade of the street is such that the street water cannot enter the garage, or the property may be graded so that surface water cannot enter the garage, these restrictions may be waived, providing a drainage system designed by a professional engineer or architect, which, in the opinion of a majority of the Superintendent of Highways, Town Engineer and Manager

of the Building Department, is adequate for such depressed driveway, shall be submitted as part of the application for a building permit.

- ii. No certificate of occupancy shall be issued for any dwelling unless the plot or parcel of real property on which such dwelling is erected has a minimum grade of 1/2 of 1% affording uninterrupted drainage toward the street on which said parcel of real property abuts to a depth of 100 feet from said street, or toward the ocean, a bay, inlet, canal, channel, creek, stream or drainage ditch or sump owned or maintained by the State of New York, County of Nassau, Town of Hempstead or other municipal corporation, abutting the parcel of real property upon which such dwelling is to be erected, or to which there is a drainage easement of record appurtenant to the parcel of real property upon which such dwelling is to be erected.

The provisions of this section shall not apply to a building plot which adjoins a building which was completed or for which a building permit has been issued prior to October 11, 1955.

- iii. No building permit shall be issued in connection with any parcel of realty unless the street abutting such parcel of realty shall have an elevation specified by the Town Engineer, but in any event at least 7 1/2 feet above mean sea level, at the lowest point adjacent to the plot on which said building is proposed to be erected, or if no street or highway at such elevation abuts the parcel on which a building is to be erected, unless the person proposing to erect such building shall furnish the Town of Hempstead with a performance bond for the installation of such a street or highway or for such grading and necessary drainage facilities, in such amount and in such form and upon such conditions as may be acceptable to the Town Board, provided, however, that in installing a street or highway or regrading an existing street or highway or part thereof to conform to the elevation specified by or under this section, such street or highway or part thereof and necessary drainage facilities may be connected with existing streets or highways at a minimum grade of 3% grade. This section shall not apply to a building permit issued for the alteration or repair of an existing building or the construction of a building accessory to an existing building on the same plot.
- iv. Section **86-9E** (3) shall not apply to state or county highways
- v. Notwithstanding the provisions of § 86-9E(3), the Superintendent of Highways and the Town Engineer may, if in their joint judgment surface drainage is adequate and a change in the elevation of the highway is not necessary or desirable in connection with the drainage pattern of the area, approve the issuance of a building permit without requiring compliance with § 86-9E(3), in the following instances:
 - 1. Where a building site is not a corner plot:
 - a. If there is an existing building directly across the street from the proposed building.
 - b. If there are existing buildings within 200 feet on both sides of the proposed building on either side of the street or streets on which the proposed building will abut.

2. Where the building site is a corner plot, if there are existing buildings within 200 feet of the proposed building on either side of the streets abutting said proposed building, measured in the directions from the intersection of said streets in which the proposed building site extends from said intersection.
3. The distances provided in this section are to be measured along the center line of the street between the projections of the side lines of the building to the center line of the street.
- vi. The Superintendent of Highways and the Town Engineer, in rendering a determination pursuant to § 86-9E(3) and (5), shall have the purpose in view of insuring proper drainage of the area involved and of the surrounding areas and the protection against abnormally high tides, and they shall take into consideration, among other factors which may be material, the topography, surface drainage and existing development of the area involved and of the surrounding areas.
- vii. Compliance with the provisions of § **86-9E(1), (2), (3) and (5)** shall be sufficient if the Town Engineer shall find that such compliance is in substantial conformity with such provisions.
- viii. No permit for any building shall be issued on land which has been filled or must be filled to comply with the provisions of this chapter or with the specifications of the Town Engineer hereunder [except where regrading is required only to provide a 0.5% drainage gradient of a building site], unless the applicant shall state in his application for a permit to erect such building or dwelling the manner and extent to which and the materials with which said land has been filled or with which he proposed to do such filling, and shall furnish a report, satisfactory to the Town Engineer and the Manager of the Building Department, of tests conducted by an approved soil engineer, that the compaction of such fill and of the subsoil will properly support the structure or roadbed or any permanent improvement proposed to be erected thereon or installed therein, provided, however, that if borings or probings show that there is no bog, silt or clay from the surface to three feet below mean sea level, the Town Engineer and the Manager of the Building Department may in their discretion waive the said report of a soil engineer required by this section and determine the suitability of the compaction by their own inspections or by the Nassau County Health Department report of subsoil conditions.
- ix. No building permit shall be issued for any parcel of real property abutting a street having an elevation of less than 7.5 feet above mean sea level at its lowest point in front of said parcel of real property unless the applicant for the building permit has made or caused to be made a test hole thereon for the inspection of the Building Department and the Building Inspector or a member of his staff has made an inspection thereof.
- x. The Town Board may permit erection of a structure or installation of a street or highway not conforming to this subdivision, upon application to said Board by the person proposing to erect such structure or to install such street or highway, if it shall find that compliance with the provisions of this chapter or the specifications or discretion of the Town Engineer hereunder shall cause practical difficulties or unnecessary hardships in connection with existing structures or surface drainage in

the vicinity of such proposed structure, street or highway, and in granting such permit the Board may impose such conditions for the protection of persons and property affected by the proposed erection or installation as it may deem reasonable and in the public interest.

- xii. Contents of petition. The application authorized by § 86-9E(10) shall be submitted in triplicate and verified, and each copy shall be accompanied by an accurate survey showing such data as may be pertinent to the application. The petitions shall set forth the following:
 1. Name and address of the owner of the property.
 2. Short description of the property.
 3. Lot, block and section designation of the property as shown on the most recent Nassau County Land and Tax Map.
 4. The specific matter with respect to which a variance is sought.
 5. The respects in which compliance with chapter will cause practical difficulties and unnecessary hardship.
 6. The manner in which the applicant proposes to make provisions for safeguards in connection with the items with respect to which the variance is sought.
- xiii. The Town Board may, on its own motion, review any applications for a building permit governed by the provisions of this subdivision and may, upon such review, impose such conditions for the protection of persons and property affected by the proposed erection or installation as it may deem reasonable and in the public interest.
- xiii. The following fees shall be payable in addition to any and all other fees prescribed by law.
 1. Where a soil engineer's report is required pursuant to § 86-9E(8):

For areas not more than five acres, \$100.

For areas more than five acres but not more than 10 acres, \$175.

For areas more than 10 acres but not more than 20 acres, \$225.

For areas more than 20 acres but not more than 50 acres, \$275.

For areas more than 50 acres but not more than 100 acres, \$400.

For areas more than 100 acres but not more than 250 acres, \$500.

For areas more than 250 acres but not more than 500 acres, \$800.

For areas more than 500 acres, \$1,000.

The fee shall be paid at the time of submission to the Town Engineer of the soil engineer's report.

2. For the filing of an application with the Town Board under § **86-9E(10)**, \$50 for each structure, payable at the time the application is filed.^[1]

- a. Editor's Note: Amended 3-12-1966 effective 9-3-1966.

- xiv. The following words and phrases shall be construed as below designated:

CRAWL SPACE

Any space in a building having a height of less than four feet.

EXTERIOR WALL

Includes all walls between the main building or basement or cellar thereof and a garage attached to or included in the dwelling.

FIRST FLOOR

Shall not include the floor of any garage, whether or not attached to or included in a building or any crawl space, but first floor shall include the floor of any basement or cellar or any room in a basement or cellar.

MEAN SEA LEVEL

The average height of the sea at Sandy Hook, New Jersey, all stages of the tide being considered, as determined by the United States Coast and Geodetic Survey.

PERSON

Includes a partnership or a corporation.

§ 86-10 – Applications for Plumbing Permit

- A. A person, firm or corporation shall not install or cause to be installed any new plumbing or drainage work in a building or structure, or extend or alter or cause to be extended or altered any existing plumbing, or install a new sewage disposal system, or alter, rehabilitate, reconstruct or replace an existing sewage disposal system without first obtaining a permit from the Department of Buildings for such work. All requirements pertaining to plumbing and drainage, as prescribed by this chapter, shall be applicable to sewage disposal systems, unless otherwise specified or as may be determined by the Commissioner of Buildings.
 - i. It shall further be unlawful for any property to be maintained with any plumbing or drainage work in a building or structure, for which a plumbing permit is required under the laws of the Town of Hempstead, or any law duly enforceable by the Town of Hempstead, unless and until a plumbing permit has been duly issued therefor.
 - ii. It shall not be a defense to the above provisions of § 86-10 of this chapter, on behalf of any owner, tenant, or other person or entity in control of the premises, that any such plumbing or drainage work in a building or structure was fully or partially in existence prior to the time that such owner, tenant or other person or entity in control of the premises acquired such status, and they or any of them shall be liable for such violation(s) to the extent provided by law.

- B. No person, firm or corporation shall supply or cause to be supplied or used water for any building, structure or real property within the building lines of any premises in the Town of Hempstead until a permit shall be secured.
- C. Permit required for gas supply or meters.
 - i. No person, firm, corporation or purveyor of gas shall install or cause to be installed any pipe for the supply of gas from a meter or source of supply to a consumer's appliance in any building structure or real property within the building lines of any premises in the Town of Hempstead until a permit shall be secured.
 - ii. No person, firm, corporation or purveyor of gas shall install or cause to be installed a gas meter or meters for the supply of natural gas or such other device that is a necessary component for the supply of natural gas or such other device that is a necessary component for the supply of liquefied petroleum's gas to a consumer's appliance in any building, structure or real property within the building lines of any premises in the Town of Hempstead until a permit shall be secured and a test witnessed by the Plumbing Inspector of the Town of Hempstead shall have proven the integrity of the piping used for the supply of gas to a consumer's appliance.
- D. Applications for plumbing work, including connections from a house sewer to either a private or public sewage disposal system shall be made by licensed master plumbers on forms prescribed by the Commissioner of Buildings.
- E. The Building Department may require said applications to be accompanied by plans when such are necessary for an intelligent understanding of the proposed work.
- F. No change shall be made in the specifications or plans for plumbing or drainage work after a permit has been issued unless an amendment showing such changes has been made to the application and they have been approved by the Plumbing Inspector.
- G. Repairs to existing plumbing and drainage may be made without filing an application and securing a permit, but such repairs shall not be construed to include new vertical or horizontal soil, waste or vent pipes or connected additional fixtures to existing soil, waste pipes or main house drains or the replacement of the existing fixtures with others.
- H. Domestic hot-water hookups made in conjunction with either new or conversion-type hand-fired or automatic fuel-fired installations shall require a permit by a duly licensed plumber.
- I. The extension of a vent stack shall require a permit by a duly licensed plumber.
- J. The following words and phrases used in this section shall be construed as below designated:

§ 86-36 – Master Plumber's License Required

No person shall engage in or conduct a business of maintaining, installing or altering, repairing or contracting to install, alter or repair any plumbing in the Town of Hempstead until such person shall apply for and obtain a master plumber's license to engage in such business as herein provided.

§ 86-49 – Violation of Certain State Law

It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure, or portion thereof, in violation of any provision of the Uniform Fire Prevention and Building Code or rule promulgated by the Building Department, in accordance with the Uniform Code or to fail in any manner to comply with a notice, directive or order of the Building Commissioner, or to construct, alter, use or occupy any building or structure, or part thereof, in a manner not permitted by an approved building or plumbing permit, certificate of completion, or certificate of occupancy

§ 86-50 – Construction Site Safety Training

- A. Purpose. The provisions of this section are intended to promote the safety of minor and major construction sites within the Town. The provisions of this section are designed to provide that workers employed or otherwise engaged at such construction sites have received adequate safety training; that contractors performing construction work have essential safety training and that contractors performing construction work have essential safety training systems to prevent injuries and protect workers who are injured.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

CONTRACTOR

Any person contracted or subcontracted to perform work covered by this section for or on behalf of any other person.

MAJOR CONSTRUCTION PROJECT

A construction site, with an area greater than 50,000 square feet, which involves the construction, demolition or alteration of a structure or building.

MINOR CONSTRUCTION PROJECT

A construction site, with an area greater than 35,000 square feet, which involves the construction, demolition or alteration of a structure or building.

OSHA

The United States Department of Labor Occupational Safety and Health Administration.

OSHA 100-HOUR CLASS

A class or program that:

- i. Includes 100 or more hours of training in technical subjects relating to a construction trade, including an apprenticeship program registered with the New York State Department of Labor; and
- ii. Is approved by OSHA, the United States Department of Labor, the New York State Department of Education or the New York State Department of Labor.

OSHA THIRTY-HOUR CLASS

A class that includes 30 or more hours in construction industry safety and health that is intended for workers and satisfies the following conditions:

- i. Such class is (i) approved by OSHA and conducted in accordance with the OSHA outreach training program or (ii) an equivalent thirty-or-more-hour construction industry safety and health class approved by the Building Department.
- ii. Such class consists of in-person training, actively proctored online training or, if such training is conducted before the effective date of this section, online training.

PERMIT HOLDER

The person to whom a building permit has been issued or for a building permit has been applied.

PERSON

An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

SITE SAFETY DESIGNEE

The site safety designee must have completed an OSHA 100-hour class. On a major construction project, the site safety designee shall use reasonable prudence to ensure that safety is maintained as job conditions dictate and shall complete any tasks required of a site safety designee under this chapter.

- C. Safety training required.
 - i. In addition to any other applicable town, state or federal law or rule, each permit holder:
 1. At a minor construction site, shall be responsible for ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder at such site has successfully completed and maintains a current OSHA thirty-hour class certificate.
 2. At a major construction site, shall be responsible for ensuring that a foreman or designated employee or individual otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder is designated as a site safety designee. The site safety designee shall be tasked with ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder at the site is in compliance with § 80-50C(1)(a) and shall report violations of this chapter to the Building Department.
 - ii. The applicant, permit holder or any person performing such work on behalf of the permit holder shall certify to the Building Department, in a form and manner established by the Building Department, that the requirements of § 80-50C(1)(a) and/or (b) have been met. No permit for construction or demolition work for which training is required pursuant to this section shall be issued or renewed until the

applicant has certified that all workers who will be working under such permit will have the requisite training throughout the duration of such permit.

- iii. The applicant, permit holder or any person performing such work on behalf of the permit holder shall certify that all New York State and OSHA safety requirements and workers compensation and insurance requirements have been met.
- iv. The permit holder shall maintain at such site a daily log that identifies each such worker and that includes, for each such worker, proof of compliance with § 80-50C(1)(a) and (b), as applicable. Such logs shall be made available to the Building Department upon request and shall be submitted to the Building Department as a prerequisite to the issuance of a certificate of occupancy, certificate of completion and/or certificate of approval.

D. Penalties

- i. Any violations of this section by a permit holder shall be punishable by a fine of not less than \$1,000 nor more than \$10,000. Each worker performing work on a construction site covered by this section without required safety training shall constitute a separate additional offense. Each day that the violation continues shall constitute a separate additional offense.
- ii. For a second offense, committed by a permit holder within a period of five years, such violation shall be punishable by a fine of not less than \$3,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both.
- iii. Permits issued to permit holders found to be in violation of this section may be revoked by the Building Department upon discovery of such violation.
- iv. The Building Department shall be authorized to issue stop orders for violations of this section. Upon the issuance of a stop order, the owner of the affected property, the permit holder and any other person or contractor performing, taking part in or assisting in the work shall suspend all building activities in violation of this section until the stop order has been rescinded.

Chapter 91 – Public Nuisance

§ 91-3 – Prohibition

It shall be unlawful, and a violation of this chapter, for any person or legal entity to be the owner, lessee or otherwise in control of a building or structure which has become a public nuisance as defined herein.

Chapter 94 – Emergency Lighting and Power

§ 94-2 – Occupancies Where Required

- A. No building herein defined shall be occupied unless and until emergency lighting systems shall be installed and maintained in accordance with the provisions of this chapter.
- B. Emergency lighting. Emergency lighting systems shall be provided as follows:
 - i. All buildings: In every building other than one- or two-family dwellings, there shall be provided an emergency lighting system for all exits, aisles leading directly to exits,

stairways, stair enclosures, elevators and escalators and in all halls, passageways and corridors exceeding 100 feet in length.

ii. Business and mercantile buildings:

1. In each first floor area exceeding 5,000 square feet.
2. In each floor area above or below the first floor exceeding 2,500 square feet.

iii. Industrial buildings:

1. In each area where the distance of travel to a required exit exceeds 100 feet.
2. In each first floor area exceeding 10,000 square feet.
3. In each floor area above or below the first floor exceeding 5,000 square feet.

iv. Institutional buildings:

1. For all assembly rooms, lounges, public or recreation rooms.

v. Public assembly buildings:

1. In every public assembly area, room or enclosure having a capacity in excess of 100 persons.
2. In rooms of school buildings in which the area of such rooms, designated for instructional or athletic purposes, exceeds 1,800 square feet.

vi. Storage buildings.

1. In each area where the distance of travel to a required exit exceeds 150 feet.
2. In each first floor area exceeding 20,000 square feet.
3. In each floor area above or below the first floor exceeding 10,000 square feet.

C. Emergency lighting and emergency power. Emergency lighting and/or power shall be provided in those spaces in hospitals, institutions or other occupancies wherein operating rooms, emergency rooms, mechanical breathing equipment or other equipment or devices are located which are dependent on electricity to maintain continuous operation to sustain life or provide emergency treatment. The emergency source shall be capable of maintaining the required emergency lighting and/or power for a continuous period of at least 24 hours.

§ 94-3 – Approved Sources

The sources of emergency lighting and power are subject to the approval of the Commissioner of the Department of Buildings, and the kind of installation thereof shall be provided for by whatever method or combination of methods which will ensure the desired result. Sources and methods may be selected from among the following, but are not limited to those which are set forth:

A. Portable light units. Battery-operated units, supplying lighting systems only, fixed in position and connected to the principal lighting system.

- B. Gasoline-powered generators. Generators capable of supplying the rated capacity of the system must be housed in a separate building sufficiently ventilated to the exterior. No other equipment or storage of any kind is permitted within the area containing the generator.
- C. Gas-powered generators. Generators capable of supplying the rated capacity of the system may be housed in a fireproof enclosure within the building with no openings to the interior and shall be provided with sufficient ventilation to the exterior. Such generators shall not be placed in a room containing other equipment, and storage of any kind is prohibited within the enclosure.

§ 94-4 – Plans; Conditions; Approval

- A. It shall be the responsibility of each owner, agent, lessee or tenant of any building or occupancy requiring emergency lighting and/or power, as required by this chapter, to submit a plan of the layout of such system to the Building Department for approval prior to installation, showing the number of units, size, location and the life and replacement span of the power source as recommended by the manufacturer, and any other pertinent or requested information applicable thereto.
- B. Emergency lighting and power sources shall be capable of sustaining such lighting and/or power for a minimum period of 30 minutes or for such longer periods of time, as required by the Commissioner of Buildings, due to the presence of special or unusual conditions.
- C. Transfer to the required emergency lighting and/or power source shall be made within 15 seconds upon failure of the principal system.
- D. All exit lights and exit directional signs shall be connected to or supplied with emergency lighting.
- E. All emergency lighting and/or power systems shall be maintained in an operative condition at all times while the buildings, as defined in this chapter, are occupied.
- F. It shall be the duty of the inspecting officer of the Building Department to inspect the installation upon completion to ascertain whether the system has been installed in conformity with the approved plans, prior to approval and acceptance by the Building Department, and at such other times to determine whether or not such system is being maintained in an operative condition.

M.5.4 Part V - Garbage, Refuse and Nuisances

Division 1 - Garbage and Rubbish

Chapter 128 – Garbage and Rubbish

Article I – Solid Waste Collection and Disposal

Article I provides that owners, lessees, tenants or other persons having management, control or occupancy of land in the Town must keep the same free and clear of any accumulation of ashes, refuse, garbage, offal or any offensive substances at all times, except as are properly deposited in containers. These provisions further regulate the collection of refuse in commercial areas located in Town collection districts. Article I can be found here: <https://ecode360.com/15515502>.

Article II – Littering

Article II prohibits throwing or littering in or on any street, sidewalk or other public place, including any Town park, except in public receptacles, private receptacles for collection or in official Town rubbish pits. Article II can be found here: <https://ecode360.com/15515700>.

Article III – Dumping of Refuse and Garbage

§ 128-1 Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ASHES

The residue from the burning of wood, coal, coke or other combustible materials.

COLLECTION VEHICLE

A vehicle designed, built and used for the purpose of collecting refuse.

COLLECTION DISTRICT or DISPOSAL DISTRICT

The facility operated by the Town of Hempstead, a refuse disposal district or a refuse and garbage district, excluding, however, any sanitary district, for the collection or disposal, or both, of garbage, ashes, rubbish and other existing solid waste matter.

COMMERCIAL AREA

Any area where business, industrial or light manufacturing enterprises are located or operating, or any area not classified as residential.

D.P.W.

Refers to the Town Commissioner of Sanitation or his Deputy Commissioner or any other designated representative of the Town Commissioner of Sanitation.

[Amended 9-14-1976 by L.L. No. 65-1976, effective 9-20-1976]

GARBAGE

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, and readily combustible material such as paper, cardboard, wood, excelsior, cloth, food cans, glass or plastic food containers and bottles.

HOLIDAY

That day in which a holiday is officially celebrated and recognized by the Town Board.

LITTER

Garbage, refuse or rubbish, as may be defined herein, and other waste material which is thrown or deposited and which tends to create a danger to the public health, safety and welfare.

OPERATE

To pick up, collect, load or otherwise perform collection of refuse.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY

Any property other than that used as a public highway.

REFUSE

All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish and ashes.

RESIDENTIAL AREA

An area primarily zoned and occupied for residential purposes.

RUBBISH

Nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as yard clippings, metals, wood, glass, bedding, crockery and similar materials.

SANITARY DISTRICT

A district established pursuant to an act of the New York State Legislature or pursuant to Chapter 273 of the Laws of 1939, otherwise known as the Nassau County Civil Divisions Act.

SOLID WASTE

All material described as garbage, rubbish and ashes, as previously defined.

TOWN

The unincorporated area of the Town of Hempstead.

WEED

A naturally propagated plant of no value and of rank growth that tends to overgrow.

§ 128-2 – Accumulation and dumping prohibited

- J. The owner, lessee, tenant or other person having the management or control of or occupying any lot or plot of land in the Town, excluding any location designated by the Town Board for solid waste disposal or any location controlled or under the jurisdiction of any sanitary district, shall keep his land at all times free and clear of any accumulation of ashes, rubbish, refuse, garbage, offal or any offensive substances, except such as are deposited in containers or are otherwise secured as provided for in this chapter for the collection and disposal by D.P.W. or by any sanitary district.
- K. It shall be an offense hereunder for any person to deposit, throw, cast or bury ashes, rubbish, refuse, garbage, offal or any offensive substances on any vacant lot or plot of land in the Town.
- L. Litter baskets. D.P.W. or any sanitary district shall place on sidewalks, parking areas or on any other public places litter baskets as may be required. It shall be an offense hereunder for a person

to deposit refuse accumulated on or about private property in such litter baskets instead of depositing said refuse in the refuse receptacles used for the collection thereof.

§ 128-3 Exception to collection by collection and disposal district

- A. Sanitary district jurisdiction. Except as otherwise provided hereunder, it shall be an offense for any person to collect, convey or dispose of any refuse accumulated in a sanitary district.
- B. Exception for actual producers. This chapter shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated, from personally collecting, conveying, and disposing of such refuse, provided such producers or owners comply with the provisions of this chapter and with any other governing law or ordinance.
- C. Exception for private collectors. This chapter shall not prohibit duly licensed private collectors from hauling such refuse over Town streets and highways, provided such private collectors shall comply with the provisions of this chapter and with any other governing law or ordinance.
- D. Exception: landscapers and gardeners. Any person engaged in the occupation or business of landscaping, landscape contracting, landscape gardening, general building construction or demolition shall not be prohibited under this chapter from performing such occupation or conducting such business within the Town without obtaining a private refuse collection license, as hereinafter provided. However, such person shall perform, function and operate vehicles incidental to such occupation or business in such manner as to prevent the discharge or littering of materials relating to said business or occupation upon any public highway in the Town. The disposal of such materials so conveyed shall be only at a location designated by the Town Board, or at a location authorized and controlled by or under the direct jurisdiction of any sanitary district in the Town.
- E. Scrap or salvage activity. Any person engaged in the business or occupation of dealing in scrap or salvageable material in the Town shall not be prohibited under this chapter from conveying or transporting scrap or salvageable material over public highways without having obtained a private refuse collection license, as hereinafter provided. However, such salvageable material to be conveyed or transported shall have been previously bundled, tied or otherwise sufficiently packaged for transportation in such manner as to prevent the discharge or littering of scrap or salvageable materials upon any public highway.
- F. F. Other waste collection. A private refuse collection license, as hereinafter provided, shall not be required of any person engaged in the business of collecting meat, fat or bone waste in the Town for rendering purposes, provided, however, that such collection shall be performed in a manner which will not suffer or permit such waste to be discharged upon private property or upon any public highway.

§ 128-4 Charges Rates or fees

- A. Charges, rates or fees, other than amounts assessed or levied and collected as district taxes, shall not be imposed or collected for the collection of refuse or garbage in any collection or disposal district, except in accordance with this section and except as provided hereunder.
- B. When a governmental agency owns or occupies premises which are within the geographical limits of any collection and disposal authority administered by D.P.W. but which premises are not assessed by said authority and the governmental agency is not entitled to refuse or garbage

collection service as a matter of law, the authority may render such service to such premises for such monthly charge as the authority shall estimate as representative of the cost to such authority of such collection, to be billed the agency in arrears on the last day of each month and payable by the 20th day of the following month.

- C. D.P.W. may accept refuse material from incorporated villages within the Town and from other municipal agencies, or from persons who may require the use of disposal facilities maintained by D.P.W., and shall, from time to time, recommend to the Town Board the rates or charges to be made for the disposal of refuse material. Charges shall be by weight, volume or other equitable measure and shall, if necessary, vary with quantity of material or frequency of use of the disposal site by the purveyor of the material. D.P.W. shall maintain an annual authorization from incorporated village requesting or requiring full-or part-time refuse disposal services, and such authorization shall provide for the payment to D.P.W. for services rendered pursuant to the then prevailing disposal rates.
- D. Rates for the disposal of refuse other than that prescribed in Subsection C above shall be established by D.P.W. These rates shall be based on the weight of material, the size of truck or any other means used to determine quantity consistent with all users, as may be directed by D.P.W. from time to time, which shall be authorized to make changes in these rates, provided there is a posting of a rate change made at least 30 calendar days prior to the effective date. Said posting shall be at the scale room area or the entrance control area of each disposal site maintained by D.P.W.

§ 128-5 Collection and disposal supervised by D.P.W

- A. All refuse accumulated in a collection district shall be collected, conveyed and disposed of under the supervision of D.P.W., which shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as shall be found necessary, and to change and modify the same, after notice as required by law, provided that such regulations are not contrary to the provisions hereunder.
- B. D.P.W. may provide for the disposal of refuse collected by a sanitary district as well as for the disposal of refuse collected by a private refuse collector licensed hereunder, or by those persons who are not required to be licensed for infrequent and occasional disposal of refuse, all at a site owned and maintained by D.P.W. for the disposal of refuse, and D.P.W. shall have the authority to make regulations with respect thereto.
- C. The disposal of the refuse shall be by incineration or other means consistent with accepted practices as prescribed by D.P.W. or any other governmental agency having authority to control or regulate such facilities.
- D. Regulations as to hours of operation at the disposal site, the type and volume of materials considered to be acceptable or any other regulations concerning the control of refuse shall be established, modified and revised by D.P.W. from time to time, as operational conditions may require.
- E. D.P.W. may reject any and all refuse brought for disposal by a sanitary district, a private licensed collector or by persons not required to be licensed as described above, if, in the opinion of D.P.W., such material was not collected in the Town, or if the material cannot be efficiently, effectively or economically disposed of.

§ 128-6 Precollection practices in collection districts

- A. Separation of refuse. Garbage, ashes and other kinds of refuse shall be placed and maintained in separate containers except that refuse in the form of newspaper waste (discarded newspapers) shall be placed and maintained for pickup, collection and recycling as hereinafter provided. After adequate notice has been published, posted and publicized, for a respective collection district or particular collection area, it shall be mandatory for persons who are owners, lessees or occupants of residential dwellings and persons hereinafter described in the enumerated subdivisions of this section, to separately bundle newspapers for pickup, collection and recycling. Said newspaper waste shall be compacted and securely bundled, tied and packed as hereinafter described in Subsection **A(1)** of this section. When refuse in the form of discarded newspapers is placed within the vicinity of the curb for pickup, collection and recycling, it shall become the property of D.P.W., and any person other than an owner, lessee or occupant or representative of D.P.W., or a person acting on behalf of any religious, charitable or veteran's organization having a charities registration number with the New York State Department of Social Services, who picks up said refuse for his own use, shall be guilty of an infraction against this section.

~~[Amended 5-4-1971 by L.L. No. 45-1971, effective 5-10-1971]~~

1. Persons having management or control over any land or buildings used exclusively as a residential domicile for not more than four families shall provide sufficient receptacles to hold garbage, ashes or rubbish ordinarily accumulated by the occupants of such land or buildings over a period of 96 consecutive hours. Any waste material, other than garbage, which cannot be readily deposited in receptacles, may be compacted and securely bundled, tied or packed so as to be easily handled, but not weighing more than 75 pounds and not likely to be scattered, and, when packed and secured, placed alongside such receptacle, and not to exceed dimensions of two feet by two feet by four feet.
2. Receptacles provided for in Subsection **A(1)** of this section shall be watertight, kept covered with a cover and maintained in a sanitary condition by periodic cleaning. Such receptacles shall not exceed 30 gallons' capacity and, when filled, not exceed 75 pounds in total weight.
3. Receptacles containing garbage or rubbish shall be free of water or wetted materials.
4. Persons either occupying or having the management or control of any land or building used in the following manner shall provide sufficient commercial-type refuse containers having no less than three cubic yards and no more than six cubic yards' capacity: residential occupancy in excess of four families, including such continuous or attached structures commonly referred to as "condominiums"; schools (public or private); firehouse; church or other house of worship; public library; veteran or fraternal organization building, or any building occupied by a department or division of government of the Town of Hempstead. Such persons shall provide for a suitable on-site location readily accessible by equipment of D.P.W. for the emptying of such commercial containers, and shall further provide sufficient receptacles to store garbage and rubbish in separate receptacles which would ordinarily be accumulated by the occupants of such land, building or buildings during a ninety-six-consecutive-hour period. The commercial containers required by this subsection shall be of a type and kind compatible to and capable of performing their function by the use of such standard equipment as may be operated by D.P.W.
5. Persons either occupying or having the management or control of any land or building which by the computations of maximum quantities to be collected as provided for in this chapter are

in excess of 400 gallons shall provide for the exclusive use of such land or building or part thereof sufficient commercial receptacles no less than three cubic yards' and no more than six cubic yards' capacity during a ninety-six-consecutive-hour period. The commercial containers required hereunder shall be of a type and kind compatible to and capable of performing their function by the use of such standard equipment as may be operated by D.P.W. However, the container volume to be provided under the provisions of this section shall not be in excess of the next larger container of equivalent measure.

B. Refuse containers or receptacles; duty to provide and maintain in safe and sanitary condition.

1. Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises and shall be maintained in good condition. Any container that does not conform to the provisions of this chapter or that may have ragged or sharp edges or any other defect liable to hamper or injure the person collecting the contents shall be promptly replaced upon notice. D.P.W. shall have the authority to refuse collection for failure to comply herewith.
2. Garbage containers shall be commercially manufactured for that purpose, equipped with suitable handles and tight-fitting covers, and shall be watertight.
3. Ash containers shall be made of metal and have a capacity of not more than 10 gallons.
4. Rubbish containers shall be commercially manufactured for that purpose, equipped with suitable handles and tight-fitting covers.
5. Plastic (polyethylene) bags may be used for all refuse, including leaves, provided such bags are securely tied at the top and are not overfilled and not torn, ripped or otherwise not capable of being lifted and placed in refuse truck. Maximum-size bag for garbage, 30 gallons; maximum-size bag for leaves only, 55 gallons.

C. Points of collection.

1. In residential areas where curb service is provided, refuse containers shall be placed for collection in a visible and accessible area between the sidewalk line and the curblane immediately in front of the premises.
2. In residential areas where rear-door service is provided, containers of garbage shall be placed adjacent to the main building (dwelling), and containers of rubbish shall be placed at the curb area described in Subsection **C(1)** above. Rubbish will not be collected if located inside any building or structure or behind locked gates.
3. In commercial areas of any collection district, refuse shall be collected only from the curb area of the public highway immediately in front of such premises. No D.P.W. vehicle shall cross over or enter upon private property in any collection district for the purpose of collecting refuse.

§ 128-7 Collections

Except as otherwise provided hereunder, D.P.W. shall collect all refuse as often as possible during prescribed specified hours; collection shall be made from receptacles when placed on or in front of any premises at such accessible locations as shall be approved by D.P.W., which shall have the right to omit collections from any premises where a vicious dog is permitted to run at large or where D.P.W. employees are subject to any unnecessary danger or hazard.

A. Residential.

1. Collection from residential areas is restricted to the hours 6:30 a.m. to 6:30 p.m., Monday through Saturday, on scheduled days.
2. All refuse shall be in a container commercially manufactured for this purpose, not exceeding 45 gallons in size, having a tight-fitting cover and a maximum filled weight of 75 pounds; except that garden refuse and rubbish will be accepted in wooden boxes, baskets or pails with handles.
[Amended 10-22-1996 by L.L. No. 64-1996, effective 10-28-1996]
3. Quantities of refuse to be collected are limited as follows:
 - (a) Garbage. The equivalent of two thirty-gallon containers each scheduled collection day.
 - (b) Rubbish. On the second and third collection days of each week only, the equivalent of two thirty-gallon containers and no more than six tied bundles of twigs or branches two feet by two feet by four feet in length or six fifty-five-gallon plastic bags. Exception: on the first scheduled collection day after a legal holiday, no rubbish shall be collected, due to the double volume of garbage to be collected. In rear-door collection areas, rubbish shall be collected at the curb on designated rubbish days in volumes indicated herein. No rubbish shall be collected in any week in which a legal holiday falls on Monday through Friday inclusive of such week, due to the double volume of garbage to be collected.
 - (c) Ashes. Ashes must be thoroughly water-quenched and placed in a fireproof metal receptacle weighing not more than 70 pounds filled, and placed with rubbish for collection.
 - (d) Christmas trees shall be placed at the curb area and shall be collected by regular collection or special collection during the month of January each year. Trees do not have to be cut to meet length requirement described in Subsection (3)(b) above.
 - (e) Leaves. Leaves shall be collected on the second and third collection days of each week, except in holiday weeks, from the curb area of all districts, when leaves are in containers suitable for handling and placing of leaves in refuse truck.
 - (f) Large household items. All large household items such as furniture, refrigerators, etc., shall be collected from the curb area only and by special vehicle, by appointment with D.P.W.
- B. Commercial. The following restrictions apply to collection practices of collection districts and are not to apply to private collection operations unless otherwise prescribed in the chapter:
 1. Collection from commercial or business areas is restricted to the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday, on scheduled days.
 2. All refuse shall be in a container commercially manufactured for that purpose, not exceeding 30 gallons in size except as otherwise prescribed hereunder, and having a tight-fitting cover, with a maximum filled weight of 75 pounds.
 3. Quantities. The maximum amount of garbage and rubbish which will be collected on each scheduled collection day is based on the size of the building and as follows: The first 5,000 square feet, two thirty-gallon containers or the equivalent; each additional 10,000 square feet or fraction thereof, one additional thirty-gallon container or the equivalent. Exclusions in the computations for determining volume shall be all basements, rooms attached, sheds and other accessory use areas of subject buildings, and other locations not primarily used in the conduct of the commercial enterprise.

- (a) Exceptions as to maximum amounts. The computed maximum amounts to be collected above shall not apply to buildings or use of buildings as follows: schools, (private or public): fire-houses; houses of worship; public libraries; veteran or fraternal organization buildings; Town of Hempstead department or divisional buildings.

C. Prohibitions, restrictions and regulations.

1. Use of barrels, drums, kegs, cardboard boxes or cloth bags for containing garbage or rubbish is prohibited.
2. No refuse shall be placed for collection before 7:00 p.m. on the day prior to collection.
3. Empty receptacles shall be removed from the curb area within three hours after collection.
4. Refuse receptacles shall be stored on property only on a location adjacent to a principal or accessory use building, but in no event shall such receptacle be stored forward of the front building line of the principal structure.
5. It shall henceforth be illegal for any person to construct, place or build facilities for the storage of receptacles below property grades (underground). The owners or occupants of such properties wherein such underground receptacles have existed prior to January 1, 1963 shall be required to remove any such refuse receptacle from its underground container prior to regular collection schedules. No containers shall be serviced unless and until such receptacle has been removed from its existing underground storage location.
6. Receptacles shall not be placed for collection inside or within any building, accessory use building or garage.
7. No employee of D.P.W. in the course of his duties shall be required to enter a building or structure to gather or collect any refuse. No employee shall accept or receive any tip or gratuity for the performance of this duties or solicit money for any purpose in connection therewith.

§ 128-8 Landscape permits

A.

No person engaged in the business or occupation of landscape gardening shall be permitted the use of the disposal site maintained by D.P.W. unless and until he has applied for and received an annual landscape disposal permit. This permit, to provide for the disposal of certain organic material, will be issued by D.P.W. for each fiscal year commencing April 1 and expiring March 31, without additional charge other than that required for said permit. D.P.W. shall cause a set of rules and regulations to be published and thereafter distributed and issued with each permit, governing and limiting the use thereof and prescribing additional fees which may be required. Changes in said rules and regulations for the aforesaid fiscal period may be made, provided notice of such change is posted 30 days prior to an effective date at the scale room or entrance control area of all disposal sites maintained and operated by D.P.W.

B.

No person engaged in the business or occupation of landscape gardening or in the performance of such work in the care and maintenance of properties, including, but not limited to, grass cutting, raking, tree pruning and general lawn care, shall perform or conduct such business or occupation in such a manner as to leave the residual of the performance of such work on, about or around the property where such work has been performed.

§ 128-9 Excessive accumulation of refuse in the Town

A.

Any accumulation of refuse and any waste building materials in excess of ordinary household accumulation thereof, resulting from failure of any person to comply with any provision of this chapter or from his failure to take advantage of the regular collection service maintained by any collection and disposal district, shall be removed by such person at his or her own expense.

B.

On scheduled days, D.P.W. will collect amounts of all classes of refuse from the premises in accordance with the limitations set forth pursuant to this chapter, but where abnormal amounts are placed for collection. D.P.W. reserves the right to refuse the material, to defer the collection, to collect the material in part, or to make a special collection thereof at charges authorized by D.P.W.

C.

Trees, tree branches and trimmings, large bushes, logs, etc., shall be securely tied in bundles not in excess of 75 pounds nor more than four feet in length and 24 inches in any other dimension; trees, tree branches and trimmings, large bushes, logs, etc., not reduced to size nor bundled as provided in this section, will be collected by special collection at charges authorized by D.P.W. and then only when the material can be readily loaded on a collection vehicle by the (2) men.

D.

D.P.W. is hereby authorized and directed to establish charges for special collection, based on the personnel equipment required therefor plus a reasonable overhead.

§ 128-10 Licensing of private refuse collection by private carting firms, including licensing of vehicles used for such purpose.

A. Except in the case of municipalities, sanitary districts or collection districts, school districts or fire departments, it shall be unlawful for any person to operate, engage in, conduct or cause the operation of a business engaged in the collection of garbage or disposal of refuse, offal, dead animals and similar materials or any other offensive or noxious material without having first obtained a Town license as well as a permit, if required, pursuant to the provisions of the Public Health Ordinance of the Nassau County Health Department. Every license issued hereunder shall be issued as of the first day of January or subsequent day of issuance and shall expire on the 31st day of December next succeeding said date, unless sooner suspended or revoked by the Town Board.

B.

License procedure. Every person who desires to engage in or conduct the business of the collection of garbage, refuse and similar material within the Town shall file a written, verified application with the Town Clerk on forms provided for that purpose, verifying the following information.

C.

Application form to provide:

(1)

The name and address of the applicant, specifying, in the case of any unincorporated association, the names and addresses of each member thereof, and, in the case of any corporation, the names and addresses of each officer and director thereof.

(2)

If the applicant conducts business under a trade name or if the applicant is a partnership, the application for a license must be accompanied by a copy of the trade name or partnership certificate duly certified by the Clerk of the county in whose office the certificate was filed.

(3)

The age and citizenship of the applicant and each member thereof if an unincorporated association, and each officer and director thereof if a corporation.

(4)

The experience of the applicant and each member thereof, if an unincorporated association, and each director and officer thereof if a corporation, in the business of collection and disposal of refuse and similar material.

(5)

The number of collection vehicles to be operated by the applicant and a description of each such vehicle, including the ownership of the vehicle, the make, year, model of chassis and body type, the cubic capacity or tare weight, and color of vehicle, the current New York State registration number, and the community or communities in which the vehicle will operate.

(6)

The approximate volume and tonnage each vehicle will handle per day.

(7)

The location of any and all terminals proposed to be used by the applicant for the storage of licensed vehicles.

(8)

The applicant's proposed daily route and pickup schedule for each area and building to be serviced in the Town, excluding incorporated villages. This subsection shall not apply to such routes and special districts as are provided for by contract with the Town or to collections made incidental to the operation of a business other than the collection of refuse.

~~[Amended 3-6-2012 by L.L. No. 26-2012, effective 3-13-2012]~~

(9)

The name, address and telephone number, both day and night, of the applicant or the person in charge of the business.

(10)

A listing of the present customers serviced by each vehicle.

(11)

The hours and days each vehicle will operate within the Town.

(12)

Any other relevant information the Town Clerk may require.

D.

Additional requisites for obtaining and holding a license.

(1)

Photographs. Two individual photographs of the applicant taken within 30 days prior to the date of the application, 1 1/2 inches by 1 1/2 inches in size, which must be a true likeness of the applicant, showing neck, shoulders and uncovered head.

(2)

Fingerprinting. Applicant must be fingerprinted under the direction and supervision of the Town Clerk.

(3)

Police investigation. The Town Clerk shall refer the application to the Nassau County Police Department for investigation and report thereon.

(4)

Ownership of corporate stock of licensee. All capital stock of a corporate licensee shall be issued only to and in the name of the true owner thereof. A person shall not hold stock in a corporate licensee, directly or indirectly, for the use or benefit of another person.

(5)

Change of ownership of corporate stock. In the event of any change of ownership of any of the capital stock of a corporate licensee, the licensee of record must notify the Town Clerk of such change within three days after such change occurs.

(6)

Insurance. Before a license may be issued by the Town Clerk, each applicant shall file with the Town Clerk proof of the following insurance coverage, consisting of a certificate of the insurance carrier:

~~[Amended 3-6-2012 by L.L. No. 26-2012, effective 3-13-2012]~~

(a)

Workmen's compensation insurance.

(b)

Disability benefits insurance.

(c)

Public liability insurance with minimum limits of \$1,000,000 for each person injured and \$3,000,000 for each accident.

(d)

Property damage insurance in the sum of \$500,000.

(7)

Deposit. Before a license may be issued by the Town Clerk, each applicant shall place a cash deposit of \$1,000 with the Town Clerk.

(a)

In the event that a licensee fails to pick up and remove any of the materials described herein, in accordance with the licensee's route and pickup schedule as filed with the Town Clerk, within 24 hours of the day provided therein, the D.P.W. may cause such pickup and removal to be made, and all costs incurred in connection therewith shall be deducted from said cash deposit. In addition, should a licensee fail to make payment for all Town disposal charges within 10 days after such charges are billed, the Town Comptroller may deduct the amount of such charges from the cash deposit to be applied against all amounts then due and owing for use of Town disposal facilities.

(b)

The said cash deposit shall at all times be maintained by each licensee in the sum of \$1,000, and upon the failure of any licensee to maintain said deposit after three days' notice and demand therefor, the Town Clerk may forthwith suspend the license of any such licensee. In addition, for any violation of this subdivision, such licensee shall be subject to suspension or revocation of his license and all other penalties provided herein. This subdivision shall apply only to those licensees engaged in the business of the private collection of refuse.

(8)

Duty to keep records. Every licensee shall keep complete and accurate books of account with respect to the operation of his business, in which shall be entered and shall show, among other things, all income derived or received from each of his customers and/or other sources, together with details of all expenses disbursements made or incurred in the operation of his business. Such books of account shall be kept current on a monthly or quarterly basis and brought up-to-date not later than 30 days after the expiration of such period. All such records shall be retained by the licensee for at least three years.

(9)

Right of inspection. The Town Clerk shall have the right to inspect books of account and records maintained by the licensee.

E.

Granting or revoking licenses by the Town Clerk.

(1)

A license shall be issued to an applicant not previously engaged in the business of private refuse collection or for the operation of existing private refuse collection facilities by a licensed applicant, unless the Town Clerk is satisfied:

(a)

All character references have been reviewed and approved.

(b)

Applicant has sufficient experience to function as a licensee.

(c)

Applicant is financially responsible.

(d)

Issuance of a license to an applicant who will not tend toward destructive competition in a market already adequately served.

(e)

Issuance of a license which is in the public interest.

(2)

Additional reasons for license refusal, suspension or revocation. A license will be refused, suspended or revoked where one or more of the following situations is found to exist:

(a)

That the applicant or licensee has failed and refused, without reasonable cause, to collect and dispose of garbage and rubbish, except in a situation where a contract has been lawfully terminated.

(b)

That the applicant or licensee has failed to account or pay, without reasonable cause, any disposal bills to D.P.W. or other disposal agencies.

(c)

That the applicant or licensee has failed to reasonably fulfill his obligations as a private refuse collector to a customer.

(d)

That the applicant or licensee is insolvent or has made a general assignment for the benefit of creditors or has been adjudged a bankrupt, or a money judgment has been secured against him upon which an execution has been returned wholly or partly unsatisfied.

(e)

That the applicant or licensee has failed to keep and maintain records or has refused to allow the inspection thereof as otherwise provided in this chapter.

(f)

That the applicant or licensee has violated any of the provisions of this chapter.

(g)

That the applicant or licensee has ceased to operate as a private refuse collector for which a license was previously issued.

(3)

Decision filed. Whenever an application for a license is granted, denied, suspended or revoked, the Town Clerk shall file a written memorandum stating the reasons for the granting, denial, suspension or revocation,

as the case may be, of the particular license, together with transcripts or other written information applicable thereto.

§ 128-11 License issuance

If the Town Clerk shall find from the statements contained in the application that the applicant is qualified and able to conduct the business of collection of refuse and similar material and conforms to the provisions of this chapter and the rules and regulations adopted hereunder, then the Town Clerk shall issue a license stating the name and address of the applicant, the number of collection vehicles the applicant is authorized to operate, and the date of the issuance thereof, which license shall be for the calendar year in which the license is issued.

§ 128-12 License plate

The Town Clerk, when issuing a license, shall also issue a metal vehicle license for each collection vehicle, which shall be firmly affixed on the left-hand side of each vehicle near the cab thereof.

§ 128-13 Surrender of license plate

Upon the sale, dissolution, suspension or discontinuance, whether voluntary or involuntary, of the business of a licensee, it shall be the duty of such licensee to forthwith surrender to the Town Clerk the license issued to him, together with all plates issued thereunder.

§ 128-14 Licensee identification

Each vehicle licensed pursuant to this chapter shall have on the outside of each door of the cab the name and address of the licensee in letters not less than four inches in height either painted thereon or otherwise securely affixed thereto.

§ 128-15 Sale, transfer or assignment of a licensed private refuse collection vehicle

A.

In the event of the sale, transfer or assignment of the right, title and interest of a licensed private refuse collection vehicle, the seller, transferor or assignor shall be required to surrender the license to the Town Clerk within five days after such sale, transfer or assignment, together with a sworn statement giving particulars regarding the sale, transfer or assignment, including the name and address of the purchaser, transferee or assignee.

B.

In the event the new owner, transferee or assignee of the vehicle or vehicles previously licensed, as provided herein, desires to have said license reissued in his name, he shall file an application in the manner provided herein.

§ 128-16 Licensing fees.

A.

Each application for a license as herein provided shall be accompanied by a fee of \$550 for an owner's license, to cover the cost of investigation, which fee is not returnable.

B.

For each vehicle licensed, the fees shall be as follows:

(1)

When approved: \$220, per vehicle.

(2)

Upon renewal of license: \$220, per vehicle.

(3)

For substitution of a vehicle: \$110.

(4)

For a lost medallion: \$55.

§ 128-17 Establishment of an Advisory Committee on Private Collection to assist the Town Board

(1) **A.**

(2) There is hereby established an Advisory Committee on Private Collection to assist the Town Board, hereinafter referred to as the "Committee." The Committee shall be composed of a member of the Town Board, D.P.W., the Town Attorney, a representative of the waste removal industry and an attorney representing the Waste Removal Institute of Nassau and Suffolk Counties, Inc., or other recognized waste removal industry organizations.

(3) **B.**

(4) Two members of the Committee shall be appointed Chairman and Vice Chairman respectively. The members of the Committee, the Chairman and the Vice Chairman shall be appointed by and serve at the pleasure of the Town Board.

§ 128-18 General powers of the Advisory Committee, on private collection and disposal

The Committee shall have the following powers and functions:

A.

Make rules for the conduct of the Committee's business.

B.

Meet from time to time at a time and place designated by the Chairman.

C.

Keep minutes of Committee proceedings.

D.

Conduct informal meetings, forums, workshops and seminars on the subject of waste removal.

E.

Assist the Town Board in the drafting of legislation concerning private collection by waste removal dealers.

F.

Act as an advisory board on appeals of decisions rendered by the Town Clerk which denied, suspended or revoked an application for a license.

~~[Repealed 9-14-1976 by L.L. No. 65-1976, effective 9-20-1976]~~

G.

Recommend maximum prices, charges or fees allowable for private collection from commercial establishments within the Town.

H.

Recommend the manner of performing the removal of waste material from commercial establishments.

I.

Act as mediator in any controversy or issue that may arise among or between waste removal dealers operating within the Town.

§ 128-19 Appeals

A.

The holder of any license which has been suspended or revoked and any applicant who shall have been denied a license under this chapter may apply for a review of the action of the Town Clerk as hereinafter provided:

(1)

The application for review shall be in writing, signed and acknowledged by the applicant, and shall state the ground or grounds on which the applicant claims that the determination of the Town Clerk was erroneous.

(2)

Said application shall be filed with the Town Clerk by the applicant within 20 days after notice of denial of his application by the Town Clerk has been mailed to him or delivered to him in person.

(3)

Upon the filing of the application, a hearing shall be held thereon, pursuant to the provisions of § 128-20 hereof.

(4)

At the hearing, as hereinafter provided, the Review Board shall consider the applicant's application upon the record before the Town Clerk in connection with the Town Clerk's consideration thereof and, in its discretion, may receive new or additional evidence in support thereof or in opposition thereto.

B.

The Review Board, after the hearing, may affirm the action of the Town Clerk or direct the Town Clerk to issue a proper license, pursuant to this chapter.

§ 128-20 Hearings

Whenever it shall be provided herein that a hearing shall or may be held with respect to any matter:

A.

The hearing shall be held on a date, at a place and hour designated by the Presiding Supervisor.

B.

The Town Clerk shall give notice thereof, stating the name and address of the applicant or license holder concerned, the subject matter of the hearing and the date, place and hour thereof designated therefor, by mailing

a copy thereof to the applicant or license holder concerned at the address shown upon the most recent application of such applicant or licensee, at least 10 days prior to said hearing.

C.

If an applicant or licensee requests a hearing, the Presiding Supervisor shall designate two or more members of the Town Board to conduct said hearing as a Review Board.

D.

The applicant or license holder involved shall be entitled to be represented by legal counsel and to present such competent and material testimony or other evidence in his own behalf as may be relevant to the subject matter of the hearing.

E.

All witnesses shall be sworn and examined under oath.

§ 128-21 Regulations for operation of private refuse collection vehicles in the Town of Hempstead

A.

It shall be unlawful to dispose of any refuse collected within the Town of Hempstead at any location other than that so designated by the Town Board, or at such locations authorized, controlled and under the jurisdiction of the Board of Commissioners of any sanitary district in the Town of Hempstead.

B.

Private collection vehicles shall operate only between 7:00 a.m. and 6:30 p.m., Mondays through Saturdays, excluding holidays as otherwise provided.

C.

No collections whatsoever shall be made on Sundays or the following holidays:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

D.

Garbage collection vehicles shall be completely enclosed and watertight.

E.

Rubbish collection vehicles wherein no garbage is transported may be of an open refuse collection type, provided that such vehicle is fitted with a suitable canvas or other cover to prohibit any material being discharged from it while the vehicle is in transit.

F.

Collections are to be made in such manner as not to permit debris, litter and the like from the collection procedure to fall upon property, public or private, or upon any highway within the Town of Hempstead.

G.

Vehicles designed or known as "rear loaders" or "rear load packers" shall be completely closed in transit, either by use of the exterior closing door fitted as part of a body style or by the use of the closing mechanism in those units not having as a standard or an accessory a separate exterior door.

H.

All accessory doors, including the main loading door, shall be closed in travel on public highways unless the subject vehicle is engaged in a continuous servicing of adjacent structures on said highway.

I.

All private collection vehicles shall perform and operate on Department of Public Works' properties in accordance with the rules and regulations of the Department of Public Works.

J.

Collection vehicles shall be subject to inspection at any time by authorized representatives of the Department of Public Works, peace officers or Nassau County Police, for the purpose of enforcement of this chapter. All persons or their employees shall be required to give aid and cooperation when required by such personnel in the performance of the enforcement of this chapter.

K.

Collection vehicles shall be kept clean and sanitary both inside and out. Where, as required in the collection practice, containers of one cubic yard or more are used, such containers shall be cleaned and sanitized no less than once per week.

L.

All vehicles shall be properly identified by the person operating such vehicles, including name and address.

M.

It shall be unlawful for any private licensed collector or a person not required to be licensed under this chapter, to deliver to any Town of Hempstead refuse disposal facility any material not collected or generated within the geographic limits of the Town of Hempstead.

~~{Added 1-25-1983 by L.L. No. 15-1983, effective 1-31-1983}~~

N.

It shall be unlawful for any private licensed collector or a person not required to be licensed under this chapter, to deliver to any Town of Hempstead refuse disposal facility any material set forth or in violation of Parts 360 and 366 of Title 6 of the official compilation of the New York Codes, Rules and Regulations under the statutory authority of Article 27, Title 9 of the New York State Environmental Conservation Law.

§ 128-22 Penalties for offenses

A.

Any person or persons, association or corporation committing an offense against this chapter or any section thereof, except § **128-10**, is guilty of a violation, punishable by a fine not exceeding \$500 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.

~~[Amended 5-10-2005 by L.L. No. 45-2005, effective 5-31-2005]~~

B.

An offense against any provision of § **128-10** of this chapter is a Class B misdemeanor, punishable by a fine not exceeding \$1,000 or imprisonment for a period not exceeding three months, or by both such fine and imprisonment.

~~[Amended 5-10-2005 by L.L. No. 45-2005, effective 5-31-2005]~~

C.

Each day an offense against this chapter shall be permitted to exist shall constitute a separate offense.

Article II – Littering

§ 128-23 – Definitions

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

AIRCRAFT

Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

AUTHORIZED PRIVATE RECEPTACLE

A litter storage and collection receptacle as required and authorized in the Sidewalk Ordinance of the Town of Hempstead.^[1]

COMMERCIAL HANDBILL

Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

A.

Which advertises for sale any merchandise, product, commodity or thing.

B.

Which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales.

C.

Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall

not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state or under any ordinance of this Town.

D.

Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

GARBAGE

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER

"Garbage," "refuse" and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

NEWSPAPER

Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

NONCOMMERCIAL HANDBILL

Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

PARK

A park, reservation, playground, beach recreation center or any other public area in the Town owned or used by the Town and devoted to active or passive recreation.

PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES

Any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE

Any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

REFUSE

All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH

Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

TOWN

Unincorporated areas in the Town of Hempstead.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

§ 128-24 – Litter in public places

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town except in public receptacles, in authorized private receptacles for collection, or in official Town rubbish pits.

§ 128-25 – Placement of litter in receptacles

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 128-26 – Sweeping litter into gutters prohibited

No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

§ 128-27 – Merchant's duty to keep sidewalks free of litter

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Town shall keep the sidewalk in front of their business premises free of litter.

§ 128-28 – Litter thrown by persons in vehicles

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Town or upon private property.

§ 128-29 – Truck loads causing litter

No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or

other public place. Nor shall any person drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 128-30 – Litter in parks

No person shall throw or deposit litter in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

§ 128-31 – Litter in lakes and fountains

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the Town.

§ 128-32 – Throwing or distributing handbills in public places

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Town. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the Town for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

§ 128-33 – Placing handbills on vehicles

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

§ 128-34 – Depositing handbills on uninhabited or vacant premises

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

§ 128-35 – Distribution of handbills where property posted

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

§ 128-36 – Distributing handbills at inhabited private premises; exception

A.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this Article, such person, unless requested by

anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

B.

The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 128-37 – Dropping litter from aircraft

No person in an aircraft shall throw out, drop or deposit within the Town any litter, handbill or any other object.

§ 128-38 –Litter on occupied private property

No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

§ 128-39 – Owner to maintain premises free of litter

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 128-40 – Litter on vacant lots

No person shall throw or deposit litter on any open or vacant private property within the Town, whether owned by such person or not.

§ 128-41 – (Reserved)

[1]

Editor's Note: Former § 128-41, Clearing of litter from open private property, was repealed 5-5-2009 by L.L. No. 43-2009, effective 5-15-2009.

§ 128-42 – Penalties for offenses

A. Any person or persons, association or corporation committing an offense against this article, or any section or provision thereof, is guilty of a violation punishable by a fine not exceeding \$500 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment.

~~[Amended 5-10-2005 by L.L. No. 45-2005, effective 5-31-2005]~~

B. Each day such violation continues or is permitted to continue shall constitute a separate violation punishable as herein provided.

Article III Dumping of refuse and garbage

§ 128-43 – Dumping on Vacant Lots or Streets Prohibited

No person, firm, association or corporation shall throw, cast, lay, bury or leave or direct, suffer or permit any servant, agent or employee to throw, cast, lay, bury or leave, any ashes, offal, dead animals, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, dirt, filth, broken glasswares, crockery, bottles, domestic furniture, packing crates, metal, rubber, tires, abandoned vehicles or any other refuse or rubbish of any kind whatsoever, in or upon any vacant lot or plot, except where ashes or dirt may be used for filling-in purposes under a permit secured from the department or bureau having jurisdiction thereof, or in or upon any street or road in the Town of Hempstead, and any such dumping shall constitute an unclassified misdemeanor

Article IV – Solid Waste Management

§ 128-52 – Disposal regulations; construal of provisions

The disposal of solid waste generated within the Town of Hempstead and municipalities located therein must be controlled by the Town for the protection of the public health, safety and welfare. Thus it is found and required that:

- A. All acceptable solid waste, other than construction and demolition debris, yard waste and recyclables regulated pursuant to Article VI of this chapter, that is generated or originated within the Town, including municipalities located wholly therein, subject to such exemptions as provided in Subsection **B** below, shall be delivered to a Town Solid Waste Management Facility determined by the Commissioner for processing, transport and/or disposal.
- B. The Commissioner shall exempt from the provisions of Subsection **A** above, all acceptable solid waste collected by or on behalf of municipalities (including, for purposes of this section, Independent Sanitary Districts) that are not located within the Disposal District, provided that such municipality shall demonstrate that it has made disposal arrangements for solid waste, recyclable material and yard waste that are consistent with the Solid Waste Management Plan of the Town of Hempstead; and any and all persons or facilities employed by, or under contract with such municipality are authorized by law to accept the solid waste or other materials delivered by such municipality. An exemption granted pursuant to this section shall remain in effect pending a material change in the Town's Local Solid Waste Management Plan and/or a material change in the solid waste services provided by the municipality that results in an inconsistency with the Solid Waste Management Plan or the employment of persons or facilities that are not authorized by law to accept the materials delivered by the municipality. A municipality receiving an exemption pursuant to this section shall provide regular reports to the Commissioner of all tonnage and materials collected and disposed by such municipality, said reports to be in a format determined by the Commissioner.
- C. Except as may be provided by the Commissioner, no person required to hold a license pursuant to this chapter or regulation adopted hereunder, may dispose of any solid waste within the Town or at a facility designated by the Town without such a license.
- D. No person holding or required to hold a license pursuant to Chapter **128** shall deposit, deliver, store or process any solid waste generated or originated within the Town at other than a Town Solid Waste Management Facility or other facility approved by the Town.
- E. Nothing contained in this chapter shall be deemed or interpreted to prohibit any municipality located within the Town from engaging in the collection or transportation of solid waste originated, generated or located within such municipality; provided, however, that all solid waste so collected and transported

shall be disposed of only at a Town Solid Waste Management Facility pursuant to Subsection A, or pursuant to an exemption granted by the Commissioner pursuant to Subsection B above.

- F. Nothing contained in this chapter shall be deemed or interpreted to prohibit the Town or municipalities from adopting or implementing programs to reduce the volume of solid waste, including composting and recycling programs.
- G. Notwithstanding the provisions of this article, no license shall be required for the collection, within the Town, and/or disposal, at a recycling center, of recyclables, within the Town pursuant to a recycling program adopted by the Town or a municipality.
- H. Nothing contained in this chapter shall be deemed or interpreted to exempt any person from any other applicable permit or licensing requirements or rules or regulations not inconsistent with this article of the Town, municipalities within the Town or any other governmental entity.
- I. Except as may be provided by the Commissioner, no person shall enter into a contract for collection, transportation or disposal of solid waste generated within the Town, including municipalities, with a person required to be licensed, pursuant to this chapter or regulations adopted hereunder, unless such person holds such a license.
- J. The Commissioner shall have the authority to suspend enforcement of this section in the event of an emergency or other circumstance prohibiting the acceptance of waste at a Town Solid Waste Management Facility.
- K. Upon application to the Commissioner, the Commissioner may permit a licensee, prior to delivery to the Town Solid Waste Management Facility, to examine and remove components of the solid waste, which are more appropriately recycled. This is subject to state and federal rules, regulations and statutes governing same.
- (1) Notwithstanding any other provision of this article, the Commissioner may, upon written application therefor, authorize a licensee to deliver waste collected within the Town to an authorized facility for the post-collection recovery of recyclable materials, if the Commissioner finds that such delivery will substantially supplement recovery of recyclables generated by a customer where the source separation of recyclables by such customer is inadequate or impractical; and the licensee provides an accounting of the materials recovered and an acceptable plan for the disposal of nonrecyclable materials collected from the same source. Any application for such approval shall specify the customers to be served and the collection routes and facilities to be employed, together with such other information as the Commissioner may reasonably require, and provided further that all activity authorized shall be in compliance with applicable state and federal laws, rules and regulations. The Commissioner may, on a case-by-case basis, attach reasonable conditions to any such approval, and may revoke an approval if he finds that the approval has not resulted in a substantial recovery of recyclables materials, that nonrecyclable solid waste is not being disposed of pursuant to the approved plan, or that any other violation of law has occurred.

§ 128-54 – Hazardous Waste and Unacceptable Waste

- A. No hazardous waste or unacceptable waste shall be delivered by any person to a solid waste management processing facility or any other disposal facility designated by the Town.
- B. Solid waste not acceptable for disposal at Town Solid Waste Management Facilities are:
 - (1) Hazardous wastes.

- (2) Wastes designated by NYSDEC as having an adverse impact on air quality.
- (3) Sewage sludge or free liquids.
- (4) Infectious waste, including but not limited to laboratory waste and surgical wastes.
- (5) Such other waste as the Commissioner may subsequently, by regulation, designate.

Article V – Maintenance of Premises

§ 128-61 – Accumulation of garbage, litter, refuse, rubbish or rubble; height of lawns, weeds or brush.

- A. It shall be unlawful for any owner, agent of such owner, and/or any person, firm or corporation in possession of any improved real property within the Town to permit:
 - (1) Lawns, weeds, grass or brush of any kind to obtain a height in excess of eight inches.
 - (2) Garbage, litter, refuse, rubbish or rubble to accumulate thereon.
 - (3) Planting, growing and/or maintaining of bamboo, whether originating on said property or encroaching thereon from any neighboring property. The term "bamboo" shall be defined as any tropical or semi-tropical grass of the genera Bambusa, Dendrocalamus or of any other related genera.
- B. It shall be unlawful for any owner, agent of such owner, and/or any person, firm or corporation in possession of any vacant unimproved real property within the Town to permit:
 - (1) Lawns, weeds, grass or brush of any kind to obtain a height in excess of eight inches.
 - (2) Garbage, litter, refuse, rubbish or rubble to accumulate thereon.
 - (3) Planting, growing and/or maintaining of bamboo in or upon the ground, whether originating on said property or encroaching thereon from any neighboring property. The term "bamboo" shall be defined as any tropical or semi-tropical grass of the genera Bambusa, Dendrocalamus or of any other related genera.

Article VI – Recycling

§ 128-72 – Mandatory commercial, industrial and institutional recycling

- A. In addition to those materials required to be recycled in residential and multiresidential complexes, including newspapers, glass, cans, plastic containers, yard waste, metal and construction and demolition debris, commercial establishments shall additionally be required to recycle cardboard and office paper where there exist economic markets for alternate uses for cardboard and office paper.
- B. A commercial establishment may, upon written application to the Commissioner, request relief from the requirements of Subsection A above. Upon receipt of such application, the Commissioner shall conduct a survey of such commercial establishment to determine if there is sufficient generation to warrant recycling of all identified recyclable materials and/or economic markets for alternate uses. If there is insufficient generation and/or insufficient economic market for alternate uses of a particular recyclable material, the Commissioner may issue an exemption.
- C. Arrangements for collection of newspaper, glass, cans and plastic containers shall be made either with the Department of Sanitation in accordance with Subsections D and E below or a private recycler in accordance with Subsection G.

- D. The Commissioner is empowered to designate the day of the week or scheduled date on which recyclables shall be collected by the Department of Sanitation.
- E. The Commissioner may direct that large appropriately colored plastic containers be utilized for curbside collection of newspaper, glass, cans and plastic containers by the Department of Sanitation.
- F. The arrangement for collection of office paper and cardboard shall be the responsibility of the person who owns, manages or operates the commercial, industrial or institutional establishment at which these materials are generated (the "generator") or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Said arrangements may include, without limitation, direct marketing of office paper and cardboard, recycling contracts with permitted solid waste collector/haulers for separate collection, contracts with other persons for separate collection of any or all office paper and cardboard recyclables or direct delivery to a recycling center.
- G. Generators of recyclable material who use private carters or recyclers for collection and marketing of recyclable materials must be provided with sufficient containers by such private carters or recyclers to meet the requirements of this Article.
- H. Commercial establishments shall provide written reports on a monthly basis to the Commissioner containing the following information: the identity of the recycler; the types of materials being recycled; the quantities of the various materials recycled; and the markets for the various materials, in order to provide updates and essential information to the Town Solid Waste Management Plan.

Division 2 – Use of Property

Chapter 132 – Flammable and Combustible Liquids

Article I – General Provisions

§ 132-9 – Limit of Size

No tank shall be erected to contain more than 1,000,000 gallons, except as provided in § 132-18 of Article II hereof.

§ 132-14 – Method of Storage

- A. The container for flammable and combustible liquids shall be built in accordance with recognized standards of design. Storage tanks built in accordance with Underwriters' Laboratories, Inc., or American Petroleum Institute standards applicable to the particular container shall be considered to meet this requirement.
 - a. Flammable or combustible liquid containers installed inside buildings shall not exceed 550 gallons.
 - b. Storage of flammable and combustible liquids shall be in accordance with the National Fire Protection Association Flammable and Combustible Liquid Code (NFPA No. 30, 1976 Edition, and all future addendas).
- B. No tank, drum or other container for which a permit has been issued, if it is located inside a building or discharges inside a building, shall be provided with a faucet or other bottom-drawing device which will permit gravity flow.

C. Article II – Aboveground Flammable and Combustible Liquid Tanks

§ 132-15 – Location of tanks having a capacity of 50,000 gallons or less.

- A. The minimum distance of outside aboveground tanks to the line of adjoining property which may be built upon is as follows:

Capacity of Tanks (gallons)	Minimum Distance to Line of Adjoining Property Which May Be Built Upon (feet)
0 to 12,000	10
12,001 to 24,000	15
24,001 to 30,000	20
30,001 to 50,000	25

- B. At marketing stations and elsewhere, truck loading racks shall be separated from tanks, warehouses and other plant buildings by distances at least equivalent to those specified in the above table.

§ 132-16 – Location of tanks having a capacity above 50,000 gallons.

Where tanks are to be used for capacities above 50,000 gallons, the minimum distance from the tank to the adjoining property line shall be 25 feet, except that the Town Board, in its discretion, may increase such distance after consideration of the special features, such as topographical conditions, nature of occupancy and character of construction of such buildings; capacity and construction of proposed tanks and character of liquid to be stored; degree of private fire protection to be provided; facilities of the local fire department to cope with tank fires; and any other local conditions which may be deemed necessary to consider.

§ 132-17 – Minimum distance between tanks.

- A. Minimum distances between aboveground storage tanks apply to all classes of liquids and shall be as follows:

Capacity of Tanks (gallons)	Minimum Distance Between Tanks (feet)
25,000 or less	5
25,001 to 50,000	10
50,001 to 100,000	15
Above 100,000	Distance equal to the diameter of the tank or of the larger of the 2 tanks between which distance is to be measured

- B. Notwithstanding the foregoing, aboveground tanks with foam protection approved by the Nassau County Fire Marshal may be placed with a minimum distance between tanks of 1/2 the diameter of the larger of said tanks if it is cylindrical or of 1/2 the greatest horizontal length of such tank if it is not cylindrical.

§ 132-18 – Tanks of more than 1,000,000 gallons' capacity.

Notwithstanding any other provision of this chapter, a tank may be erected above ground for the storage of liquids having a flash point of 100° F. or more, having a capacity of more than 1,000,000 but not more than 3,000,000 gallons, provided that, in addition to all other regulations for such tanks in this chapter:

- A. Such tank shall not be installed within 1,000 feet of any building occupied as a hospital, sanatorium, church, school, theater or other place of public amusement or public assembly, nor within 250 feet of a public park or land zoned for residential purposes.
- B. Such tanks shall be so located that the distance between the shell of any tank and the property line of the property on which it is located or the nearest building is not less than 1 1/2 times the greatest dimension of the tank, except that for tanks equipped with either a permanently attached extinguishing system or a floating roof, such distance may be reduced to not less than the greatest dimension of the tank.

§ 132-19 – Height of tanks.

No tank shall be more than 48 feet in height at its highest point, measured from the ground.

§ 132-20 – Tanks in rows.

When tanks are erected in rows of three or more tanks each, not more than two such rows may be erected adjacent to each other, and no such group of two rows shall be erected nearer than 25 feet to any other dike surrounding more than one tank.

§ 132-21 – Construction of tanks.

All aboveground tanks shall be constructed throughout of steel or wrought iron of sufficient strength to withstand pressure to which they may be subjected, with a safety factor of at least three.

§ 132-22 – Foundation of vertical tanks.

All vertical tanks shall be placed upon reinforced concrete foundations of approved design. Where meadowlands or soft materials are encountered, wood or concrete pilings shall be placed under the concrete foundations as directed and approved by the Building Inspector.

§ 132-23 – Dikes.

Every flammable or combustible liquid tank or group of tanks having a capacity of 20,000 gallons or over, but not exceeding 250,000 gallons, shall be completely surrounded by a retaining dike. Each tank exceeding 250,000 gallons' capacity shall have a separate dike.

§ 132-24 – Design and construction of dikes.

- A. Each dike shall have a capacity equal to that of the largest tank plus 10% of the remaining tanks in each enclosure, shall be designed to be liquid-tight and to withstand a full hydraulic head. Dikes may be constructed of reinforced concrete, steel or earth, as follows:

- a. If of reinforced concrete or steel, walls shall be not less than three feet and not more than eight feet in height, except that for liquids having a flash point of 100° F. or above, the height of such dike may be extended to not more than 60% of the height of the tank, measured as provided in § 132-19 hereof.
 - b. If of earthen construction, walls shall be of clay not less than three feet and not more than eight feet in height, shall have a flat section at the top not less than two feet wide and the slope shall be consistent with the angle of repose of the material of which the walls are constructed. Dikes so constructed shall be maintained so as to comply with the foregoing specifications.
 - c. In every case, steel stairways to and from the diked area shall be provided at each dike.
- B. No part of the outside perimeter of any dike shall be less than 25 feet from the nearest property line of the parcel on which it is erected.
- C. No dike shall be so erected that any part of its inside perimeter shall be nearer than seven feet to any tank within such dike.

§ 132-25 – Vents.

All flammable and combustible liquid tanks, unless otherwise specifically approved by the Building Inspector, must be provided with a permanently open vent or with a combination fill and vent fitting so arranged that the fill pipe cannot be opened without opening the vent pipe. Vent openings shall be equipped with noncorrodible screens or flash preventers completely covering the openings. Vent openings shall be adequate to relieve excessive pressure or a safety valve or other means of relieving the pressure shall be provided.

§ 132-26 – Pipes.

- A. All pipes used in systems for flammable and combustible liquids shall be of the standard full-weight wrought iron, steel or brass type for working pressures less than 100 pounds per square inch. For working pressures in excess of 100 pounds per square inch, extra-heavy pipe and fittings shall be used.
- B. Outside, aboveground piping shall be properly supported and protected against mechanical injury. Piping should be run as directly as possible and proper allowance made for expansion and contraction. Each pipe attached to a tank shall be provided with a valve at the tank. There shall be no branches or outlets between the tank and valve. Inside piping shall be rigidly supported.

§ 132-27 – Lighting.

No system of artificial light other than vaporproof, incandescent electric lights shall be installed in any portion of premises used for the storage of flammable and combustible liquids.

§ 132-28 – Painting.

No flammable or combustible liquid tank shall be painted within four months after its erection, at which time each tank shall be scratch-brushed to remove the scale and painted with rust-resisting material.

§ 132-29 – Fencing.

Lots in which such tanks are located shall be suitably enclosed with fences at least six feet high or shall be otherwise guarded against intruders, and the tanks shall be marked clearly "Flammable — Keep Fire Away" for flammable liquid tanks or "Combustible — Keep Fire Away" for combustible liquid tanks.

§ 132-30 – Grounding.

All flammable and combustible liquid tanks shall be electrically grounded by resting directly on moist earth or otherwise electrically grounded to permanent moisture. The type of connection used to facilitate this electrical ground shall be capable of conducting electricity and not act as an insulator. Telephone poles or other projections liable to act as lightning discharge points shall be kept as far as practicable from tanks.

§ 132-31 – Fire-extinguishing appliances.

Every marketing station, wholesale storage, port terminal and other property where such flammable liquids are stored in quantities shall be provided with suitable foam fire-extinguishing equipment or with other special equipment, appliances and apparatus, as recommended by the Building Inspector.

§ 132-32 – Horizontal tanks.

All tanks having a storage capacity of 20,000 gallons or less shall be horizontal tanks and shall be placed upon steel or concrete bases designed to carry the load.

§ 132-33 – Open tanks.

No open tanks shall be permitted or used.

Article III – Underground or Buried Flammable and Combustible Liquid Tanks

§ 132-34 – Construction of tanks.

All flammable and combustible liquid underground tanks shall be constructed of galvanized steel, open-hearth steel or wrought iron of a thickness determined in accordance with the regulations of the National Fire Protection Association. Underground tanks may also be built of materials other than steel, such as fiberglass, if in accordance with the standards prescribed in the Flammable and Combustible Liquids Code of the National Fire Protection Association and upon obtaining the approval of the Commissioner of Buildings.

§ 132-35 – Installation of metal tanks.

- A. Metal tanks shall be installed upon firm foundations having a six-inch minimum backfill bed of approved material.
- B. The depth of cover shall be not less than two feet of approved material; or not less than 12 inches of approved material plus six inches of reinforced concrete paving; or not less than 12 inches of approved material plus eight inches of asphaltic concrete paving. Whenever paving options are used to reduce the cover as hereinabove referred to, the pavement shall extend not less than one foot beyond the tank outline in all directions.
- C. Metal tanks that cannot be completely buried shall be covered with not less than two feet of approved material. Embankments along tank sides and at tank ends shall have a minimum thickness of two feet and shall be graded to provide a slope not steeper than the angle of repose of the cover material.
- D. Metal tanks shall be backfilled with approved material in such manner as to provide not less than six inches of approved material between tank walls and the side of the hole, between tank ends and the side of the hole and between tank walls of adjacent tanks.
- E. Backfill bedding and cover materials shall consist of any of the following:
 - a. A naturally rounded free-flowing aggregate with a particle size not less than 1/8 inch nor more than 3/4 inch in diameter.

- b. A free-flowing angular aggregate with a particle size not less than 1/8 inch nor more than 1/2 inch. Angular material may be either crushed stone or gravel meeting quality and soundness requirements of ASTM C-33.
 - c. Clean suitable backfill material, free of rock, shale, topsoil, humus, root matter, stumps, spongy materials and any other objectionable material.
- F. All bedding, backfill bedding and cover materials shall be tamped into place.
- G. Metal tanks that are subject to uplifting forces shall be securely anchored in accordance with the requirements prescribed by an engineering review of the factors involved.
- H. Recommended standards for corrosion protection of underground pipe, fittings and tanks containing flammable and combustible liquids:
 - a. Underground tanks and pipe installations shall be protected against corrosion by an acceptable application of one of the following methods:
 - i. Use of protective coatings or wrappings.
 - ii. Cathodic protection.
 - iii. Use of corrosion resistant materials of construction.
 - b. In areas where experience has shown a history of early corrosion, and corrosion-resistant materials of construction are not provided, protection requirements for underground pipe, fittings and tanks containing flammable and combustible materials may be deemed satisfied for any system that is provided with a leak detection system satisfactory to the Commissioner of Buildings, such as probe holes, leak detection cables or other devices installed around the perimeter of the tank installation and designed for monitoring.
 - c. Selection of the type of protection to be employed shall be based on the corrosion history of the area and upon the recommendations of the design engineer, subject to the approval of the Commissioner of Buildings.
- I. Whenever any new tank or replacement tank is installed, each installed tank shall have its own observation well of not less than four inches in diameter at locations to be determined and required by the Commissioner of Buildings or the Nassau County Fire Marshal.
- J. Observation wells with well screens not less than 10 feet long shall be installed to locate the midpoint of the screen at groundwater and shall be located to permit observation of the condition of groundwater at the boundary lines of the underground tank field area and/or at such other locations as may be designated by the Commissioner of Buildings or the Nassau County Fire Marshal.
- K. The Commissioner of Buildings reserves the right to enter upon the premises of a gasoline service station for purposes of evaluation of the records of product inventory and for purposes of observing the observation wells. For these purposes, observation wells shall be kept in good order and accessible, and records of inventory shall be maintained on the premises.

§ 132-36 – Installation of fiberglass tanks.

- A. Fiberglass tanks shall be installed upon firm foundations having a six-inch minimum backfill bed, except that when fiberglass tanks are to be installed over rock, stone, shale or clay areas or in water, the backfill bed shall be constructed to a minimum thickness of 12 inches.
- B. The depth of cover shall be not less than three feet nor more than seven feet of approved material; or not less than 18 inches of approved material plus six inches of reinforced concrete paving; or not less than 18 inches of approved material plus eight inches of asphaltic concrete paving. Whenever paving options are used to reduce the cover as hereinabove referred to, the pavement shall extend not less than one foot beyond the tank outline in all directions.
- C. Fiberglass tanks shall be backfilled with approved backfill in such manner as to provide not less than 12 inches of backfill material between tank ribs and the side of the hole, between tank ends and the side of the hole and between tank ribs of adjacent tanks.
- D. Backfill bedding and backfill materials shall consist of any of the following:
 - a. A naturally rounded free-flowing aggregate with a particle size not less than 1/8 inch nor more than 3/4 inch in diameter.
 - b. A free-flowing angular aggregate with a particle size not less than 1/8 inch nor more than 1/2 inch. Angular material may be either crushed stone or gravel meeting quality and soundness requirements of ASTM C-33.
- E. Cover materials shall consist of any of the following:
 - a. A naturally rounded free-flowing aggregate with a particle size not less than 1/8 inch nor more than 3/4 inch in diameter.
 - b. A free-flowing angular aggregate with a particle size not less than 1/8 inch nor more than 1/2 inch. Angular material may be either crushed stone or gravel meeting quality and soundness requirements of ASTM C-33.
 - c. Clean suitable backfill material free of rock, shale, topsoil, humus, root matter, stumps, spongy materials and any other objectionable material. Whenever clean suitable backfill material is used as cover material, the required bedding and backfill materials placed in accordance with this specification shall be covered with a polyethylene film or suitable substitute prior to filling between the tank top and finished grade.
- F. All bedding, backfill bedding and approved backfill materials shall be tamped into place.
- G. Fiberglass tanks that are subject to uplifting forces shall be securely anchored using noncorrosive hold-down straps or approved alternate materials and fittings in accordance with requirements prescribed by an engineering review of the factors involved.
- H. Fiberglass tanks shall be tested for concealed damage prior to installation and prior to being placed in service. Testing shall be pressure testing at five pounds per square inch with fittings soaped. During this test procedure and whenever the tank is being held under pressure, the tank shall not be left unattended. No tank shall be placed in service until the pressure test of five pounds per square inch shall have been satisfied.
- I. No repairs to fiberglass underground storage tanks shall be made by any person other than the manufacturer's authorized representative.

- J. Whenever any new tank or replacement tank is installed, each installed tank shall have its own observation well of not less than four inches in diameter at locations to be determined and required by the Commissioner of Buildings or the Nassau County Fire Marshal.
- K. Observation wells with well screens not less than 10 feet long shall be installed to locate the midpoint of the screen at groundwater and shall be located to permit observation of the condition of groundwater at the boundary lines of the underground tank field area and/or at such other locations as may be designated by the Commissioner of Buildings or the Nassau County Fire Marshal.
- L. The Commissioner of Buildings reserves the right to enter upon the premises of a gasoline service station for purposes of evaluation of the records of product inventory and for purposes of observing the observation wells. For these purposes, observation wells shall be kept in good order and accessible, and records of inventory shall be maintained on the premises.

§ 132-37 – Location and capacity of flammable and combustible liquid storage.

The limit of storage permitted shall depend upon the location of the tank with respect to the buildings to be supplied and adjacent buildings, as follows:

- A. Underground flammable and combustible liquid tanks:

Distance From Building, Lot Line, etc. (feet)	For Liquids Having Flash Point Under 100° F. (gallons)	For Liquids Having Flash Point of 100° F. or Above (gallons)
40	50,000	500,000
30	20,000	200,000
25	15,000	150,000
20	5,000	100,000
10	2,000	75,000 or less

- B. Underground fiberglass motor fuel tanks at gasoline stations:

Tank Capacity (gallons)	Minimum Distance From Property Lines Which May Be Built Upon (feet)	Minimum Distance From Nearest Side of Any Public Way (feet)	Minimum Distance From Nearest Important Building (feet)
0 to 1,999	10	10	5
2,000 to 5,999	15	10	5

Tank Capacity (gallons)	Minimum Distance From Property Lines Which May Be Built Upon (feet)	Minimum Distance From Nearest Side of Any Public Way (feet)	Minimum Distance From Nearest Important Building (feet)
6,000 to 9,999	20	10	5
10,000 to 14,999	25	15	10
15,000 to 19,999	30	15	10

C. For good cause shown and with prior approval of the Nassau County Fire Marshal or the Nassau County Department of Health, as well as any other agency with jurisdiction, the Town Board, by resolution, may modify the minimum distances set forth in this section.

§ 132-38 – Location under sidewalk or beyond building line.

No tank shall be located under a sidewalk or beyond the building line.

§ 132-39 – Flammable and combustible liquid tanks under driveways.

Where flammable and combustible liquid tanks are buried under driveways subject to traffic by heavy vehicles, the total coverage above the top of the tank shall be not less than three feet: provided, however, that when such driveways are paved with concrete not less than six inches in thickness, the total coverage may be reduced to two feet.

§ 132-40 – Tank removal.

Any tank that is to be excavated for purposes of either removal or replacement shall be removed from the site within three days after excavation.

§ 132-41 – Pipes.

Each flammable and combustible liquid tank shall be equipped with a filling pipe, a drawing-off pipe and a vent pipe, except that tanks installed as part of a hydraulic storage system shall not be required to have a vent pipe. All pipes shall comply with the regulations of the National Fire Protection Association.

Chapter 138 – Smoke

§ 138-1 - Emission of dense smoke.

It shall be unlawful for any person, firm or corporation to permit the emission of any dense smoke from any source whatever excepting private dwellings containing not more than two families.

§ 138-2 - Escape of soot, cinders, etc.

It shall be unlawful for any person, firm or corporation to permit the escape of such quantities of soot, cinders, noxious acids, fumes and gases in such place or manner as to be detrimental to any person or to the public, or

to endanger the health, comfort or safety of any such person or of the public, or in such a manner as to cause or have a tendency to cause injury or damage to property or business.

Chapter 140 – Earth and Soil Removal

Article I – General Provisions

§ 140-3 – Pit and Bank Excavations

- A. No pit excavation shall be made within 20 feet of any property line.
- B. No pit or bank excavation shall be made greater than 10 feet below the established grade of the nearest public street or highway unless the side walls remain at an incline of at least two horizontal feet to one vertical foot or are supported by retaining walls equal to that specified in the Building Code of the Town of Hempstead for permanent building foundations.
- C. Any removal of more than 75 cubic feet of earth from the ground in a vertical dimension of more than three feet shall be protected by suitable barriers and lights. All pit and bank excavations shall be completely surrounded by wire fencing of the type known as chain link or cyclone fence, or its equivalent, of the height of six feet set on a concrete curb not less than 18 inches in depth, with no opening except necessary gates for ingress and egress, to prevent public access to the top of any pits or deeply graded slopes.
- D. Dust-down or a similar dust layer shall be spread on access roads and other traveled areas used in connection with every pit or bank excavation, to protect the public and the surrounding area against windblown sand and dust.
- E. No removal of earth from the ground shall be so made as to undermine, weaken or deprive of support other lands in the vicinity, or to substantially obstruct, impede or change the course of or the natural movement or flow of the water in, or otherwise adversely affect, any public waterway or public body of water, or any waterway or body of water which is used as a part of any public drainage system.
- F. No removal of earth from the ground shall be made so as to expose to possible pollution, by saltwater intrusion or otherwise, any underground water used as a public water supply.
- G. No removal of earth from the ground shall be so made as to prevent or interfere with the orderly development, for residential, business, manufacturing or public purposes, of other lands in the vicinity, or as to render unreasonably difficult or unreasonably delay travel from one place to another or as to render unduly difficult or substantially increase the cost of the installation of public utilities or other public services, or as to substantially depreciate the value of real property in the vicinity.
- H. No excavation shall be made below two feet above the maximum groundwater level at the site.
- I. The Town Board may deny any application for a permit hereunder if it shall find that the proposed excavation will violate any of the provisions of this section, and may revoke or suspend any permit issued hereunder if it shall find that the removal of earth thereunder violates any such provision.
- J. When earth has been removed from any part of any pit excavation area to the maximum extent allowable under this ordinance, or the removal of earth from any such part has been discontinued or

abandoned or the permit for such removal has expired, such pit or part thereof shall be immediately refilled with clean, nonburnable fill containing no garbage, refuse, offal or any other deleterious or unwholesome matter, and the premises, after completion of the removal of earth from the entire pit excavation area, shall be so filled and graded to the levels of the nearest abutting streets or roads.

Article II – Topsoil Stripping and Removal

§ 140-4 – No Stripping or Removal

No stripping or removal of topsoil shall be made within 10 feet of any property line, and upon completion of the work, the premises, if below grade, shall be graded to the level of the abutting highway or the original grade if the same were below the level of the highway. Dust-down or its equal shall be spread to prevent dust from flying, and there shall be left upon the surface of the land from which topsoil is removed not less than six inches of topsoil. No topsoil shall be removed between the first day of October and the first day of April in the following year. All areas from which topsoil is removed shall during the period between August 20 and October 1, inclusive, be prepared into a loose, level seedbed, limed, fertilized and seeded in the following steps:

- A. Apply ground limestone at the rate of one ton per acre.
- B. Apply 5-10-5 fertilizer at the rate of 600 pounds per acre.
- C. Disk area to work limestone and fertilizer into the soil to a depth of at least three inches.
- D. Smooth area with a smoothing harrow.
- E. Sow the following seed mixture at the rate of 100 pounds per acre:

Timothy	30 pounds
Kentucky bluegrass	25 pounds
Redtop	10 pounds
Perennial rye grass	30 pounds
Alsike clover	4 pounds
Wild white clover	1 pound
	100
- F. Brush in seed lightly.
- G. Roll firm with ground roller.

M.9 § 140-8 – Exceptions

Nothing contained in this ordinance shall require a person to obtain a permit hereunder for or prevent a person from removing topsoil from one part of his lands to another part of the same premises when such removal is necessary as an accessory use or is made for the purposes of farming or improving said property or for the installation of public improvements or public utilities, or to obtain a permit hereunder either for the installation of public utilities under a road opening permit or for the removal of material regulated by the Dredging Ordinance of the Town of Hempstead, No. 42.

Article I – General Provisions

§ 144-2 – General Prohibitions

- A. It shall be unlawful and an offense against this chapter for any person to unreasonably make, continue or cause to be made or continued any unreasonable noise or noise disturbance.
- B. Sound emanating from public speaking and public assembly activities conducted on public property shall be exempt from the provisions of Subsection A of this section.

§ 144-3 – Specific Prohibitions

Any conduct contributing toward participation in any of the following activities hereby is declared to be offenses against this chapter:

- A. The sounding of any horn or signal device on any automobile, motorcycle, truck, bus or other vehicle, except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.
- B. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance across a real property boundary.
- C. Owning, possessing or harboring any animal or bird which howls, barks, meows, squawks or makes any other sounds which creates a noise disturbance across a residential real property boundary.
- D. The use of any automobile, motorcycle or other vehicle in such a manner as to create a noise disturbance across a residential real property boundary.
- E. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- F. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine or motor vehicle, except through a muffler or other sound-dissipative device which effectively will prevent loud or explosive noises therefrom.
- G. The erection, including excavating, demolition, alteration or repair, of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in a case of urgent necessity in the interest of public safety, and then only with a permit from the Department of Buildings, which permit may be renewed for a period of three days or less while the emergency continues.
- H. Creating or causing the creation of any sound on any street or public property adjacent to any school, institution of learning or court while the institution or court is in session, or adjacent to any hospital, which unreasonably interferes with the workings of the institution, court or hospital, provided that conspicuous signs are displayed in the area indicating that it is a school, hospital or court area.

- I. Loading, unloading, opening, closing or other handling of boxes, crates or other containers in such a manner so as to create unreasonable noise.
- J. Offering for sale or selling anything by shouting or outcry or making any other types of shouting or outcry within a residential area, thus creating unreasonable noise across a residential real property boundary.
- K. The use of any loudspeaker or amplifier device such that the sound therefrom creates unreasonable noise across a real property boundary.
- L. Using any radio apparatus, loudspeaker, public address system or similar device between the hours of 11:00 p.m. and 9:00 a.m. producing sound across a real property boundary. Nothing herein contained shall be construed to prevent the operation of a radio apparatus, loudspeaker, public address system or similar device used in any reasonable manner within any building or structure that does not project sound across a real property boundary.
- M. Operating or permitting the operation of any mechanical powered saw, sander, drill, grinder, lawn or garden tool, snowblower or similar device, which creates an unreasonable noise across a real property boundary other than between the hours of 8:00 a.m. and 9:00 p.m. on Saturdays and Sundays, and between the hours of 7:00 a.m. and 9:00 p.m. on Mondays through Fridays.
- N. The operation of any machinery, equipment, pump, fan, exhaust fan, attic fan, air conditioning apparatus or similar mechanical device in such a manner as to create an unreasonable noise across a real property boundary.
- O. Burglar or fire alarm.
 - (1) The installation, maintenance or use of any audible burglar alarm or fire alarm that is not provided with a device that will automatically shut off such alarm after 30 minutes of continuous sound.
 - (2) Allowing or permitting such burglar alarm or fire alarm to emit sound audible beyond the real property boundaries of the user of said alarm for a continuous period of more than 30 minutes, whether or not said alarm has been equipped with the automatic shutoff device hereinabove required.

Article II – Transient Sound from Aircraft in Flight and Other Devices

§ 144-5 – Limitation of Noises

No person shall operate or cause to be operated any mechanism or device, including but not limited to airplanes, which shall create a noise within the Town of Hempstead exceeding the limiting noise spectra set forth in Tables I and II, as follows:

A. Table I.

- (1) Limiting noise spectrum for transient noise.

Band Pressure Level Decibels re 0.0002 Microbars	Octave Band Center Frequency (cycles per second)
92	63
87	125
79	250
72	500
66	1,000
60	2,000
54	4,000
52	8,000

- (2) During the daytime from 7:00 a.m. to 7:00 p.m., the limits of Table I hereinbefore set forth shall apply to transient noises having a duration in excess of 12 seconds. During the night, from 7:00 p.m. to 7:00 a.m., the same limits shall apply to transient noises having a duration in excess of six seconds.

B. Table II.

Limiting Noise Spectrum for Steady Noise

Band Pressure Level Decibels re 0.0002 Microbars	Octave Band Center Frequency (cycles per second)
72	63
67	125
59	250
52	500
46	1,000
40	2,000
34	4,000
32	8,000

§ 144-6 – Noise Measurement Practices

Noise measurements and limits shall conform to the following practices:

- A. Noise shall be measured at an altitude not exceeding 100 feet above sea level.
- B. Measurements of noise emanating from any mechanism or device, including but not limited to motor vehicles, shall be made at a distance of at least 100 feet from the longitudinal center line of the vehicle.
- C. Machinery noise originating on private property shall be measured at the property line of the property on which the noise source is located.

M.5.5 Part VI - Conservation and Waterways**Chapter 155 – Boats and Seaplanes****Article I – Speed and Operation of Boats****§ 155-2 – Other Laws and Provisions to be Complied With**

All provisions of the Navigation Law of this state, of the Inland Rules enacted by Congress and governing the navigation of the inland waters of the United States and of the Pilot Rules for United States inland waters shall be complied with by all vessels navigating the Hempstead Town waterways.

§ 155-4 – Mooring Restrictions

- A. Boats or vessels shall not be moored or anchored in any channel except at the edges thereof, and in no case shall boats or vessels be moored or anchored within 50 feet of a channel marker or buoy in a manner which could interfere with navigation.
- B. No boat or vessel shall be moored or anchored so as to endanger the safety of, cause damage to or interfere with any boat or vessel previously anchored or moored in a Town of Hempstead waterway or at a public dock or Town landing. Any boat so moored or anchored shall be removed by the owner, operator or person in charge on order of the Director. If said boat or vessel is not removed within 24 hours of receipt of such order, it shall be removed by or at the discretion of the Director, at the expense of the owner, operator or person in charge thereof.
- C. Any boat or vessel which becomes a menace to navigation, becomes unseaworthy, sinks, grounds or becomes otherwise disabled shall be removed from Town waterways by the owner, operator or person in charge, upon order of the Director. If said boat or vessel is not removed within 24 hours of receipt of notice to remove, or within 24 hours of the time notice should have been received or taken, it may be removed by or at the discretion of the Director, at the expense of the owner.
- D. No boat or vessel shall be moored or docked at the end of any Town street, Town landing, public dock or any other Town property, except as may be provided in sections of this Code relating to marinas and docks.¹ Any boat or vessel moored or docked at any Town property without legal right under any chapter of this Code shall be removed by the owner of said boat or vessel on order of the Director. If said boat or vessel is not removed within 24 hours of receipt of notice to remove or within 24 hours of the time notice should have been received or taken, it may be removed by or at the discretion of the Director, at the expense of the owner of said boat or vessel.
- E. No boat or vessel shall be moored, anchored or docked in any waterway of the Town so that such boat or vessel or any projection thereof extends into the waterway more than 1/4 of the width of such waterway, as measured between the low waterlines along the waterway at the point or place that such boat or vessel is moored, anchored or docked, except that if the waterway is bulkheaded along each shoreline, the width of such waterway may be the width between bulkheads.
- F. No structure, dock or mooring shall be erected or constructed in, over or on any waterway within the Town of Hempstead, except as may otherwise be provided in accordance with this Code. Any structure, dock or mooring so erected or constructed shall not project into the waterway a distance greater than 1/4 of the width of such waterway as measured between the low waterlines along the waterway or between the outboard face of existing bulkheading at the point or place that such structure, dock or mooring is erected or constructed.

§ 155-5 – Reckless or negligent operation of vessels

It is unlawful to operate a vessel in a reckless manner. A person is guilty of reckless operation of a vessel who operates any vessel or manipulates any water skis, aquaplane or similar device in willful or wanton disregard for the safety of persons or property or without due regard, caution and circumspection or at a rate of speed or in a manner as to endanger or likely to endanger life or limb or damage the property of or injure any person.

§ 155-6 – Regulation of Speed of Boats; Waterskiing

- A. No person shall operate a boat within any waterway of the Town at a speed which shall cause a wake or wave which is liable to endanger the life or safety of any person or cause damage to property, including but not limited to erosion of the salt marsh.

- B. No boat shall be operated at a speed greater than 12 miles per hour in any waterway of the Town so posted or at a speed greater than five miles per hour in any waterway of the Town so posted, except as may be hereinafter provided, or within 100 feet of the shore, a dock, pier, raft, float or an anchored or moored vessel at a speed exceeding five miles per hour.

- C. Waterskiing.
 - (1) No person shall operate a boat for towing a person or persons on water skis, surfboards, aquaplanes or similar devices in any posted speed zone, channel or area designated as a boat basin, anchorage or bathing area. Nevertheless, said activities shall be permitted on tidal flats from a distance greater than 100 feet from any posted speed zone, channel or area designated as a boat basin, anchorage or bathing area.

 - (2) No person shall operate or manipulate any water skis, surfboard, aquaplane, jet ski, wet bike or similar devices on tidal waters within the Town in a reckless or negligent manner that endangers the property, life or safety of any person.

 - (3) No person shall operate a boat for towing a person or persons on water skis, surfboards, aquaplanes or similar devices on tidal waters within the Town unless another person who is at least 10 years of age is within the boat and able to observe the person or persons being towed.

 - (4) No person shall operate a boat for towing a person or persons on water skis, surfboards, aquaplanes or similar devices on tidal waters within the Town between sunset and sunrise.

- D. Powerboat races or sailboat regattas shall not be conducted within or on Town waterways without the prior approval of the commissioner, subject to any permits required by federal or state authority. Application for permission to conduct a boat race or regatta shall be made to the Commissioner stating the proposed course of the race or regatta, the date and time, the types of boats participating and the kind of race to be conducted.

§ 155-8 – Regulation of Power-Driven Boats

No person shall operate a boat propelled wholly or partly by an engine operated by gas, gasoline, naphtha, diesel or a oil or other explosive or flammable substance unless the engine is provided with an underwater exhaust or muffler so constructed and controlled as to muffle the noise of explosion caused by engine exhaust.

§ 155-9 – Restrictions on Commercial Marine Vessels

- A. No commercial marine vessel shall anchor or stop within 100 yards (300 feet) of a residence.

- B. For the purposes of this section, the following terms shall have the following meanings:

COMMERCIAL MARINE VESSEL — One that is 30 or more feet in length, has a capacity for 20 or more passengers and is used for fishing, sightseeing, party boat or similar commercial uses.

RESIDENCE — A structure that is used as a dwelling for one-family, two-family or multifamily use.

- C. Any violation of this section by the owner, lessee, or any other person in control of a commercial marine vessel shall constitute a violation, and the fine shall be \$1,000.

Chapter 159 – Dredging

§ 159-15 – Conduct of Operations; Liability for Injuries

All operations under any permit issued pursuant to this chapter shall be done in such a manner that the removal of material and the redepositing and storage thereof will neither undermine, weaken, nor deprive of support other lands in the vicinity, nor otherwise adversely affect the waterways of the Town and the lands abutting thereon, nor, unless the permit issued pursuant hereto shall expressly provide otherwise, substantially change the course of any channel or the natural movement or flow of any waters or cause or accelerate the drift of underwater soil, sand, gravel, bog or mud, and the applicant shall, by the acceptance of a permit hereunder, take and assume all responsibility for any and all operations thereunder and take all precautions for the prevention of injuries to persons and property by reason of such operations and assume the defense of and indemnify and save harmless the Town and its officers and employees from any and all claims arising out of or connected with operations under such permit and any and all acts, omissions or negligence on the part of the applicant and his agents and employees.

Chapter 160 – Precautions Against Oil Spills

§ 160-2 – Oil discharge prohibited

It shall be an offense against this chapter for any person, whether by omission, commission, failure to take proper precautions or otherwise, to discharge or cause to be discharged any oil into or upon any drainage system leading to tributaries to Hempstead Bay Estuary or upon estuarine waters within the Town or waters adjoining the shoreline thereof.

§ 160-6 – Liability and corrective measure relating to spillage

- A. Any person responsible for allowing any oil discharge shall take immediate and appropriate measures to contain, collect and remove said oil discharge and to return the area affected to its original state as reasonably as possible.
- B. If immediate corrective measures are not taken, as prescribed above, to contain, collect and remove an oil discharge, the Commissioner is hereby authorized to take appropriate measures to contain, collect and remove the oil discharge at the cost and expense of the person responsible.
- C. In the commencement of an action pursuant to this section, the burden of proof shall be on the Town, as plaintiff, to prove the source of the oil discharge and that the defendant is the person responsible for said oil discharge. It shall not be necessary for the Town to plead or prove negligence, reckless or willful misconduct or intent.

Chapter 161 – Illicit Discharges

§ 161-6 – Discharge Prohibitions

Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in § 161-6A. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- A. The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from firefighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- B. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.
- C. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- D. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 161-9 – Requirement to prevent, control, and reduce Stormwater pollutant by use of best management practices

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 161-2 or activities contaminating stormwater as defined in § 161-8 the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.
 - (1) The owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 161-2 or an activity contaminating stormwater as defined in § 161-8, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Individual sewage treatment systems: response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 161-2 of this chapter, the owner or operator of such individual sewage treatment systems shall be required to:
 - (1) Maintain and operate individual sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;
 - (b) Avoid the use of septic tank additives;
 - (c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and
 - (d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.
 - (2) Repair or replace individual sewage treatment systems as follows:
 - (a) In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.
 - (b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
 - 1. Relocating or extending an absorption area to a location not previously approved for such.
 - 2. Installation of a new subsurface treatment system at the same location.
 - 3. Use of alternate system or innovative system design or technology.
 - (c) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§ 161-11 – Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 161-12 – Access and Monitoring of Discharges

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter.
- B. Access to facilities.
 - (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.
 - (3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Unreasonable delays in allowing the municipality access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
 - (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 161-13 – Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials,

said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment, shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Chapter 163 – Marinas and Docks

§ 163-17 - Damage to marina property prohibited; authorization required for construction.

It shall be an offense hereunder for any person to deface, mark or damage any dock, piling or wharf and any appurtenances thereto, or to erect any structure or attachment made of wood, metal or other material upon such property belonging to the Town or under the jurisdiction of the Town Board and Commissioner. Any erections, installations or attachments upon such property must be pursuant to written authorization of the Commissioner.

§ 163-18 - Unauthorized boat movement or launching.

It shall be an offense hereunder for any person to lift, drag, launch or to otherwise cause any boat to be lifted, dragged, launched or taken across any dock, piling, bulkhead, dockage facilities, wharf or catwalk belonging to the Town or under the jurisdiction of the Department of Conservation and Waterways unless authorized to do so, in writing, by the Commissioner.

§ 163-19 - Discharge of water or solid or liquid waste prohibited.

It shall be an offense hereunder for any person in charge of any boat, vessel or other watercraft to empty, clean out, pump out or otherwise discharge water, oil or solid or liquid waste material from the bilge, boat toilets or waste treatment holding device into marine waters.

§ 163-20 - Dumping of garbage or other waste prohibited.

It shall be an offense hereunder for any person to dump, throw, deposit or permit to be dumped, thrown or deposited any trash, debris, garbage, waste, sewage or other material into marina waters or upon Town docks, except in receptacles provided for that purpose.

§ 163-24 - Boat boarding by Town representatives.

The Commissioner or his authorized representatives shall have the right to board any boat for the purpose of securing it or preventing the boat from bumping into, scraping or otherwise touching other boats moored in Town marinas. Each application for a permit shall provide the authorization for the Commissioner or his authorized representatives to board the permittee's boat for purposes stated in this section.

§ 163-25 – Boat Lines Required

- A. Owners of boats are required to supply, install and maintain their own lines for mooring, tying and securing their boats. Sizes of lines shall be adequate for the safe mooring of boats and approved by the Commissioner or his authorized representative.
- B. All lines, hoses and other equipment shall be neatly coiled or stowed at all times and shall not be left on the docks so as to constitute a danger to persons walking on said docks.
- C. Sailboat halyards shall be secured at all times to prevent them from banging against the spars.

§ 163-26 – Small Craft at Marinas

- A. Dinghies, rowboats, floats or any small craft carried by a larger boat or vessel shall remain secured to a deck of the carrying boat or vessel while moored or docked in marinas.
- B. Windsurfers, Hobie Cats, surfboards, rowboats, rafts, kayaks and other small craft shall not be allowed in the marinas or on the boat ramp unless they are mechanically propelled, carried aboard a larger vessel or are launched with the Dockmaster's approval. This approval shall be based on existing conditions at the time of launching, relative to the safety and welfare of those using the ramp, as well as other marina patrons. This approval shall require the subject vessel to be paddled directly from the ramp to the boat basin entrance and does not provide for any vessel to be moved under sail only within the marina proper.
- C. Vessels such as jet skis, motorized surfboards or other exotic types of watercraft that do not provide a cockpit for the protection of the operator shall not be permitted in the marinas.

§ 163-31 – Electricity

- A. A boat owner and patron shall be allowed the gratuitous use of not more than one electrical outlet at a facility for his boat. Interruption of this service may occur from time to time and does not constitute cause for rebate, as fees are for space only. Any tampering with electrical outlets shall constitute an offense against this chapter. A surcharge shall be levied for use of electricity in excess of 10 amperes, 115 volts, as specified in § 163-8B herein.
- B. The operation of electrical power generating engines on boats berthed or moored at a Town marina shall be prohibited, and any person failing to comply with the prohibition shall be subject to an immediate revocation of a marina permit.

§ 163-33 – Repairs

- A. Written permission shall be obtained from the Commissioner or his authorized representative for a permit holder to do minor painting or minor emergency engine repair during the time his boat is berthed or moored at a Town marina.
- B. Anything other than minor repairs shall be prohibited.
- C. Boat owners must promptly make any repairs that are necessary to ensure the mechanical function or the seaworthiness of any vessel berthed at a Town marina. Vessels must be kept in good condition at all times, subject to United States Coast Guard inspection.

§ 163-34 – Fueling at Marina Restricted

No boat, vessel or other watercraft shall take on gasoline, diesel oil or other fuel at marinas unless written authority therefor is given by the Commissioner or his authorized representative

§ 163-37 – Traffic Control

- A. Traffic control maps. The Commissioner shall cause to be prepared a map of each marina showing graphically all traffic control regulations applicable to the respective marina. Thereafter, the Town may hold public hearings for the adoption of the traffic control map. The public hearings shall be held after at least 10 days' prior notice of the time and place thereof, by publication in the official newspaper of the Town. After the public hearing, the Town Board may modify a traffic control map and, by ordinance, rule or regulation, shall adopt the map with modification or without change. A certified copy of the ordinance, rule or regulation and a copy of the map, as adopted, shall be filed forthwith in the office of the Town Clerk and in the Department of Conservation and Waterways. In addition, the Commissioner is hereby authorized, but not required, to post traffic control maps, as adopted, at the respective marinas.
- B. It shall be unlawful for the operator of any vehicle to disobey the direction of any sign or marking relating to traffic control in any marina which shall be placed in accordance with the provisions of Subsection A of this section.
- C. Unless otherwise posted, the speed limit throughout any marina shall be 15 miles per hour.
- D. In parking areas, all persons shall comply with the directions of the posted parking instructions or marina attendant and shall occupy the designated parking stall assigned to them, when applicable. Overnight parking shall be limited to nonrecreational vehicles belonging to the berthees or their guests. Any vehicle illegally parked shall be towed away at owner's expense.
- E. Driving instructions of persons operating motor vehicles, motorcycles or minibikes, either under a New York State learner's permit or otherwise, shall be prohibited in all marina facilities.
- F. Except for vehicles operated by Town personnel, a person shall not operate any type of vehicle within the area between parking fields and the area contiguous to the boat basin.
- G. A person shall not drive or operate within any marina facility any omnibus having an overall length in excess of 20 feet, unless a permit is obtained for trailering a vessel to be launched from the ramp in the west marina, in which case they must park in a designated area.
- H. A person shall not solicit for hire passengers for any vehicle in any marina facility.
- I. Hitchhiking is prohibited in any marina facility.

- J. Obstruction of traffic by vehicle or otherwise, except in case of emergency, is prohibited.

- K. Exemption of emergency and municipally owned or leased vehicles and equipment. Nothing herein contained shall be construed to prohibit the standing, parking or operation of police or fire vehicles, ambulances and other emergency vehicles or municipally owned or leased vehicles and equipment in Town marinas.

- L. Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or a public safety officer of the Town or an official traffic control device, no person shall:
 - (1) Stop, stand or park a vehicle:
 - (a) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of any aisle or roadway within a marina.
 - (b) On a sidewalk within a marina.
 - (c) Within an intersection of any aisle or roadway, except when permitted by official signs.
 - (d) On a designated crosswalk.
 - (e) Between a safety zone and the adjacent curb or the marked boundaries thereof.
 - (f) Alongside or opposite any excavation or obstruction when stopped, standing or parking would obstruct traffic.
 - (g) In a parking field within a marina facility other than within markers designating parking spaces, and as nearly in the center of designated stalls as possible.
 - (h) On any lane or roadway in any parking field within a marina.

- (2) Stop, stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (a) In front of a driveway.
 - (b) Within 20 feet of a crosswalk unless a different distance is indicated by official signs.
 - (c) Within 30 feet upon the approach of any flashing signal, stop or yield sign, or traffic control signal located at the side of the aisle, land or road, unless a different distance is indicated by official signs.
- M. No person shall stop, stand or park a vehicle within 15 feet or otherwise-indicated distance of a fire hydrant, except when said vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move the vehicle in case of an emergency.
- N. No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such distance as is unlawful.
- O. Except where angle parking is authorized, every vehicle stopped, standing or parked wholly upon a two-way roadway shall be so stopped, standing or parked with the right-hand wheels of such vehicle parallel to and within 12 inches of the right-hand curb or edge of the roadway.
- P. Except where angle parking is authorized, every vehicle stopped, standing or parked wholly upon a one-way roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.
- Q. Except where angle parking is authorized, every vehicle stopped, standing or parked partly upon a roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway. On a one-way roadway, such vehicle shall be facing in the direction of authorized traffic movement; on a two-way roadway such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway on which the vehicle rests.
- R. No person shall disobey any instructions, directions or time periods contained in any sign duly posted by the Town in any parking field within a marina facility.

- S. No person shall use any parking field within any marina as a through-traffic means for any purpose.

- T. It shall be unlawful and a traffic infraction for any person who is not a holder of a valid special parking permit issued by the County of Nassau for use by the physically handicapped to leave a motor vehicle parked, stopped or standing in any of the spaces set aside in a marina parking field for the sole and exclusive use of holders of valid special handicapped parking permits issued by the County of Nassau. Any person or persons, association or corporation committing an offense under this subsection shall be subject to a fine of not more than \$600.

- U. No person shall operate, park or leave standing any vehicle within a Town marina or dock property as defined in this chapter if the vehicle has an expired vehicle registration sticker or expired vehicle inspection sticker, and the presence of any such vehicle in a Town marina or dock property shall constitute a violation hereof, subject to the applicable penalties set forth in this chapter.

Chapter 164 – Public Wetlands Preservation

§ 164-4 – Permitted Uses

The lands held pursuant hereto shall be used for the following purposes and no others:

- A. The promotion of natural propagation and maintenance of desirable species in ecological balance in the Town wetlands and waterways.

- B. The promotion and maintenance of sound management practices for such propagation and maintenance in such wetlands and waterways, having regard to ecological factors, the compatibility of production and harvesting of fish and wildlife crops with other necessary and desirable land uses, the improvement of fish and wildlife resources for recreational purposes, the requirements for public safety and the need for protection against abuse of the privileges of hunting, fishing or trapping.

- C. The preservation, maintenance and improvement of channels, creeks, canals, bays and other waterways of the Town in a manner to meet the needs of boatmen but consistent with sound conservation practices, any material removed pursuant to this section to be used for public purposes only.

- D. The promotion and maintenance of areas for public marine recreation purposes consistent with sound conservation practices.

- E. The construction and maintenance of structures in waterways for the use of abutting private property owners to permit proper docking of boats and access to navigable channels, provided that any and all required municipal permits be obtained.

- F. The continuance of leases for private recreational purposes held by bay house owners is based on the Hempstead Town Board's desire to preserve the cultural and historic character of the Town of Hempstead bays. These leases are to be held by one Town of Hempstead resident, or as per current leasing agreements, for private, recreational purposes and the lessee shall be the principal user/inhabitant. The list of lessees shall be as of the 31st day of December 2003; provided, however, that no sublease shall be valid but that an assignment, acceptable to the Commissioner of the Department of Conservation and Waterways, to the spouse, sibling, child or grandchild of the lessee or a qualified caretaker as provided herein shall be valid. A qualified caretaker is a person who, in the judgment of the Commissioner of the Department of Conservation and Waterways, has actively provided for the care and maintenance of the leased premises for a period not less than three years from the date of an application by the lessee or the lessee's legal representative for an assignment of the lease to such caretaker. In any case in which a lease has been cancelled or has not been renewed, the Commissioner of the Department of Conservation and Waterways may grant a lease to a person who, in his judgment, has acted in the manner of a qualified caretaker of the premises for a threeyear period immediately preceding an application brought by such caretaker for status as a lessee of the premises. However, where there is no clear successor to the lease, the Commissioner of the Department of Conservation and Waterways, after establishing a suitable list of candidates in the manner established herein and acceptable to the Commissioner of the Department of Conservation and Waterways, may issue a one-year lease for three successive years in order to establish caretakership. Continuance of the one-year lease shall be predicated upon the terms outlined by the commissioner of the Department of Conservation and Waterways prior to the issuance of the first one-year lease period and before the issuance of each successive yearly lease. Therefore, at the discretion of the Commissioner of the Department of Conservation and Waterways any one-year lease may be terminated and all structures, including the improvements and remaining portion of the lease forfeited, and the Commissioner of the Department of Conservation and Waterways may award a first-year lease to the next candidate on the established list. In any case, no new buildings shall be permitted to be constructed on any leased premises except as noted, and only those bay houses which were in existence on the last day of December 2003 shall be maintained on any leased premises.

- G. Private and commercial marine purposes accessory to the use of abutting upland pursuant to leases duly executed by the Town of Hempstead and consistent with the conservation, management, principles and purposes hereinbefore set forth.

§ 164-9 – Rules and regulations

Upon the recommendation of the Commissioner of the Department of Conservation and Waterways pursuant to the provisions of § 164-5 of the Code of the Town of Hempstead, the following rules and regulations are hereby promulgated by the Town Board of the Town of Hempstead.

A. Dumping or depositing of certain materials.

- (1) It shall be unlawful and a violation punishable by a fine not exceeding \$250 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment, for any person or persons, firm, business establishment, company, partnership, corporation and the officers and stockholders thereof to dump or deposit or to suffer and permit the dumping or depositing of any dirt, sand, fill, gravel, rock(s), earth, filth, waste, rubbish, petroleum or petroleum products in any waterway under the jurisdiction of the Town of Hempstead.
- (2) Bay Constables and other peace officers are authorized to issue summonses and swear to appropriate information for the enforcement of this rule and regulation.
- (3) This rule and regulation shall become effective 10 days after publication in a newspaper of general circulation in the Town of Hempstead.
- (4) The Commissioner of the Department of Conservation and Waterways is hereby authorized to post the provisions of this rule and regulation, or pertinent excerpts, or an abstract of the contents thereof, at prominent places throughout the public wetlands.

B. Rules and regulations concerning beach erosion control.

- (1) Preamble. The Town Board of the Town of Hempstead has long since determined that the Island of Long Beach and the other barrier islands fronting on the Atlantic Ocean and on the inlets and channels abutting said islands, all within the Town of Hempstead, are subject to substantial erosion and accretion of sand by the natural action of the tides and winds, that the Town of Hempstead, the County of Nassau, the State of New York and the United States of America have done considerable public work at great expense to stabilize the coast of the Atlantic Ocean in the Town, but that it appears that the natural balance between such erosion and accretion has been substantially disturbed by the indiscriminate removal by various persons of sand from said barrier islands, a great part of which has blown off the beaches thereof upon the upland thereof, and that the continuance of such indiscriminate removal will probably result in extensive and dangerous unnatural erosion of said islands, and that it is necessary, therefor, in the interests of the public safety and welfare, to take action to abate or mitigate such unnatural erosion.
- (2) Every owner or occupant of real property on the barrier island of Long Beach, abutting the high-water mark of the Atlantic Ocean within the unincorporated area of the Town of

Hempstead, shall during the months of October through April, both inclusive, in every year, erect and maintain on his property, to and within 50 feet of the mean highwater mark, a fence not less than four feet high composed of vertical slats (of the type commonly known as a "snow fence" or "sand fence"), sufficient to catch and hold sand drifting or blowing inshore from the beach. Such fencing shall be erected in an appropriate direction or as prescribed by the Department of Conservation and Waterways to ensure the capture of the greatest amount of sand.

- (3) Under no circumstances shall any person, private or municipal corporation, partnership or association excavate, remove or permit or suffer the excavation or removal of any sand from the beach or from any sand dune being a part of the barrier island of Long Beach and other unincorporated areas of the Town of Hempstead lying between Jones Inlet and East Rockaway Inlet on the Atlantic Ocean.
 - (4) The provisions of these rules and regulations shall not apply to any excavation necessary for the construction, erection or installation of a lawful structure of improvement under a permit issued pursuant to a Town of Hempstead ordinance, nor to the removal of sand for any necessary public use as may be recommended by the Commissioner of the Department of Conservation and Waterways.
 - (5) An offense against any of the foregoing rules and regulations shall constitute a violation punishable by a fine not exceeding \$250 or by imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment.
- C. Rules and regulations governing wildlife refuge areas or sanctuaries. Wildlife refuge areas or sanctuaries shall be deemed those areas designated by the Town Board in Resolution No. 994-1964 and Resolution No. 1238-1975, and shall hereinafter be referred to as "sanctuaries."
- (1) Alcoholic beverages. A person shall not bring ale, beer, wine or other spirits in a keg, case, can, bottle or other container into any sanctuary, unless authorized to do so by the Town Board or Commissioner.
 - (2) Animals. No domesticated animals shall be permitted in any sanctuary, unless so authorized by the Town Board or Commissioner. No person owning or having custody of any animal shall cause or permit the animal to enter any sanctuary.
 - (3) Camping. A person shall not camp, erect or maintain a tent or shelter of any kind in any sanctuary without first obtaining written permission therefor from the Town Board or Commissioner.

- (4) Disorderly conduct. No person shall disobey a lawful order of a Town of Hempstead law enforcement officer or any person employed in the Department of Conservation and Waterways in a supervisory capacity, or the directions of any Department sign; throw stones or other missiles; interfere with, encumber, obstruct or render dangerous any drive, road, path, walk or area of a sanctuary; climb upon any wall, fence, shelter or other structure not intended as climbing apparatus; enter or leave any sanctuary, except at established entranceways or exits; introduce, carry or fire any fireworks; engage in, instigate, aid or encourage a contention or fight; assault any person; or make excessive noise which would create a nuisance.
- (5) Fire. A person shall not kindle, build, maintain or use a fire anywhere within any sanctuary, except as may be designated or approved by the Town Board or Commissioner. A person shall not throw away or discard any lighted match, cigar, cigarette or other lighted object. Such objects shall be deposited in suitable receptacles.
- (6) Fishing. Fishing is prohibited within any sanctuary and from the shoreline, except as may be designated or approved by the Town Board or Commissioner.
- (7) Hunting and trapping. Hunting or trapping wildlife in any sanctuary is prohibited.
- (8) Games. The following activities are prohibited in any sanctuary: throwing or using any type of ball, bean bag, frisbee, knife, missile or other object; playing any ball game; flying any model aircraft of any size; engaging in kite flying or model boating; riding bicycles, scooters, go-carts, motor bikes or motorcycles; roller skating; skateboarding; and engaging in archery.
- (9) Firearms. All firearms are prohibited in any sanctuary. Prohibition will include firearms, as defined by Article 265 of the Penal Law, as well as all rifles, BB guns or any type of firearm or other such device or instrumentality which may create a hazard to person or property, or which may cause a nuisance or discomfort to any person.
- (10) Picnicking. Picnicking is prohibited in any sanctuary.
- (11) Opening and closing. A sanctuary shall be opened and closed at the time and hour designated therefor by the Town Board or Commissioner; except that the Commissioner is authorized to open and close any such sanctuary, in his sole discretion, for emergency, health or safety reasons. A person shall not use the sanctuary at times other than those designated in accordance with the times posted thereat.

- (12) Landing of airborne vehicles. A person shall not voluntarily land any airborne vehicle, object or apparatus in any sanctuary.
 - (13) Protection of property. A person shall not deface, destroy or tamper with any drive, path or walk; take up, remove or carry away any tree, shrub, turf or other material; remove, deface or destroy any structure, building or any appurtenances or any other property or equipment, real or personal, owned by the Town or others under the jurisdiction and control of the Town Board or Commissioner, in any sanctuary.
 - (14) Collecting scientific specimens. A person shall not remove any plant, vegetation, animal, bird or fish specimen from any sanctuary, except as may be approved by the Town Board or Commissioner.
 - (15) Use of sanctuary. The use of sanctuaries shall be restricted to activities consistent with the purpose of a nature study area. A person under the age of 14 years shall not be admitted unless accompanied by an adult who shall assume full responsibility for his or her safety and conduct.
 - (16) Loss, damage or theft. The Town will not be responsible for loss, damage or theft of motor vehicles, bicycles or other personal property brought into any sanctuary. Persons checking clothing and parking motor vehicles or bicycles, pursuant to the rules and regulations in force at any sanctuary, do so at their own risk and without any liability on the part of the Town.
 - (17) Litter. A person shall not discard or in any manner discharge refuse, garbage, rubbish or waste into or on any sanctuary.
- D. Prohibition against the operation of motor vehicles, airboats and other all-terrain vehicles within the tidal wetland areas.
- (1) It shall be unlawful and an infringement against this chapter for any person to operate any motor vehicles, including airboats and other all-terrain vehicles, within a tidal wetland, except as shall be authorized by the Commissioner of the Department of Conservation and Waterways in carrying out wetlands management and maintenance programs.
 - (2) It shall be unlawful and an infringement against this chapter for any person to operate a boat propelled by motor within a salt marsh, an intertidal marsh or high marsh, except by duly authorized personnel of the Department of Conservation and Waterways in carrying out wetlands management and maintenance programs.

Chapter 165 – Freshwater Wetlands

§ 165-7 – Standards for Permit Decision

- A. In granting, denying or conditioning any permit, the agency shall consider the effect of the proposed activity with reference to the public health and welfare, fishing, flood, hurricane and storm dangers and protection or enhancement of the several functions of the freshwater wetlands and the benefits derived therefrom which are set forth in § 165-1 of this chapter, taking into account as well all other provisions of the standards for permit issuance as set forth in 6 NYCRR 665.7(e).
- B. No permit shall be issued by the agency pursuant to this chapter unless the agency shall find that:
 - (1) The proposed regulated activity is consistent with the policy of this law to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the development of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial economic, social and agricultural development of the Town of Hempstead.
 - (2) The proposed regulated activity is consistent with the land use regulations applicable in the Town of Hempstead pursuant to § 24-0903 of Article 24 of the State Environmental Conservation Law.
 - (3) The proposed regulated activity is compatible with the public health and welfare.
 - (4) The proposed regulated activity is reasonable and necessary.
 - (5) There is no practicable alternative for the proposed regulated activity on a site which is not a freshwater wetland or adjacent area.
- C. The permit applicant or person requesting a letter of permission shall have the burden of demonstrating that the proposed activity will be in accord with the standards set forth in this section.
- D. Duly filed written notice by the state or any agency or subdivision thereof to the agency that the state or any such agency or subdivision is in the process of acquiring the affected freshwater wetland on

which a proposed regulated activity would be located by negotiation or condemnation shall be sufficient basis for denial of a permit for such regulated activity but shall not require such denial, only if both the affected landowner and local government have been so notified.

- (1) The written notice must include an indication that the acquisition process has commenced, such as the preparation or commencement of an appraisal of the property.
- (2) This ban to the permit shall lapse if, within one year of the permit denial, the landowner received no offer for the property.

Chapter 167 – Dune Protection Zone

§ 167-4 – Prohibitions

- A. It shall be unlawful for any person, firm, corporation or municipality to damage, destroy, remove, excavate or relocate any sand dune or portion thereof within the dune protection zone.
- B. It shall be unlawful for any person, firm, corporation or municipality to kill, destroy or remove in any manner any vegetation growing within the dune protection zone, except that certain species of vegetation may be removed from or planted in the dune protection zone specifically for erosion control with the approval of the Commissioner of the Department of Conservation and Waterways of the Town of Hempstead.
- C. The provisions of § 136-2 of the Code of the Town of Hempstead regarding the posting of notices to the contrary notwithstanding, when signs are posted within a dune protection zone which convey the understanding that every person, firm or public or private corporation shall not trespass upon and shall keep off the dunes, it shall be an offense against this chapter for any said person, firm or public or private corporation to trespass or walk upon any sand dune within a dune protection zone. For purposes of this section, "trespass" shall mean to transgress, cross, intrude, go upon, injure or damage with violence, either actual or implied.
- D. It shall be unlawful for any person, firm, corporation or municipality to operate or direct the operation of a vehicle of any description within the dune protection zone, except as necessary for erosion control with the approval of the Commissioner of the Department of Conservation and Waterways of the Town of Hempstead.

Chapter 168 – Structures in Waterways

§ 168-9 – Noninterference with Navigation of Waterways

A structure, mooring pile or spile erected in accordance with the provisions of this chapter shall be maintained in such manner that there shall be no interference with navigation nor with public usage of the waterway.

§ 168-12 – Regulations

No structure, mooring pile or spile shall be installed, constructed or maintained unless it shall comply with the following regulations:

- A. Structures subject to § 168-4 hereof shall be of sound, approved engineering design, and, except for floats, shall have a minimum waterway and freeway clearance of six feet above mean sea level, Nassau County Datum Plane, and be of open pile-type design, and the supporting bents of such structures shall have a minimum distance of six feet on centers in any direction.
- B. The location, design and use of the structure, mooring pile or spile shall comply with all local laws, public health laws and requirements and conform to the standards of construction consistent with the prevention of fire hazards.
- C. Whenever bulkheading shall be installed or replaced in accordance with the provisions of this chapter, navigable water shall be provided on the waterway side of such bulkheading in such manner and of such depth, consistent with existing channels, as in the opinion of the Director shall be deemed appropriate and in conformity with sound principles of navigability and conservation.
- D. Additional rules and regulations. The Town Board shall establish rules and regulations or amend the same, by resolution, to secure the intent, purpose and enforcement of this chapter. The Director of the Department of Conservation and Waterways shall recommend such rules and regulations to the Town Board. Before making such recommendations, the Director of the Department of Conservation and Waterways shall hold a public hearing on the proposed rules and regulations and any amendments thereto, upon at least seven days prior notice of the time and place of such hearing, by publication in the official newspaper of the Town.

Chapter 170 – Coastal Erosion Hazard Areas

§ 170-7 – Structural Hazard Area Restrictions

The following restrictions apply to regulated activities within structural hazard areas:

- A. 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 and must be located landward of the shoreline structures.

- B. The construction of nonmovable structures or the placement of major nonmovable additions to an existing structure within the dunes or seaward of the landward edge of the erosion hazard area line is prohibited.
- C. No permanent structure may be located seaward of the local erosion hazard area line.
- D. Plans for landward location of movable structures must be included with each application for a permit.
 - (1) 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.
 - (2) With the attachment of a removal agreement to the coastal erosion management permit, the landowner or the signator is responsible for the landward 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 Town, at the time the permit is issued.
 - (3) Debris from structural damage which may occur as a result of sudden unanticipated dune migration or wave action must be removed within 60 days of the damaging event. E. Any grading, excavation or other soil disturbance conducted within a structural hazard area is prohibited without a coastal erosion management permit from the permit administrator.

§ 170-8 – Nearshore Area Restrictions

- A. Nearshore areas dissipate a substantial amount of wave energy before it is expended on beaches 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 which helps to 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.
- B. The following restrictions apply to regulated activities in nearshore areas:
 - (1) Excavating, grading, mining or dredging which diminishes the erosion protection afforded by the nearshore area is prohibited, except for 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.

- (2) 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.
- (3) 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 New York State Department of Environmental Conservation and by the Town of Hempstead's Commissioner of Conservation and Waterways.
- (4) All development is prohibited on nearshore areas unless specifically provided for by this chapter.

§ 170-9 – Beach Area Restrictions

- A. Beaches buffer shorelands from erosion by absorbing wave energy that otherwise would be expended on the toe 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.
- B. The following restrictions apply to regulated activities in beach areas:
 - (1) Excavating, grading or mining which diminishes the erosion protection afforded by beaches is prohibited.
 - (2) Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within beach areas. Any deposition will require a coastal erosion management permit, which may be issued only for expansion or stabilization of beaches.
 - (3) 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 New York State Department of Environmental Conservation and by the Town of Hempstead's Commissioner of Conservation and Waterways.
 - (4) All development is prohibited on beaches unless specifically provided for by this chapter.
 - (5) It shall be unlawful for any person, firm, corporation or municipality to operate or direct the operation of a vehicle of any description within the erosion hazard area except as necessary

for erosion control purposes and with the approval of the Commissioner of the Department of Conservation and Waterways.

- (6) Only four-wheel-drive vehicles are permitted to be used for specific purposes and in designated traffic control corridors in accordance with §§ 170-9B(5) and 170-12.
- (7) No person, firm, corporation, association or municipality which falls within the jurisdiction of the Town of Hempstead's erosion hazard area may excavate, remove or permit to be removed any sand from the beach being a part of the Long Beach barrier island without a coastal erosion management permit.
- (8) The provisions of these rules and regulations shall not apply to normal beach maintenance for beaches under the jurisdiction of the Town of Hempstead.
- (9) The restoration of existing structures on beaches that are damaged or destroyed by events not related to coastal flooding and erosion may be undertaken without a coastal erosion management permit.

§ 170-10 – Dune Area Restrictions

- A. 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 beach grass or other vegetation on the dunes, the use of specialized sand fencing and the assurance of a supply of nourishment sand to the dunes.
- B. The following restrictions apply to regulated activities in dune areas:
 - (1) In primary dune areas and in dune protection zone areas:
 - (a) Excavating, grading or mining of dunes is prohibited.
 - (b) Relocating or manipulation of any sand dune or portion thereof within the dune area without a coastal erosion management permit is prohibited.

- (c) Dune creation requires a coastal erosion management permit.
- (d) Clean sand of a compatible type and size is the only material which may be deposited. Any deposition requires a coastal erosion management permit.
- (e) All depositions must be vegetatively stabilized using species tolerant of the conditions at the site in conjunction with specialized dune fencing, which must be placed so as to increase the size of or to restore a dune or dune area. Such vegetation shall not be removed or destroyed, except that certain species of vegetation may be removed from or planted in the dune areas specifically for erosion control purposes if authorized by the permit administrator and regulated by a coastal erosion management permit.
- (f) The provisions of § 136-2 of the Code of the Town of Hempstead regarding the posting of notices to the contrary notwithstanding, when signs are posted within any dune area which convey the understanding that every person, firm or public or private corporation shall not trespass upon and shall keep off the dunes, for purposes of this section, "trespass" shall mean to transgress, cross, intrude, go upon, injure or damage with violence, either actual or implied.
- (g) Active bird nesting and breeding areas, whether or not posted, fenced or in some way delineated, must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the New York State Department of Environmental Conservation and by the Town of Hempstead's Commissioner of Conservation and Waterways.
- (h) Access by pedestrians and official vehicles through the dune area shall be by elevated access structure only. Each elevated access structure must have a minimum clearance of three feet over the top of the dune structure. Such structures may be modified or changed subject to a coastal erosion management permit.
- (i) No person may be allowed to excavate any portion of a dune structure for the purpose of providing access to the beach without a coastal management permit.
- (j) Nonmajor additions to existing structures are allowed on primary dunes and dune protection zone areas pursuant to a coastal erosion management permit and subject

to permit conditions concerning the location, design and potential impacts of the structure on the dune.

- (k) Stone revetments or other erosion protection structures compatible with dunes will only be allowed at the waterward toe or primary dunes and must not interfere with the exchange of sand between the dunes and their fronting beaches.

(2) In secondary dune areas:

- (a) 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.
- (b) Excavating, grading or mining must not diminish the erosion protection afforded by them.
- (c) Secondary dune creation requires a coastal erosion management permit.
- (d) Nonmajor additions to existing structures are allowed on secondary dunes pursuant to a coastal erosion management permit.
- (e) Permitted construction, reconstruction, restoration or modifications must be built on adequately anchored pilings such that at least three 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.
- (f) Relocating or manipulation of any sand dune or portion thereof within the secondary dune area without a coastal erosion management permit is prohibited.
- (g) Dune vegetation shall not be removed or destroyed, except that certain species of vegetation may be removed from or planted in the secondary dune areas specifically for erosion control purposes, unless authorized by the permit administrator and regulated by a coastal erosion management permit.

- (h) The provisions of § 136-2 of the Code of the Town of Hempstead regarding the posting of notices to the contrary notwithstanding, when signs are posted within any dune area which convey the understanding that every person, firm or public or private corporation shall not trespass upon and shall keep off the dunes, for purposes of this section, "trespass" shall mean to transgress, cross, intrude, go upon, injure or damage with violence, either actual or implied.
 - (i) Active bird nesting and breeding areas, whether or not posted, fenced or in some way delineated, must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the New York State Department of Environmental Conservation and by the Town of Hempstead's Commissioner of Conservation and Waterways.
 - (j) Access by pedestrians and official vehicles through the secondary dune area shall be by elevated access structures only. Each elevated access structure must have a minimum clearance of three feet over top of the dune structure. Such structure may be modified or changed subject to a coastal erosion management permit.
 - (k) No person may be allowed to excavate any portion of a dune structure for the purpose of providing access to the beach without a coastal erosion management permit.
 - (l) The restoration of existing structures in dune areas that are damaged or destroyed by events not related to coastal flooding and erosion may be undertaken without a coastal erosion management permit but is subject to all applicable building zone regulations.
1. All other activities and developments in dune areas are prohibited, unless specifically provided for by this chapter.
 2. The restrictions of § 170-12, Traffic control, apply to secondary dune areas.

§ 170-11 – 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 effects 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.
- E. Short-term erosion protection structures or sand fences must be erected by every owner of real property bordering the Atlantic Ocean on the Long Island barrier island between the period of October and April of each year to within 50 feet of the mean high-water mark, each fence being not less than four feet high and composed of vertical slats of the type commonly known as "snow fence" or "sand fence" or equivalent product in sufficient quantity to catch and hold sand drifting or blowing from the beach. Such fencing shall be erected in an appropriate direction as prescribed by the Commissioner to ensure the capture of the greatest amount of sand.

§ 170-12 – Traffic Control

All motorized and nonmotorized 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.

- B. Motor vehicle traffic is prohibited on all dunes, except for officially designated crossing areas.
- C. Pedestrian passage across dunes must utilize elevated walkways and stairways or other specially designed dune-crossing structures.
- D. All vehicles approved for use on coastal erosion management areas must be equipped with four-wheel drive and flotation tires.
- E. All unnecessary vehicular traffic not associated with specific management tasks is prohibited.

M.5.5.1 Part VII - Streets, Vehicles and Traffic

Chapter 175 – Excavations in Streets

§ 175-5 – Street Opening Regulations and Restrictions

- A. Safety codes. The permittee, his agents and employees shall strictly comply with the following conditions:
 - (1) United States Department of Labor, Bureau of Labor Standards, Safety and Health Regulations for Construction, as promulgated in accordance with the Occupational Safety and Health Act of 1970, Public Law 91596:84 Stat. 1590, Laws of 91st Congress, 2nd Session.
 - (2) Industrial Code Rule 23: State of New York Department of Labor, Bureau of Standards and Appeals, entitled "Protection of Persons Employed in Construction and Demolition Work."
 - (3) Industrial Code Rule 53: State of New York Department of Labor, Bureau of Standards and Appeals, as relates to "Construction and Demolition Operations At or Near Underground Facilities."
- B. Emergency opening. If it becomes necessary to enter upon a Town highway for the purpose of making emergency repairs, any person, public utility, municipality and/ or municipal subdivision may do so forthwith, provided that within 24 hours of the time of making such openings (Saturdays, Sundays or holidays not included) an application for a permit is made thereof pursuant to these rules and regulations.

C. Openings on newly constructed or resurfaced highways. No excavation shall be permitted on any newly constructed or resurfaced highway for a period of not less than five years. This subsection does not include any excavation on the right-of-way abutting said newly highway. Should such an opening be required for emergency purposes, permission must be obtained from the Highway Department and restoration plans reviewed and approved by the Department of Engineering.

D. Notifications.

(1) The Highway Department shall receive at least 72 hours' advance written notice, except for emergency work, including a diagram, engineering drawings or the equivalent thereof, of the proposed excavation in any Town highway or sidewalk area.

(2) Work must commence within and be satisfactorily restored within 60 days from the issuance of a permit unless otherwise extended, in writing, by the Highway Department for good cause.

(3) Residents of the project areas must be notified of intentions to close off driveways by use of a form approved by the Town of Hempstead. The permittees shall prepare the necessary number of copies of said form on their own letterhead and distribute the same to the homeowners at least 48 hours in advance.

§ 175-6 – Maintenance of Traffic and Protection of the Public

The following work procedures and construction practices shall be adhered to in order to assure proper maintenance of traffic:

A. In those areas where work performed by the permittee interferes with vehicular or pedestrian traffic, the permittee shall place and maintain traffic control devices pursuant to the provisions of §§ 1680 and 1682 of the Vehicle and Traffic Law of the State of New York, which require that all traffic control associated with maintenance, repair and construction within the highway limits shall be carried out in accordance with standards set forth in the New York State Manual of Uniform Traffic Control Devices, latest edition. The Commissioner reserves the right to order the correction of any unsafe condition or the installation of additional signs, lights, temporary pavement, plating or other traffic control devices or to order the removal of any and/or all obstructions to traffic.

B. The permittee may be required to submit with the permit application a traffic control plan showing all provisions for maintaining, protecting and/or detouring of traffic. Such plan shall show, but not be limited to, all sign locations, sizes, colors, barricades, flashing lights, flag persons, traffic cones, pavement markings, etc., and all in accordance with the above-referenced New York State requirements.

- C. Whenever a traffic lane is closed or traffic is required to use other than its normal lanes, the local police precinct, fire district and school district must be notified in advance by the permittee.

§ 175-7 – Detail of Construction

- A. All procedures and materials shall be in conformance with the latest edition of the Nassau County Specifications for Construction of Highways and Bridges and the Nassau County Traffic Signal Specifications as prepared by the Nassau County Department of Public Works.
- B. As upon request by the Commissioner, a schedule of operations shall be submitted by the permittee.
- C. No Town highway shall be closed without prior written notice to and approval of the Commissioner of the Highway Department.
- D. No trench area shall be left open after working hours.
- E. A space of at least four feet wide shall be maintained at all times on the side of the right-of-way for the safe use of pedestrians.
- F. Trench areas shall be kept open as short a time as possible consistent with the installations involved.
- G. In no case shall sidewalks or pavements be removed or broken unless all subsequent activities needed to complete the permit work proceed without delay thereafter. Where concrete pavement is broken and left in place prior to removal, these pavement areas shall be resurfaced with a temporary asphalt pavement before opening to traffic.
- H. Every precaution shall be taken to prevent the marring or damage to structures such as pavements, curbs, sidewalks, etc., abutting the work as follows:
 - (1) Timber planks shall be used to support steel-treaded mobile equipment, and timber blocks or planks shall be placed under all outriggers used to stabilize excavation and other mechanical equipment.

- (2) Loose stones, broken concrete, sand, dirt, debris, etc., shall be swept up daily from the areas adjoining the work.
 - (3) Under no circumstances shall the mixing of mortar or concrete or the storage of asphalt be permitted directly on unprotected surfaces adjoining the work.
- I. Immediately following saw cutting, all residue shall be flushed, broomed and removed from adjoining surfaces.
- J. All possible care shall be taken to prevent undermining of the adjoining pavement. The use of driven sheeting may be required to prevent such undermining. Any such undermining shall be deemed sufficient reason for the issuance of orders to remove additional pavement.
- K. The permittee shall have a competent representative at the site while the work is in progress to ensure adherence to the conditions of the permit.
- L. The permittee shall provide and maintain temporary pavement with hot asphalt mixes flush with the grades of the adjoining surfaces until final restoration.
- M. No transverse road opening nor a road opening within an intersection may exceed $\frac{1}{3}$ the width of the highway, nor shall any more than that same length be blocked by construction, truck loading or unloading or by construction material and barricades at any one time.
- N. All existing traffic signs temporarily removed for construction shall be carefully stored and must be reinstalled upon completion of work.
- O. All restorations shall be cut back a minimum of 12 inches on each side of the excavation as necessary to avoid ragged edges on the restored area. The area to be restored shall be increased as necessary to avoid residual strips of existing pavement of less than three feet in the smaller dimension.
- P. Pavement restoration specifications shall be as follows:
 - (1) Specifications.

- (a) Bituminous-type pavement 1 1/2 inches minimum compacted asphalt concrete Type 1A, Item 36D, three inches minimum compacted densegraded base course asphalt concrete Item 22CX-M-2.
 - (b) Alternate pavement section one-inch minimum compacted asphalt concrete type AC, Item 36E.
 - (c) One and one-half inches minimum compacted asphalt concrete binder course, Type 1A, Item 36DX-M.
 - (d) Four inches minimum compacted dense-graded aggregate base course Item 398.
- (2) Oil and bluestone pavement: five inches of Town of Hempstead Item 398 and two inches of top course.
- (3) Concrete pavement.
 - (a) Where existing pavement is reinforced or contains joint supports, the removal of the pavement shall be performed in such a manner as to allow projection of six inches of the reinforcement and the undisturbed joint supports into the replacement area. If such is not feasible, the permittee shall indicate proposed corrective measures for approval by the Commissioner. Replacement concrete shall be Type II and entrained with additives such as will assure compressive strength cores of 2,500 pounds per square inch in 48 hours. The concrete shall be of the same thickness as the adjacent undisturbed concrete.
 - (b) With the approval of the Town of Hempstead Engineering Department, asphalt concrete base may be used as a replacement for adjacent concrete base on longitudinal cuts only. Where asphalt concrete is used, it shall be two inches thicker than the concrete it replaces.
- (4) Longitudinal openings.
 - (a) The entire panel width must be removed and replaced. Ends of panels must be saw cut if not at a transverse joint.

- (b) In no case shall any portion of the existing panel that is less than six feet from a transverse joint be left in place.
 - (c) When concrete base panels with asphalt overlays are to be removed, the asphalt shall be cut back a minimum of six inches onto the adjacent panels to provide a smooth vertical edge.
- (5) Transverse openings.
 - (a) Transverse openings shall be saw cut 90° to the longitudinal joints.
 - (b) Pavement replacement shall be a minimum of two feet on both sides of the trench and a total minimum of six feet wide by the width of the panel.
 - (c) In no case shall any portion of the existing panel that is less than six feet in length from a transverse joint of existing crack be left in place.
 - (d) Where openings are skewed across the pavement, the concrete replacement must be carried straight across each panel and not staggered.

Chapter 176 – Roll-Off Containers

§ 176-3 – Rules and Regulations

- A. A container permit shall be prominently displayed on each and every container to be placed within the Town of Hempstead.
- B. The street upon which any roll-off container is to be placed must meet a minimum width requirement of 30 feet, curb to curb.
- C. The roll-off container must be placed parallel to the curb with the street side of the container not more than eight feet six inches from the nearest curb adjacent to the container.
- D. Roll-off containers shall have a permanent installation of not less than 16 square feet of diagonal reflectorized stripping material on each and every side of the rolloff container and shall also have

stenciled or otherwise printed thereon, in English letters at least two inches in height, the name, address and telephone number of the owner-lessor.

- E. The roll-off container shall not obstruct any part of the sidewalk or the sidewalk area adjacent to the street, and the contents thereof shall be emptied and disposed of upon reaching the container's waterline.
- F. The owner-lessor shall be responsible for the repair of any street, sidewalk and curb damage caused by the placement, movement or removal of any roll-off container.
- G. The Commissioner shall receive at least 48 hours' prior written notice from the owner-lessor before a roll-off container or dumpster is placed upon any street located within the Town or on any Town owned property.
- H. The Commissioner shall receive written notice from the owner-lessor within 48 hours of the removal of a roll-off container or dumpster from a street located within the Town or on any Town-owned property.
- I. The Commissioner reserves the right to refuse the placement of any roll-off container from any street location if, in his judgment, he determines that the placement of any roll-off container at any street location shall constitute an obstruction or public nuisance or a hazard because of contour, narrow width, traffic or other highway conditions peculiar to the street at or near the proposed location.
- J. Effective September 1, 1998, no roll-off container or dumpster shall be permitted to remain in a particular location for a period of time exceeding 14 days. The placement application may be renewed by notifying the Commissioner in writing and submitting an additional placement fee.
- K. Effective September 1, 1998, there shall be a \$10 placement fee for each roll-off container or dumpster that is placed upon any street located within the Town or on any Town-owned property. This fee covers a fourteen-day period.
- L. The provisions of Chapter 128, Garbage and Rubbish, of the code of the Town of Hempstead regarding garbage and rubbish shall be fully complied with.

Chapter 177 – Materials: Deposit

§ 177-1 – Deposits on Roads

No person shall cause or permit any accumulation of sand, gravel, cinders, topsoil, mud, earth or other material to be placed, deposited, tracked or flowed upon any Town road.

Chapter 181 – Sidewalks, Roads and Streets

Part 1 – Sidewalks

Article I – Obligation of Abutting Owner

§ 181-2 – Requirements of Construction

No sidewalk, curb or gutter shall be constructed or permitted to be constructed or repaired along any street, road, highway or parkway in the Town of Hempstead unless such construction shall be of concrete and conform to the lines and grades furnished by the Town Engineer and in conformity with all of the specifications and requirements established by rules and regulations of the Town Board.

§ 181-4 – Trees

- A. No tree shall be planted within the sidewalk area in front of or adjacent to any private premises except trees whose root systems normally will not cause damage to sidewalks, curbs or utility installations.
- B. For the purpose of this section, the term "sidewalk" shall include all land lying between the curbline of the public highway and the building line of the premises abutting thereon which has been surfaced or improved with concrete or other paving material.
- C. Fee for noncommercial permit. A fee of \$25 shall be charged to obtain a permit for the planting of any tree abutting a noncommercial property.
- D. Fee for commercial permit. A fee of \$150 shall be charged to obtain a permit for the removal, planting or replacement of any tree abutting a commercial property.

Article IV – Cleaning; Obstructions

§ 181-11 – Removal of snow, ice and obstructions

Every owner or occupant of any house or other building, and every owner or person entitled to possession of any vacant lot, and any person having charge of any church or any public building in the Town of Hempstead, shall during the winter season or during the time snow shall continue on the ground, keep the sidewalk in front of such lot or house free from obstruction by snow or ice and icy conditions, and shall at all times keep such sidewalk in good and safe repair and maintain the same clean, free from filth, dirt, weeds or other obstructions or encumbrances.

§ 181-13 – Littering

It shall be unlawful for any person to deposit, drop, throw or otherwise dispose of paper, debris and refuse of any nature whatsoever upon the sidewalks, streets, parking areas or other public places in the Town of Hempstead.

§ 181-14 – Obstructing walks

- A. No person, firm, association or corporation who is the owner, occupant or lessee of any premises abutting on any street, road, highway or parkway in the unincorporated area of the Town of

Hempstead, Nassau County, New York, shall place, keep, permit or suffer to be placed or kept on any sidewalk in front of, adjoining or adjacent to such premises any goods, wares, merchandise, boxes, barrels, display signs or material things of any kind or description or in any manner obstruct any such sidewalk or in any manner obstruct or interfere with the use of any such sidewalk, but nothing contained in this chapter shall prevent persons from placing goods, wares, merchandise or household furniture on the sidewalks temporarily while loading or unloading the same, provided that a minimum width of three feet, to be measured from the curbline, is preserved as an unobstructed pedestrian walkway. Said loading and unloading should be done without unnecessary delay, and such goods, wares or merchandise are not allowed or permitted to remain on such sidewalk for a longer period than one hour.

- B. For the purpose of this section, the term "sidewalk" shall include all land lying between the curbline of the public highway and the building line of the premises abutting thereon which has been surfaced or improved with concrete or other paving material.

Chapter 182 – Streets: Construction of Curb Cuts and Driveway Entrances

§ 182-2 – Permit Required

- A. A person shall not, either at his own expense, or on behalf of another person, make, construct or reconstruct, locate or relocate, relay or repair a driveway or curb cut abutting a highway without first obtaining a permit as herein provided, except:

- (1) A permit shall not be required for any work performed under contract exclusively with the Town or any of the improvement districts administered by the Town Board.

- B. All curb cuts and driveways shall be constructed as shown by the detailed plan and specifications made part of this chapter.

§ 182-4 – Permit

The Commissioner shall review each application and shall issue such permit upon compliance by the applicant with the provisions of this chapter, provided that he shall determine that:

- A. The proposed driveway entrance or curb cut will not interfere with the orderly and reasonable use of adjacent property.
- B. The proposed driveway entrance or curb cut will not create undue interference with vehicular traffic in the adjoining highway.
- C. The proposed driveway entrance or curb cut will not adversely affect the health, safety, welfare, comfort and convenience of the inhabitants of the Town.

§ 182-6 – Driveway and Curb Cut Specifications for Commercial Use

Each curb cut and driveway for commercial use constructed under a permit issued pursuant to this chapter shall be constructed in accordance with the detailed plan-and specification exhibit provided in this chapter and in accordance with the following additional specifications:

- A. Normal curb cuts for commercial use shall be not greater than 25 feet at the curbline. However, should the applicant prove a requirement of greater width in order to accommodate larger vehicles, consideration for such greater width may be given.
- B. For corner property the minimum distance permitted between any commercial-use curb cut and the property line forming the adjoining street extended to the curbline shall be 10 feet.
- C. A minimum distance of five feet from side property lines shall be maintained at the curbline for all commercial-use curb cuts.
- D. Commercial-use curb cuts may be supplemented by additional commercial-use curb cuts, provided that all such curb cuts are not less than 25 feet one from the other at the curbline, and the application otherwise meets all other requirements herein.

Chapter 184 – Tree Preservation

§ 184-2 – Removal of Trees Prohibited without Permit; Replacement Required

- A. No person shall destroy, remove or substantially alter the habit of any tree located within the Town curbside area without obtaining a permit from the Commissioner of Highways of the Town of Hempstead pursuant to § 184-3 hereof.
- B. In the event that any tree thereby is removed, it shall be required to be replaced by the planting of a tree of a species set forth in § 184-5 hereof, having a trunk diameter not less than two inches when measured six inches above ground level. The preferable location for the planting of a replacement tree is behind the property line of the applicant.
- C. The Commissioner of Highways may waive the requirements of Subsection B hereof, mandating the planting of a replacement tree, if the replacement tree would be in dangerous proximity to existing or proposed structures; would interfere with utility services, drainage systems, sewer systems or other subsurface improvements; or would create a hazardous or dangerous sidewalk condition.

§ 184-5 – Permissible Trees in Sidewalk Area

- A. No tree shall be planted within the sidewalk area in front of or adjacent to any private premises except trees whose root systems normally will not cause damage to sidewalk, curbs or utility installations.

- B. For the purpose of this section, the term "sidewalk" shall include all land lying between the curblin of the public highway and the building line of the premises abutting thereon which has been surfaced or improved with concrete or other paving material.

§ 184-6 – Maintenance responsibilities of Owners and Occupants; Damage by Root

- A. It shall be the duty of every owner, tenant or other occupant of any house or structure, and every owner or person entitled to possession of any vacant lot, to remove trees when required to do so by Town authorities, to keep trees in front of or adjacent to their premises and within the sidewalk area trimmed so that overhanging limbs will not interfere with passersby on the sidewalk or roadway and to repair any sidewalk or curb in front of or adjacent to such premises damaged by tree roots located in front of or adjacent to said premises, whether or not within the property line or sidewalk area.
- B. The Town Board may, from time to time by resolution, require the removal of any tree within the sidewalk area if underground municipal or public utility facilities are to be installed in the area or if the Town Board finds that said tree creates a hazard whether because of the condition of said tree or because it is causing damage to the sidewalk, curb or roadbed or municipal or public utility facilities or for any other reason. The Town Board, from time to time by resolution, also may require the trimming of any tree within the sidewalk area or overhanging same and the repair of sidewalks damaged or encumbered by tree roots in the same manner and upon notice as provided for the repair or construction of sidewalks set forth in Chapter 181 of the Code of the Town of Hempstead.
- C. When trees are removed, tree stumps are to be ground down to six inches below ground level and covered flush with the surface.

§ 184-9 – Method of Protecting Trees

All trees on property to be graded or near any excavation or construction of any building shall be guarded with a substantial fence, frame or box not less than four feet high and eight feet square or at a distance in feet from the tree equal to the diameter of the trunk in inches, measured 12 inches from grade, whichever is greater. All building material, dirt and debris shall be kept outside the barrier

§ 184-10 – Prohibited Deposits on Public Property

No person shall deposit or store upon any public place of the Town any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein.

Chapter 190 – Vehicle Speed Limits

Article I – General Provisions

§ 190-2 – General Limits

- A. Notwithstanding any specific maximum speed limit otherwise provided in this chapter, no person shall drive a vehicle on a public highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

- B. The driver of any vehicle shall, consistent with the requirements of Subdivision A of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when any special hazard exists with respect to pedestrians or other traffic by reason of weather or highway conditions.
- C. Except as otherwise expressly provided in this chapter, no person shall drive a vehicle on a public highway in excess of 30 miles per hour.
- D. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Article II –Special Limits

§ 190-4 – School Buildings

This Section provides that a person shall not drive a motor vehicle in excess of 15 miles per hour within a school speed zone on school days, during the hours of 7:00 am and 6:00 pm, except as provided in the subsections which are available at <https://ecode360.com/15518274>.

§ 190-7 - Forty-five-mile-per-hour limit.

This Section provides that a forty-five mile per hour speed limit is permitted in certain locations in the Town, which can be found here <https://ecode360.com/15518281>.

§ 190-8 - Forty-mile-per-hour limit

This Section provides that a forty mile per hour speed limit is permitted in certain locations in the Town, which can be found here <https://ecode360.com/15518282>.

§ 190-9 - Thirty-five-mile-per-hour limit

This Section provides that a thirty-five mile per hour speed limit is permitted in certain locations in the Town, which can be found here <https://ecode360.com/15518283>.

§ 190-10 - Fifteen-mile-per-hour limit

This Section provides that fifteen mile per hour speed limit is permitted in certain locations in the Town, which can be found here <https://ecode360.com/15518284>.

Chapter 192 – Weight Restrictions: Commercial Vehicles**§ 192-1 – Gross Weight Restrictions upon Commercial Vehicles Using Certain Town Highways**

This Section provides that when a sign is erected, no person shall operate any commercial vehicle, tractor-trailer combination or truck with a gross weight in excess of 8,000 pounds upon certain Town highways delineated in this provision available at <https://ecode360.com/15519932>.

§ 192-3 – Exception

This chapter shall not prohibit the operation of such commercial vehicle on the highways so marked and designated which is engaged in delivering or picking up materials or merchandise or obtaining ingress or egress to or from a place of business, provided that such vehicle shall have entered the highway at an intersection nearest the destination of the vehicle and shall proceed thereon no further than the nearest intersection thereafter.

Chapter 195 – Pavement Markings**§ 195-2 – Markings Enumerated**

- A. In furtherance of § 195-1 and not in limitation thereof, the following pavement markings are hereby adopted:
- B. Single broken line. Motorist shall keep to the right of a single broken line except when overtaking and passing another vehicle or obstruction under conditions not rendering it dangerous to cross such line.
- C. Single solid line. Motorist shall not cross a single solid line except under unusual circumstances and only when no approaching car is in sight.
- D. Double line.
 - (1) Double solid line. No motorist shall cross a double solid line.
 - (2) Double line consisting of solid line and broken line. No motorist shall cross a double line consisting of a solid line and a broken line if the solid line is on the driver's side; and if the broken line is on the driver's side the motorist may cross such double line if safe to do so.
 - (3) The provisions of this Subdivision C shall not be deemed to prevent a motorist from entering a driveway, service station or other place of business, or in the case of an obstruction in the highway, from proceeding with reasonable caution to cross such double line.

Chapter 198 – Tow Away Zones**§ 198-2 – Location of Tow-Away Zones**

This Section prohibits stopping, standing or parking in the locations in the Town delineated in this section, which are designated as “tow-away zones,” including streets in Island Park. The foregoing is available at <https://ecode360.com/15520119>.

Chapter 202 – Parking

Article IV – Night Parking of Buses, Trailers, Trucks and Commercial Motor Vehicles

§ 202-64 – Night Parking

A. Definitions. For purposes of this section, the following terms shall have the meaning indicated:

BUS — Every motor vehicle having a seating capacity of more than 15 adults in addition to the driver and used for the transportation of persons.

COMMERCIAL VEHICLE — Every type of motor-driven vehicle registered as a commercial vehicle or used for commercial purposes, such as but not limited to the transportation of goods, wares or merchandise or passengers for hire, including trailers and semitrailers when used either separately or in combination with a motor-driven vehicle.

HOUSE COACH — Any vehicle motivated by a power connected therewith or propelled by a power within itself, which is or can be used as the home or living abode or habitation of one or more persons, either temporarily or permanently.

LIVERY — Every motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation. However, it shall not include vehicles which are rented or leased without a driver.

OMNIBUS — Any motor vehicle used in the business of transporting passengers for hire, except such a motor vehicle used in the transportation of agricultural workers to and from their employment.

SCHOOL BUS — Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

SEMITRAILERS — Any trailer which is so designed that when operated, the forward end of its body or chassis rests upon the body of chassis of the towing vehicle.

TAXICAB — Every motor vehicle, other than a bus, used in the business of transporting passengers for compensation and operated in such a business under a license or permit issued by a local authority. However, it shall not include vehicles which are rented or leased without a driver.

TRACTOR — A motor vehicle designed and used as the power unit in combination with a semitrailer or trailer or two such trailers in tandem. Any such motor vehicle shall not carry cargo except that a tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

TRAILER — Any vehicle not propelled by its own power drawn on the public highways by a motor vehicle.

TRUCK — Every motor vehicle designed, used or maintained primarily for the transportation of property.

- B. It shall be unlawful and a violation of this section for owner or driver to park or leave standing any bus, commercial vehicle, house coach, livery vehicle, omnibus, school bus, semitrailer, taxicab, tractor, trailer or truck on any street, roadway or public highway within the Town of Hempstead between the hours of 12:00 midnight and 6:00 a.m. of any day.
- C. This section shall not prohibit the stopping, standing or parking of authorized emergency vehicles, public utilities or contractor's vehicles while engaged in the repair, maintenance, inspection or construction of street or utilities within the Town of Hempstead.
- D. This section shall not prohibit the stopping, standing or parking of any bus, commercial vehicle, house coach, livery vehicle, omnibus, school bus, semitrailer, taxicab, tractor, trailer or truck while engaged in the loading or unloading of merchandise or passengers or while engaged in providing services to a resident or business within the Town of Hempstead.
- E. Notice of this parking restriction shall be posted at entry roads and highways to the Town of Hempstead.

M.6 Town of Hempstead Chapter BZ Building Zone Ordinance

M.6.1 Article XVIII – Y Industrial Districts

M.6.2Article XXIV – Signs**§ 244 – Signs Permitted in Specific Use Districts**

This Section delineates signage which is permitted: (a) without a permit, including a name and address sign and information signs; and (b) with a permit, including construction signs, detached signs and wall signs. This Section is available at <https://ecode360.com/14496772>.

- Abattoir
- Acetylene manufacture
- Acid manufacture
- Ammonia, bleaching powder or chlorine manufacture
- Arsenal
- Asphalt manufacture, refining, mixing or treating
- Candle manufacture
- Celluloid manufacture
- Coke ovens
- Creosote treatment or manufacture
- Disinfectants manufacture
- Distillation of bones, coal or wood
- Dyestuff manufacture
- Emery cloth and sandpaper manufacture
- Exterminator and insect poison manufacture
- Fat rendering
- Fertilizer manufacture
- Fireworks or explosives manufacture or storage
- Garages, etc.: the use of any public garage, minor garage, battery service station, tire service station or a combination thereof; motor vehicle repair shop, whether or not operated in connection with new or used motor vehicle sales, unless approved as a special exception by the Town Board
- Glue, size or gelatin manufacture
- Junkyards
- Lampblack manufacture
- Manufacture of poisons

- Match manufacture
- Oilcloth or linoleum manufacture
- Oiled or rubber goods manufacture
- Ore reduction
- Paint, oil, shellac, turpentine or varnish manufacture
- Petroleum refining
- Plating works
- Potash works
- Printing ink manufacture
- Pyroxylin manufacture
- Rubber, caoutchouc or gutta percha manufacture or treatment
- Salt works
- Sauerkraut manufacture
- Shoeblacking manufacture
- Single-family dwelling, two-family dwelling, multiple-family dwelling
- Sleeping units, accommodations or facilities, including
 - hotels, motels, lodging house, boardinghouse, auto court
 - except those permitted by special use by § 272
- Smelters
- Soap manufacture
- Soda and compound manufacture
- Stockyard
- Stove polish manufacture
- Sulfuric, nitric or hydrochloric acid manufacture
- Tallow, grease or lard manufacture or refining
- Tanning, curing or storage of leather, rawhide or skins
- Tar distillation or manufacture
- Tar roofing and waterproof manufacture

- Vinegar manufacture
- Wool pulling or scouring
- Yeast plant
- Any use which may be determined by the Board of Appeals to be noxious or offensive by reason of the emission of odor, dust, fumes, smoke, gas, vibration or noise

§ 222 – Front Yards

- A. There shall be a front yard depth of not less than 20 feet on each street.
- B. Notwithstanding the foregoing, a roof, mansard, awning or similar projection not exceeding 24 inches into the required front yard setback shall be a permitted encroachment.

§ 223 – Rear Yards

There shall be a rear yard of at least 10 feet, provided that if a building is used in whole or in part as a dwelling, there shall be a rear yard, the depth of which shall be at least 15 feet. In case of a building over 40 feet high, the depth shall be increased five feet for each 12 feet or portion thereof by which the building exceeds 40 feet in height.

§ 224 – Height; Floor Area Ratio; Existing Uses

No building shall exceed six stories in height, but in no event shall it exceed a maximum of 75 feet. Elevator shafts and heating, ventilating and air-conditioning units shall be permitted above the top of the roof but shall not cover more than 20% of the roof area and shall not be higher than 15 feet above the roofline.

- A. Floor area ratio requirement. The maximum floor area ratio shall be zero and four-tenths (0.4) for all uses within this district, unless a greater floor area ratio is authorized as a special exception by the Board of Appeals under Article XXVII.

[Effective 8-5-1989]

- B. Nonconforming and existing structures and uses. Notwithstanding any other provision to the contrary, legal nonconforming uses in existence on the effective date of this subsection not in compliance with the applicable height and floor area ratio requirements of this section shall not be required to comply with the same as a condition for the continuation of the existing legal nonconforming use or other use permitted in this article, provided that the structure containing such legal nonconforming use or other use permitted in this article is not enlarged nor the floor area of such structure increased. Any change of the legal nonconforming use shall comply with § 319A herein. Any enlargement of a structure or any increase in the floor area of such structure in which a legal nonconforming use is contained, or in which a change of legal nonconforming use is proposed, must comply in all respects with this section and § 319A herein, and shall be treated as a new application under the Building Zone Ordinance.

§ 225 – Fences

No fence or wall more than six feet in height may be erected without a permit and except when authorized by the Board of Appeals pursuant to Article XXVII hereof.

§ 245 – Setback Requirements

All signs erected or used pursuant to this article shall comply with the following requirements unless otherwise specifically stated.

A. Any part of such sign shall be located:

- (1) Not less than five feet from any property line when erected pursuant to § 244G.
- (2) Not less than 10 feet from any property line when erected pursuant to § 244G or to § 244A, except Subsections A(1)(e) or (g) or A(2)(b) or (c).
- (3) Not less than 20 feet from any property line when erected as a multifaced sign or detached sign, except a directional sign erected pursuant to § 244F(2)(c)[2] or a sign erected or used pursuant to § 244G; provided, however, that if the average front setback of the existing buildings on the same side of the street, within the same block, is less than 10 feet, then not less than 10 feet from any property line.
- (4) Not less than 20 feet from any property line when erected pursuant to § 244A(2)(c).
- (5) Not less than 30 feet from any property line when erected pursuant to § 244A(2)(b).

B. No signs shall be erected or maintained on any corner lot at intersecting streets which may interfere with traffic visibility across the corner.

§ 246 – General Provisions

The following provisions shall apply to all signs:

A. Temporary signs.

- (1) Each temporary sign permitted under this article shall require a temporary sign permit, which shall be subject to the fee and time limitation as prescribed by this article.
- (2) All temporary sign permits, including those for pennants, banners, bunting, fluttering devices, posters, promotional devices, window signs or other signs of similar character, shall be issued for a period not in excess of 30 days, unless otherwise stated in this article.
- (3) The Commissioner of Buildings, at his discretion, may renew a temporary sign permit for additional periods of 30 days, provided that a fee, equivalent to the original, is paid upon application for each such renewal.
- (4) In addition to the payment of the stipulated fee for a temporary sign permit, an amount equivalent to the fee shall be deposited with the Commissioner of Buildings prior to issuance of the temporary sign permit, to assure removal of such sign in accordance with provisions of § 250 of this article, upon expiration of the permit. The minimum deposit required for each temporary sign permit shall be \$10. Where two or more temporary sign permits are issued to the same time period, the Commissioner of Buildings, at his discretion, may reduce the total amount of deposit required, but in no event shall the total of such deposit be less than \$10. Upon satisfactory removal of a sign, for which a deposit was withheld, the Commissioner of Buildings shall release such deposit to the permittee.
- (5) After expiration of the temporary sign permit, the sign associated with such permit shall be removed. If such sign is not removed, the Commissioner of Buildings shall give 10 days' written notice to the permittee to remove such sign, and, upon failure to comply with this

request within such time limitation, it shall be considered due cause for the Commissioner of Buildings to have such sign removed and the deposit forfeited to help defray the expenses involved in such removal.

- B. Signs shall not be attached to fences, trees, utility poles or similar supporting devices, or to vacant or unoccupied structures, nor shall they be located so as to obstruct the vision of pedestrian or vehicular traffic or create a hazard or disturbance to the health and welfare of the general public. In the event that any such attached sign shall advertise a commercial business, service or trade and shall display an address, website, and/or telephone number, there shall be a rebuttable presumption that the owner or proprietor of the commercial business, service or trade caused or authorized the attachment and is liable for a violation of this proscription. In addition to any and all other remedies available at law or equity, the Town of Hempstead shall be authorized to physically remove and confiscate any such attached sign(s) from fences, trees, utility poles or similar supporting devices, or from vacant or unoccupied structures located on public property or on a public right-of-way in the unincorporated portions of the Town, and to recover against such owner or proprietor a civil penalty in the amount of \$250 for each sign removed. Such civil penalties shall be recoverable after conviction or plea of guilty hereunder in the District Court of Nassau County, upon due proof of sign removals effected, or as a judgment in a civil action brought hereunder in the name of the Town in any court of competent jurisdiction, against such owner or proprietor, seeking such a recovery.

[Effective 6-8-2012]

- C. Signs which directly emit, radiate or reflect any beam, ray or glare away from any lot or premises upon which they are erected or used or which are in motion by any means or have flashing or intermittent illumination or changing degrees of intensity or are animated shall not be permitted in any district.
- D. Whenever a sign cannot be readily classified under this article, the Commissioner of Buildings shall determine such classification for the purpose of applying the use restrictions, fees, time limitations, etc., as may be required for similar signs.
- E. Any sign which is not permitted by this article shall be subject to approval by the Board of Zoning Appeals prior to issuance of a permit by the Commissioner of Buildings.
- F. It shall be the responsibility of the Commissioner of Buildings to have all signs which, in his opinion, appear hazardous, unsafe or insecure to be made safe, substantially secured or removed.
- G. Nonconforming signs.
 - (1) Signs erected prior to the effective date of this article for which sign permits are presently in effect and which do not conform to the provisions or standards of this article shall be granted the permits required by this article if, in the opinion of the Commissioner of Buildings, such signs and their supports and appurtenances appear to be in a safe condition. All such permits granted shall terminate on January 1, 1973, at which time or prior thereto the signs shall be altered, removed or replaced to conform to the provisions of this article unless a variance has been granted by the Board of Zoning Appeals.
 - (2) Signs for which permits are in effect that become nonconforming by a subsequent amendment to this article after the effective date hereof may be continued for three years after the effective date of adoption of the amendment making such use nonconforming and after said date such nonconforming signs shall be removed and the use terminated unless a variance therefor has been granted by the Board of Zoning Appeals.

- (3) Signs erected prior to the effective date of this article and for which no sign permits are in effect and which do not conform to the provisions or standards of this article shall be removed within 30 days after the effective date of this article.
- H. Erection of new signs or maintenance of signs previously erected, other than those permitted by this article, in the designated use districts, shall be prohibited unless a variance is or has been granted by the Board of Zoning Appeals.
- I. No sign shall hereafter be erected, altered, repaired, replaced or relocated until a sign permit, as may be required by this article, has been issued by the Commissioner of Buildings. A separate permit shall be required for each sign affected.
- J. If a sign is currently in effect, the following conditions shall not require a new or additional permit:
- (1) To replace or alter changeable copy on a theater marquee and similar signs designed for use of changeable copy and so designated in the permit.
 - (2) To change or advertise copy or message on a painted or printed sign only.
 - (3) To paint, clean, maintain or make minor repairs or replacements to existing parts which are not considered structural changes.
 - (4) To remove and replace window signs with different copy, provided that all other applicable conditions, relative to the former signs, are adhered to.
- K. No sign shall cover any door, window or required opening or hinder or prevent free and accessible ingress or egress to or from any door, fire escape or stairway of any building.
- L. The erection, alteration, repair, replacement or relocation of any sign for which a permit has been issued shall commence within 30 days of issuance and shall be completed within 60 days of issuance of such permit. A sign permit shall be automatically canceled if work does not commence or is not completed pursuant to the foregoing time limitations.
- M. All signs erected pursuant to the issuance of a permit shall bear the current permit number or other identification, as may be required by the Commissioner of Buildings, prominently and permanently affixed to a face thereof which is exposed to public view.
- N. All signs permitted by this article shall also be subject to the requirements of other governmental agencies having jurisdiction.
- O. No sign or any portion thereof shall project out, over or into a sidewalk, parking area or mall unless the lowest portion of such encroachment is at least seven feet in height above such sidewalk, parking area or mall except as otherwise stated in this article.
- P. The physical dimensions of all signs, except those for which a variance has been granted by the Board of Zoning Appeals, may be modified, increased and/or their minimum and maximum heights above ground level varied, as the case may be, by the Commissioner of Buildings, provided that such deviation is restricted to a maximum of 15% above or below the specific limitations set by this article.
- (1) Any modification granted by the Commissioner of Buildings, pursuant to this section, shall terminate upon expiration of the sign permit associated with such modification.

- (2) All signs shall be restored to and shall comply with all requirements of this article upon expiration of any modification granted by the Commissioner of Buildings.
 - (3) The definition of "area of sign" in § 243 of this article shall be used for computing the required fees for all signs requiring a permit, including those dimensions which have been increased because of a modification granted by the Commissioner of Buildings under the provisions of this section.
- Q. Nothing shall be attached to or suspended from any sign erected pursuant to this article.
- R. Any sign which no longer advertises the existing business or the product sold on the premises, nor serves the purpose for which the permit was issued or for which the permit has expired, or is not compatible with the use permitted by this article shall be removed pursuant to § 250.
- S. Signs shall not be painted on the exterior wall surface of any building or structure. All such signs subject to the requirements of Subsection R of this section shall be removed. Existing signs painted on the exterior wall surface of any building or structure shall be obliterated prior to January 1, 1974.
- T. No permit shall be issued hereafter for any sign in which the wood portions thereof or any wood supporting structural members have not been painted or treated to resist decay. Existing signs which do not conform to the requirements of this section shall be similarly treated or removed prior to January 1, 1973, unless such date is extended by the Commissioner of Buildings.
- U. All electrical fixtures, motors, receptacles, wiring or other devices or appurtenances used for the illumination or operation of signs shall be of an approved type and shall be installed in accordance with the requirements of the National Electrical Code.
- V. Surfboard signs are a visual blight for motorists, pedestrians, residents and other inhabitants of the Town of Hempstead and shall be prohibited in all use districts. A "surfboard sign" shall be defined and identified as follows: A pole-type structure protruding from the ground, pavement or other base and extending in a substantially vertical direction to an angled or hook-shaped top and/or substantially horizontal extension, to which is attached a flag or banner containing a commercial message or identifying a commercial product or service of any kind, which flag or banner is attached to the pole and extends downward from the said top and/or extension toward the ground, pavement or other base. Any surfboard sign lawfully in existence on the effective date of this prohibition shall be permitted to continue as a legal nonconforming use, except that such legal nonconforming status shall terminate by amortization on January 1, 2013, at which time maintenance of any such legal nonconforming surfboard sign shall be a violation of this section.

M.6.3Article XXXI –General Provisions

§ 302 – Prohibited and Restricted Uses

This Section provides that in any use district, no premises may be used or occupied and no structure may be erected which may be determined by the Department of Buildings to be noxious or offensive due to emission of odor, dust, fumes, gas, vibration or noise. The foregoing Section is available at <https://ecode360.com/14497403>.

§ 305 – Site Plans

- A. For the purpose of this section, the word "parcel" shall mean any lot, plot or parcel of land within a Marine Recreation District regardless of size or any lot, plot or parcel of land having an aggregate area of one acre or more for the improvement of which an application for a building permit shall be filed and which is or is proposed to be developed or improved as a single unit or project by one person or any number of persons associated for that purpose, whether or not said lots or pieces shall be in separate ownership, and whether or not any buildings, structures or other improvements exist thereon, but shall not include a lot, plot or parcel of land proposed to be developed or improved exclusively by one-family or two-family dwellings.
- B. No building permit shall be issued for the use of any such parcel or for the installation, erection or alteration of any building or structure thereon or otherwise for the improvement of such parcel or any part thereof unless there shall be submitted to the Town Board of the Town of Hempstead a site plan of the premises or such part, prepared by and submitted under the seal of a licensed professional engineer or architect, showing the proposed use, dimension, types and locations of each of the buildings, structures or other improvements proposed to be installed, erected or altered thereon, and the provisions proposed to be made for the facilities and improvements referred to in Subsection B(1), (2), (3), (6), (7), (8) and (9) below, and unless and until said Town Board shall by resolution have approved the same after giving due consideration to:
 - (1) The provisions, including grading and paving made for the draining and disposition of storm- and surface water.
 - (2) The effect of the proposed use upon the movement of the vehicular traffic in the vicinity, including consideration of the provisions for access of such traffic between the premises and public highways.
 - (3) The availability of or provisions made for the treatment, removal or discharge of sewage or other effluent (whether liquid, solid, gaseous or otherwise) and the removal of garbage and other refuse created or generated by or as a result of the proposed use of the premises.
 - (4) Possible overcrowding of land or undue concentration of population resulting from the proposed use of the premises or the nature, size or location of the buildings, structures or improvements proposed to be erected or installed thereon.
 - (5) The proximity of the proposed buildings, structures or improvements to each other and to other premises or buildings on such other premises, depending on whether the uses proposed therein may create or discharge obnoxious gases, odors, smoke, dust, light, vibration or noise.
 - (6) The provisions for fencing the premises from abutting properties and for the landscaping or other treatment of open, unused areas.
 - (7) The provisions for on-premises parking and for loading areas and facilities.
 - (8) The provisions for the lighting of parking areas, roads, walks and other open areas to be used by the public.
 - (9) Approval by the Nassau County Department of Public Works or the New York State Department of Public Works, as the case may be, of drainage provisions affecting curb cuts or other installations in county and state roads.

- (10) The provisions of adequate facilities for refuse and garbage storage and collection.
- (11) Such other matters as the Town Board may require in order to effect the purposes defined in § 263 of the Town Law of the State of New York.
- C. Upon the receipt of such site plan, the Town Board may, in its discretion, either refer such plan to the Town of Hempstead Planning Board, for the purpose of making a report and recommendations with respect thereto, or delegate to the Planning Board the authority to approve such plans.
- D. The Town Board shall have the right at all times to modify or alter said site plan after issuance of said building permit and/or certificate of occupancy with the consent of the holder thereof or his successor in interest.
- E. Nothing contained in this section shall be deemed to require the submission or approval of a site plan as a condition precedent to the issuance of a permit for the repair or alteration of any building or structure for which a certificate of occupancy or completion is then in effect; provided, however, that such alteration shall make no substantial change in any exterior dimension of such building or structure and shall comply with every lawful condition or limitation theretofore imposed by a town officer or board on the construction, maintenance, occupancy or use of such building or structure. The fee for a waiver under this section shall be in accordance with Subsection B of § 263 of this ordinance.
- F. The Town Board may, by resolution, waive any of the requirements of this section upon approval of a written application from a duly organized religious or eleemosynary institution or body. The application shall be filed with the Town Board and shall set out in detail the reasons for the request for such waiver and be executed by an officer or attorney empowered to sign such application.

§ 311 – Clear Sight Triangle

On any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained at a height greater than 2 1/2 feet at any point within a radius of 20 feet of the point formed by any intersecting property lines adjacent to roads or highways, and provided further that such height shall be measured from the existing elevation of the center line of such road or highway opposite such wall, fence, other structure, hedge, tree or shrub.

A. § 312 – Fences and Planting Screens Fencing or screening required.

- (1) To provide for the health, safety and welfare of residents of property which is, has been or is about to be zoned Residence A, AA, A1, A2, B, BB, BA, C, or LPRD, a fence, as hereinafter described, shall be installed on adjacent property which is, has been or is about to be zoned otherwise, under any of the following circumstances:
 - (a) On immediately adjacent (contiguously abutting) property which is used or is intended to be used for any purpose not permitted on property that is, has been or is about to be zoned Residence A, AA, A1, A2, B, BB, BA, C or LPRD.
 - (b) In lieu of contiguous abutment, when property zoned Residence A, AA, A1, A2, B, BB, BA, C or LPRD is separated from property zoned otherwise for any purpose not permitted in said residence-zoned property by a street upon which the residence-zoned side yard or rear yard abuts.

- (2) Any required fence shall be installed and maintained upon the nonresidence-zoned side of the common boundary or upon the nonresidence-zoned side of whatever property line abuts the street which separates the dissimilar-zoned properties.
 - (3) Any required fence shall consist of either a continuous evergreen planting screen or other fence installed and maintained in a manner designed to obscure any such boundary from the view of persons on adjacent residence-zoned property and shall also be installed and maintained in a manner designed to prevent all reflection from artificial lighting of any kind, and said planting screen or other fence shall be installed at a height of not less than six feet; wherever applicable, the finished side of a fence shall face the residential property.
 - (4) Any use of adjacent property which does not conform to the provisions of this section on the date of the latest reenactment thereof shall be required to so conform within 18 months of the date of said reenactment.
- B. Where a planting screen is installed in compliance with the provisions of Subsection A of this section, it shall also include the erection and maintenance of a woven wire fence to prevent paper and debris from being carried or blown through or under such planting screen.
- C. Where another type of fence is erected in compliance with the provisions of Subsection A of this section, it shall be installed with the finished side thereof facing the premises zoned for residential use.
- D. The Board of Zoning Appeals may, upon a verified application and after a public hearing, permanently waive the requirements of this section; provided, however, that it shall find that all of the record owners of abutting residentially zoned premises do not wish a fence to be erected, as evidenced by the filing with said Board, at least five days prior to said hearing, by each abutting owner of a written request for a waiver signed and acknowledged as a deed of conveyance of real property. Each request shall state that the waiver, if granted, shall be irrevocably binding upon the successors in interest of each said owner.
- E. On any interior lot where a fence, planting screen or open fence shall be erected along a road or highway, the permitted height thereof measured from the existing elevation of the center of the highway opposite the fence shall not exceed four feet in height when the location of the fence shall exceed toward the street a greater distance than the streetside building line of any buildings located on the adjoining plot or plots except when authorized by the Board of Zoning Appeals, pursuant to Article XXVII hereof.
- F. On any corner lot where a fence, planting screen or open fence not controlled by § 311 hereof shall be erected along a road or highway, the height thereof measured from the existing elevation of the center of the highway opposite the fence shall not exceed four feet when the location of the fence shall exceed toward the street a greater distance than the streetside building line of any buildings located on the corner lot except when authorized by the Board of Zoning Appeals, pursuant to Article XXVII hereof.
- G. Anything in this ordinance to the contrary notwithstanding, the owner or occupant of premises zoned for residential use abutting premises used for a purpose not permitted in a residential zone may erect a fence of any height, but not exceeding six feet, along the common boundary of the premises zoned for a purpose not permitted in a residential use.

§ 316 – Interpretation; Effect on Other Regulations

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals or the general welfare of the Town. It is not intended by this ordinance to interfere with or abrogate or annul any town building code or any rules or regulations adopted or issued thereunder, or the rules and regulations of the Department of Health of the County of Nassau, and not in conflict with any of the provisions of this ordinance; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of the building or requires larger open spaces than are imposed or required by such ordinance, rules and regulations, the provisions of this ordinance shall control.

§ 319 – Accessory Parking

A. No person shall maintain any of the following uses in any district unless he shall provide off-street automobile parking spaces either on such premises or off the premises within 300 feet of such premises, in the amounts or proportions as follows, unless otherwise specified:

- (1) In the case of multiple-family dwellings of three or more units in the Golden Age (GA) Residence District for which the minimum occupancy age is 62 years: five parking spaces for each three units or apartments. In the case of all other multiple-family dwellings of three or more units and apartment houses in all districts, there shall also be provided one common visitor parking space per unit or apartment. Each single-car garage and single driveway shall count as two parking spaces, and each two-car garage and double driveway shall count as four parking spaces.
- (2) Hotels, motels, boatels and tourist homes or cabins: one parking space for each guestroom or unit.
- (3) Beach or cabana club: two parking spaces for each cabana, bath cabin or locker having a floor area of more than 30 square feet, and two parking spaces for each three cabanas, bath cabins or lockers each having a floor area of 30 square feet or less.
- (4) Theaters: one parking space for each three seats.
- (5) Places of public assembly, including churches, temples and religious auditoriums, but excluding theaters, bowling alleys, discotheques and cabarets: one parking space for each three authorized occupants of the hall or sanctuary or for each 200 square feet of the hall or sanctuary, whichever is the greater. Additional spaces intended or used for catering, school or other purposes shall have their own parking requirements. Catering spaces shall be provided with parking using the standard for restaurants in Subsection A(16) below.
- (6) Bowling alleys: four parking spaces for each alley.
- (7) Discotheques and cabarets: one parking space for each three authorized occupants.
- (8) Retail stores, launderettes and dry-cleaning establishments: one parking space for each 200 square feet of floor area.
- (9) Funeral parlors: 25 parking spaces or one parking space for each 100 square feet of floor area, whichever is greater.
- (10) Furniture and appliance stores: one parking space for each 600 square feet of floor area.
- (11) Shopping centers: Effective January 1, 1982, all shopping centers or facilities containing five or more retail stores and providing 20 or more accessory parking spaces shall provide a

minimum of 5% of said parking spaces or 10 spaces, whichever is less, for off-street parking spaces for the handicapped. The parking spaces designated pursuant to the provisions of this subsection shall be clearly identified for use by either handicapped drivers or other handicapped persons, which designation shall include permanently installed above-grade signs which display the international symbol of access and may include the use of blue painted lines or markings.

- (12) Office buildings: one parking space for each 200 square feet of total floor area or for each three employees, whichever is greater.
- (13) Hospitals and sanatoriums: one parking space for each four beds or for each 1,000 square feet of total floor area, whichever is the greater, plus one parking space for each four employees.
- (14) Industrial plants: one parking space for each 2 1/2 employees or for each 800 square feet of total floor area, whichever is the greater.
- (15) Warehouses: one parking space for each employee plus one parking space for each commercial vehicle kept on the lot, but not less than one parking space for each 1,000 square feet of total floor area.
- (16) Restaurants, whether operated individually or as accessory to some other use: one parking space for each three seats or each 100 square feet of total floor area, whichever is the greater, plus one parking space for each four employees.
- (17) Schools: one parking space for each employee plus one parking space for each five students in the 11th grade or above, or one parking space for each four assembly seats, whichever is greater.
- (18) Marinas: one parking space for each two boat slips.
- (19) All commercial uses not otherwise provided for: one parking area for each four employees or each 500 square feet of total floor space, whichever is the greater.
- (20) Outdoor retail sales areas, including but not limited to used car lots, garden centers, flea markets and open air markets, but excluding the sale of "live" Christmas trees and wreaths: one parking space for each 500 square feet of gross sales area (including pedestrian aisles).
- (21) Self-storage facilities: one parking space for each 4,000 square feet of total floor area.
- (22) Business, trade or vocational schools: one parking space for each employee plus one parking space for each two students.
- (23) Day-care facilities: one parking space for each 15 children and one parking space for each employee. Provisions shall also be made for an on-site maneuvering aisle for the pickup and dropoff of children attendees. For purposes of this section a "day-care facility" shall be defined as: a building which provides care for a child on a regular basis away from the child's residence for fewer than 24 hours per day by someone other than the parent, stepparent, guardian, or relative within the third degree of consanguinity of the parents or stepparents of such child.

B. The provisions of this section shall apply only to uses commenced after June 25, 1957, and to uses prior to that date on premises which have area sufficient to comply herewith. With respect to uses commenced prior to June 25, 1957, that do not have area sufficient to comply with this section, any area of the premises that is not building area, as defined in this ordinance, shall be used for off-street

automobile parking spaces in compliance with this section to whatever extent such automobile parking spaces are available on such premises or on nonmunicipal areas within 300 feet of such premises. However, no space for the parking of automobiles shall be installed or maintained on any plot in the minimum area required for front setback requirements of such property.

C. The Board of Appeals may vary the application of this section in any case in which it shall find that compliance herewith is not necessary to prevent traffic congestion or undue on-street parking, or where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this section, and in granting such variance may impose such conditions as it shall find to be in the public interest.

D. Building permit applications.

- (1) Every applicant for a building permit, on premises affected by this section, shall file with his plans, a plot plat showing the portion of said premises which he proposes to use for off-street automobile parking, and such permit shall be denied unless the plot plan shall provide for off-street parking in compliance herewith. All parking areas shall have sufficient self-contained drainage, asphalt paving and adequate levels of lighting.
- (2) Each parking space shall be a minimum of nine feet in width and 18 feet in depth. Employee parking spaces, which are intended for long-term use with low turnover, need be only 8 1/2 feet in width. Employee parking spaces shall not exceed 15% of the total required or provided parking, whichever is less, for retail or service business or other similar types of uses designed to attract the general public. All parking spaces shall be separated by double painted lines in accordance with specifications as approved by the Department of Buildings and as illustrated on Figure 1: Typical Parking Space Details.[1]

[1] Editor's Note: Figure 1: Typical Parking Space Details, is included at the end of this volume.

- (3) All parking spaces shall be designated at a ninety-degree angle with a twenty-four-foot-wide two-way maneuvering aisle unless a different angle is permitted by the approving authority based upon the unique size and/or shape of the parking facility. In those circumstances where the approving authority does permit parking at an angle other than 90°, circulation in each maneuvering aisle shall be limited to one-way only. The following is a table of minimum parking space and maneuvering aisle dimensions:

Parking Angle (degrees)	Parking Space Depth to Wall (feet)	Parking Space Depth to Interlock (feet)	Maneuvering Aisle Width (feet)	Wall-to-Wall Double Parking Bay Dimension (feet)	Interlock to Interlock Double Parking Bay Dimension (feet)
90	18	18.0	24.0	60.0	60.0
75	19.5	18.5	21.0	60.0	58.0

	Parking Space Depth to Wall (feet)	Parking Space Depth to Interlock (feet)		Wall-to-Wall Double Parking Bay Dimension (feet)	Interlock to Interlock Double Parking Bay Dimension (feet)
Parking Angle (degrees)			Maneuvering Aisle Width (feet)		
60	20.0	17.75	17.5	57.5	53.0
45	19.0	15.75	15.0	53.0	46.5

- (4) On all sites of one acre or larger, raised landscaped islands shall be provided for the purpose of preventing the diagonal movement of vehicles, alleviating the visual impact of large expanses of paved areas and otherwise improving traffic and pedestrian safety. Such landscaped islands shall be located: at the ends of each parking bay containing 10 or more spaces, and separating opposing rows of parking spaces at least every third parking bay. The minimum width of landscaped islands shall be five feet where located at the ends of parking bays and eight feet where separating opposing rows of parking spaces or adjacent to circulation aisles. In addition, the approving authority may permit nonlandscaped islands, if appropriate for such purposes as pedestrian circulation, in which case such islands shall not be less than four feet in usable width. Where curbs are kept to a maximum height of six inches, 1 1/2 feet of the parking space shall be allowed to overhang an island. Such bumper overhang area shall be considered a part of the parking space and shall not be counted toward meeting minimum yard setbacks or buffer area requirements. Figure 2: Sample Parking Layout, and Figure 3: Sample Parking Layout - Angled Parking, graphically illustrate the above requirements.[2]

[2] Editor's Note: Figure 2: Sample Parking Layout, and Figure 3: Sample Parking Layout-Angled Parking, are included at the end of this volume.

- (5) The landscaping of off-street parking areas shall include at least one shade tree of not less than three inches caliper for each 10 parking spaces. This is in addition to ground cover, shrubs and hedges which are to be provided in appropriate locations where they will not interfere with safe sight distance for pedestrian or vehicular circulation. All landscaping as shown on the approved site plan shall be maintained in a vigorous growing condition throughout the duration of the use being served. Any plants not so maintained shall be replaced with healthy new plants of comparable size and type at the beginning of the next immediately following growing seasons.

E. The Town Board may, on finding that the owner or occupant of premises affected by this section is not maintaining parking facilities as provided herein, forthwith revoke any certificate of occupancy issued for any structure on such premises.

F. No space for the parking of automobiles shall be installed or maintained on any plot in the minimum area required for the front yard of such plot, except when permitted by resolution of the Town Board on findings that the enforcement of this prohibition will cause the occupant of the plot undue hardship

and is not required in the public interest, or when a special exception from this prohibition is granted by the Board of Zoning Appeals in accordance with the provisions of Article XXVII of this ordinance.

§ 321 – Projections over Public Ways

- A. In any use district, no sign, awning or other encroachment, nor any portion of such sign, awning or other encroachment, shall project out, over or into a sidewalk, street or mall unless the lowest portion of such encroachment is at least seven feet in height above such sidewalk, street or mall, except as otherwise modified by the remainder of this section.
- B. Mouldings, belt courses, lintels, sills, architraves, pediments and similar projections of a decorative character may project beyond the street line not more than 10 inches.
- C. Subject to the approval of the Town Highway Department, marquees at entrances to buildings may extend beyond the street line and across the sidewalk to within two feet of the curbline, provided that they are not less than 10 feet above the curb level at all points. That side of a marquee attached to a portion of a building and the side of the marquee parallel to it may not exceed in size a number of feet equal to 50% of that portion of the building to which it is attached.
- D. Drop awnings, attached to buildings, may extend beyond the street line but not nearer than two feet to the curbline, provided that, when let down to their full extent, they are not less than seven feet above the sidewalk at all points, and provided further that no lettering or other display shall be placed thereon other than the name of the individual firm or corporation transacting business in the building and the house number. No fixed awnings shall extend beyond the street line. These provisions shall not prohibit the use for periods not to exceed 48 hours of temporary canopies across sidewalks so arranged that a free passage at least six feet in width is afforded along the sidewalk.
- E. Subject to the approval of the Town Highway Department, fire escapes and balconies to fire towers or other required exits, constructed of steel or other incombustible material, when required only, may project beyond the street line not more than four feet, but no part of such fire escapes or balconies shall be less than 10 feet above the sidewalk, provided that nothing in this section shall prevent the use of movable stairs to the sidewalk, so arranged that they are more than 10 feet above the sidewalk when not in actual use.
- F. Nothing in this section shall be deemed to authorize any projection beyond the street line that is prohibited by the Building Zone Ordinance or any other law or ordinance.
- G. Any permission, expressed or implied, under the provisions of this section, to construct a building or any appurtenances that project beyond the street line is revocable by the Town Board at will.
- H. No change or enlargement shall be made to an existing part of a building now projecting beyond the street line except in conformity with the provisions of this section for new construction.
- I. Such parts of buildings which already project beyond the street line may be maintained as constructed until their removal is directed by the Town Board.

M.6.4 Article XXXIV –Flood Hazard Zones

§ 351 – Administration

- A. Designation of the local administrator. The Commissioner of the Building Department is hereby appointed local administrator to administer and implement this article by granting or denying floodplain development permits in accordance with its provisions.
- B. Floodplain development permit.
 - (1) Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 350B, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but shall not be limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- C. Fees. All applications for a floodplain development permit shall be accompanied by an application fee of \$500. In addition, the applicant shall be responsible for reimbursing the Town of Hempstead for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.
- D. Application for a permit. The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.
 - (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or AH, or Zone A if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
 - (2) The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zone V1-V30 or VE, or Zone V if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the asbuilt elevation, certified by a licensed professional engineer or surveyor.

- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 352B(3), Utilities.
- (5) A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 352E, Nonresidential structures (except coastal high-hazard areas).
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 350B, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.
- (9) In Zones V1-V30 and VE, and also Zone V if base flood elevation data is available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.
- (10) In Zones V1-V30 and VE, and also Zone V if base flood elevation data is available, for all new and substantial improvements to structures, floodplain development permit applications

shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this article.

E. Duties and responsibilities of the local administrator. Duties of the local administrator shall include but not be limited to the following:

(1) Permit application review: The local administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (a) Review all applications for completeness, particularly with the requirements of § 351D, Application for permit, and for compliance with the provisions and standards of this article.
- (b) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of § 352, Construction standards, and, in particular, § 352A(2), Subdivision proposals.
- (c) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of § 352, Construction standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
- (d) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.

(2) Use of other flood data:

- (a) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 351D(7), as criteria for requiring that new construction, substantial improvements or other proposed development meets the requirements of this article.
 - (b) When base flood elevation data is not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this article.
- (3) Alteration of watercourses:
 - (a) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
 - (b) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (4) Construction stage:
 - (a) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

- (b) In Zones V1-V30 and VE, and also Zone V if base flood elevation data is available, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the local administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
 - (c) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
- (5) Inspections: The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/ or any variance provisions
- (6) Stop-work orders:
 - (a) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 350E of this article.
 - (b) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this article and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 350E of this article.
- (7) Certificate of compliance.
 - (a) In areas of special flood hazard, as determined by documents enumerated in § 350B, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or

wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this article.

- (b) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
 - (c) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 351E(5), Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
- (8) Information to be retained. The local administrator shall retain, and make available for inspection, copies of the following:
- (a) Floodplain development permits and certificates of compliance;
 - (b) Certifications of as-built lowest floor elevations of structures, required pursuant to § 351E(4)(a) and (b), and whether or not the structures contain a basement;
 - (c) Floodproofing certificates required pursuant to § 351E(4)(a), and whether or not the structures contain a basement;
 - (d) Variances issued pursuant to § 353, Variance procedures; and
 - (e) Notices required under § 351E(3), Alteration of watercourses.

§ 352 – Construction Standards

This Section provides the construction standards for any new development in areas of special flood hazard zones shown on the Flood Insurance Map designated in § 350. The construction standards are available at <https://ecode360.com/14497828>.

M.6.5 Article XXXVIII – Stormwater Management and Erosion and Sediment Control

- A. § 391 – Stormwater Pollution Prevention Plans Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the Department of Engineering has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this article.
- B. Contents of stormwater pollution prevention plans.
 - (1) All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of the project.
 - (b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s). [The site map should be at a scale no smaller than one inch equals 100 feet (e.g., one inch equals 500 feet is smaller than one inch equals 100 feet).].
 - (c) Description of the soil(s) present at the site.
 - (d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standard and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than one acre shall be disturbed at any one time unless pursuant to an approved SWPPP.
 - (e) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff.
 - (f) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
 - (g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project closeout.
 - (h) A site map /construction drawings specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.

- (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basis.
 - (j) Temporary practices that will be converted to permanent control measures.
 - (k) An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.
 - (l) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
 - (m) Name(s) of the receiving water(s).
 - (n) Delineation of SWPPP implementation responsibilities for each part of the site.
 - (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
 - (p) Any existing data that describes the stormwater runoff at the site.
- (2) Land development activities as defined in § 390 and meeting Condition A, B, or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection B(3) below as applicable:
- (a) Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (b) Condition B: Stormwater runoff from land development activities disturbing five or more acres of land.
 - (c) Condition C: Stormwater runoff from land development activity disturbing between one acre and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.
- (3) SWPPP requirements for Conditions A, B, and C:
- (a) All information in Subsection B(1) of this section.
 - (b) Description of each postconstruction stormwater management practice.
 - (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice.
 - (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.

- (e) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions.
 - (f) Dimensions, material specifications and installation details for each postconstruction stormwater management practice.
 - (g) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.
 - (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
 - (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 393 of this article.
- C. Plan certification. The SWPPP shall be prepared by a New York State licensed landscape architect, certified erosion control specialist, or New York State licensed professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this article.
- D. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.
- E. Contractor certification.
 - (1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (2) The certification must include the name and title of the person providing the signature, address and telephone number of the contract firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (3) The certification statement(s) shall become part of the SWPPP for the land development activity.
- F. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction to the date of final stabilization.

§ 392 – Performance and Design Criteria

All land development activities shall be subject to the following performance and design criteria:

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

- (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
 - (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Water quality standards. No land development activity shall cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 393 – Maintenance and Repair of Stormwater Facilities

- A. Maintenance during construction.
- (1) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
 - (2) The applicant or his/her/its representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the site logbook.
- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Hempstead.
- C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this law shall operate and maintain to achieve goals of this law. Proper operation and maintenance also includes, as a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) that are installed or used by the owner or operator to achieve the goals of this article.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.
 - (3) Executed contract with outside maintenance operators.
 - (4) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 392, Subsection B.
- D. Maintenance agreements. The Town of Hempstead shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the Office of the County Clerk as a deed restriction on the property prior to final plan approval.

§ 395 – Inspections

A. Erosion and sediment control inspection.

(1) The Town of Hempstead Stormwater Management Officer or duly appointed agent may require such inspections as necessary to determine compliance with this article and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Hempstead enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- (a) Start of construction.
- (b) Installation of sediment and erosion control measures.
- (c) Completion of site clearing.
- (d) Completion of rough grading.
- (e) Completion of final grading.
- (f) Close of the construction season.
- (g) Reopening of the construction season.
- (h) Completion of final landscaping.
- (i) Successful establishment of landscaping in public areas.

(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

B. Stormwater management practice inspections. The Town of Hempstead Stormwater Management Officer or appointed agent is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a New York State licensed professional engineer.

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

water, groundwater, and material or water in drainage control facilities; and evaluation of the condition of drainage control facilities and other stormwater management practices.

- D. Submission of reports. The Town of Hempstead Stormwater Management Officer may require monitoring and reporting from entities subject to this article as are necessary to determine compliance with this article.
- E. Right of entry for inspection. When any stormwater management facility is installed on private property or when any connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Hempstead the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C above.

§ 396 – Performance Guarantee

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Hempstead in its approval of the stormwater pollution prevention plan, the Town of Hempstead may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Hempstead as the beneficiary. The security shall be in an amount to be determined by the Town of Hempstead based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Hempstead, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Hempstead. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Hempstead with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Hempstead may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. Recordkeeping. The Town of Hempstead may require entities subject to this law to maintain records demonstrating compliance with this article.

M.7 Nassau County Charter**M.7.1 Article XI – County Attorney**

Title B

Article XI, §§ 1110 –1224, addresses the disclosures by persons and entities doing business with Nassau County or seeking to do business with the County. These Sections cover all lobbyists, vendors and prospective vendors and all other contractors and prospective contractors or other parties wishing to do business with the County. The disclosures include identifying all principals, shareholders, affiliated and related companies and lobbyists to the subject party to do business with the County. Article XI is available at: <https://www.nassaucountyny.gov/DocumentCenter/View/22437/County-Charter-as-of-January-15-2021?bidId=#page=99>

M.7.2 Article XIV– Franchises

Administrative Code

§ 1-6.0 – Regulating and licensing powers concerning use and operation of steam boilers and hoisting and contractors’ machinery in the County

a. The Board of Supervisors, by local law, ordinance or resolution, may regulate the operation and use within the County of steam boilers carrying over fifteen pounds of steam and over ten horse-power, except such boilers used for heating purposes in private dwellings or by or for a person or corporation operating an agency for public service and subject to the jurisdiction, supervision and regulations prescribed by or pursuant to the public service law.

b. The Board of Supervisors, in like manner, may also prohibit the pursuit or exercise in the County without a license of:

1. The occupation of running or operating any such steam boilers.
2. Running or operating any machinery used for hoisting purposes or cableways, irrespective of motive power, or for construction or excavation work.

c. The Board of Supervisors shall have authority to provide penalties for the violation of any local law, ordinance, or resolution adopted pursuant to the provisions of this section, and in addition thereto, may provide a fine of not more than fifty dollars or imprisonment for not more than thirty days, or both. Any such local law, ordinance, or resolution shall have the force and effect of law.

d. Such a local law, ordinance or resolution shall not, however, apply to or become operative in any city or village in the County until and unless the consent and approval of the city or village thereto shall have been first given in the same manner as required for the enactment of a local ordinance therein and a certified copy thereof shall have been filed with the Board of Supervisors, and any such city or village is hereby specifically empowered to give such consent and approval.

§ 1401- Granting of Franchises and Consents; Hearing

1. No franchise or renewal or extension or amendment thereof, for the establishment or location of any public utility shall be granted or made by the county except by ordinance. No such ordinance shall be adopted unless a report in writing thereon has been made by the County Executive to the Board of Supervisors and published with the ordinance in the official newspapers, nor until a

- public hearing has been held thereon. The notice of the time of hearing shall be published with the ordinance in the official newspapers.
2. No stage, omnibus line, stage route, motor vehicle line or route, nor any vehicle in connection therewith, and no vehicle carrying passengers upon a designated route or routes within the limits of the county shall be operated wholly or partly upon or along any street, avenue or public place in the county, nor shall a certificate of public convenience and necessity be issued therefore, until the owner or owners thereof shall have procured, after public notice and a hearing, the consent of the Board of Supervisors to such operation, upon such terms and conditions as said board may prescribe. Such terms and conditions may include provisions relating to description of route, rate of speed, compensation for wear and tear of pavement of routes and bridges, and safeguarding passengers and persons using the streets. Operation upon the streets of the county shall not be permitted until the owner or operator of such vehicles or proposed line or route, if required by the Board of Supervisors, shall have executed and delivered a bond to the county in an amount fixed by such board and in form prescribed by the County Attorney with sureties satisfactory to the Comptroller, which bond may be required to provide adequate security for the prompt payment of any sum accruing to the county, the performance of any other obligations under the terms and conditions of such consent, as well as for the payment by such owner of any damages occurring to, of judgments recovered by, any person on account of the operation of such line, route or vehicles. However, no such consent shall be granted by the Board of Supervisors for a route wholly within a single city or village unless the previous consent in writing by the governing board of such city or village shall have been filed with the Board of Supervisors. No consent shall be given by the Board of Supervisors for a route or routes over a city or village street unless the previous consent in writing by such village or city shall have been filed with the Board of Supervisors. The requirement for consent by a city or village shall not be deemed to restrict the Board of Supervisors from giving a consent for the operation of any such vehicle over any state, county or town highway or road. Sections sixty-six, sixty-seven, sixty-eight and sixty-nine of the transportation corporations law conferring upon cities, towns and villages the power to grant consents and terminable permits shall not apply to cities, towns and villages in the County of Nassau.
 3. Any public hearing held pursuant to this section shall be held either at the regular meeting place of the Board of Supervisors or at such other place within the county as may be determined by the board and notice of any such hearing shall be published once in the official newspapers and such publication shall be at least ten days and not more than twenty days prior to the date of such hearing and shall state the time when and the place where the hearing will be held. Any such hearing may be adjourned from time to time without the giving of further notice.
 4. The Board of Supervisors may establish an office of public transportation, the head of which shall be the Director of Public Transportation. The Director of Public Transportation shall perform such duties and have such powers as the Board of Supervisors may confer on him by ordinance.

5. Existing consents heretofore granted for specific periods of time shall not be deemed affected by this act but renewals thereof or amendments thereto shall only be granted pursuant to the provisions of this act.

M.8 Nassau County Administrative Code

M.8.1 Chapter I – The Board of Supervisors

Title A - In General

§ 1-6.0 – Regulating and licensing powers concerning use and operation of steam boilers and hoisting and contractors' machinery in the County

- a. The Board of Supervisors, by local law, ordinance or resolution, may regulate the operation and use within the County of steam boilers carrying over fifteen pounds of steam and over ten horse-power, except such boilers used for heating purposes in private dwellings or by or for a person or corporation operating an agency for public service and subject to the jurisdiction, supervision and regulations prescribed by or pursuant to the public service law.
- b. The Board of Supervisors, in like manner, may also prohibit the pursuit or exercise in the County without a license of:
 1. The occupation of running or operating any such steam boilers.
 2. Running or operating any machinery used for hoisting purposes or cableways, irrespective of motive power, or for construction or excavation work.
- c. The Board of Supervisors shall have authority to provide penalties for the violation of any local law, ordinance, or resolution adopted pursuant to the provisions of this section, and in addition thereto, may provide a fine of not more than fifty dollars or imprisonment for not more than thirty days, or both. Any such local law, ordinance, or resolution shall have the force and effect of law.
- d. Such a local law, ordinance or resolution shall not, however, apply to or become operative in any city or village in the County until and unless the consent and approval of the city or village thereto shall have been first given in the same manner as required for the enactment of a local ordinance therein and a certified copy thereof shall have been filed with the Board of Supervisors, and any such city or village is hereby specifically empowered to give such consent and approval.

M.8.2 Chapter XII – Department of Public Works

Title B - Roads and Parkways

§ 12-4.1 – Sidewalks and Curbs on State Highways and County Roads Outside of Incorporated Villages and Cities

Owners or occupants of land adjoining state highways and county roads referred to in this title or county roads constructed pursuant to article six of the highway law, and outside of incorporated villages or cities, may construct, relay or repair sidewalks or curbs at their own expense upon obtaining a permit therefore from the Department of Public Works. All construction of and grading done in connection with sidewalks or curbs laid or repaired by the owners of adjoining land shall be in accordance with the specifications of and under the direction of the Department of Public Works. If a sidewalk or curb is not constructed, relaid or repaired by the owners or occupants of adjoining lands, the Board of Supervisors may direct that such sidewalk or curb be constructed, relaid or repaired by the owner or owners, occupant or occupants of the adjoining lands and that the Commissioner of Public Works cause a notice to be served upon such owners or occupants, which notice shall specify the place and manner, and the time, not less than thirty days, in case of a new sidewalk or curb, or not less than forty-eight hours in case of repairs, within which the sidewalk or curb is required to be constructed, relaid or repaired. If an owner or occupant shall not construct, relay or repair the sidewalk or curb as required by the notice, the Board of Supervisors may cause the same to be so constructed or repaired and assess the expense thereof upon the adjoining land. Such work may be done by the Department of Public Works or by contract under direction of that department.

Whenever a sidewalk is to be constructed upon a state highway a permit shall also be obtained from the state Department of Public Works. Upon completion of any work pursuant to this section the Commissioner of Public Work shall file in the office of the clerk of the Board of Supervisors a statement showing the actual and complete cost thereof and such part of such cost as was expended from the funds of said department and the items of such expenditures. The Board of Supervisors shall provide for the payment of the cost of such work including the reimbursement of the funds of the Department of Public Works, and the cost of such work shall be borne by assessment upon the abutting property and such assessments shall be levied by the Board of Supervisors and shall be collected in the same manner as ad valorem county taxes. The provisions of this section shall not apply to sidewalks in a town which has a town wide sidewalk district.

§ 12-4.3 – Deposits of Material on County Roads

- a. No person shall cause or permit any accumulation of sand, gravel, cinders, topsoil, mud, earth or other material or any container, box, dumpster, or other instrumentality for the storage of such materials to be placed, deposited, tracked, or flowed upon any county road whether such be a county road as defined in this title or a county road constructed pursuant to article six of the highway law.
- b. A violation of this section shall be a misdemeanor punishable by a fine of not more than one hundred dollars or imprisonment for a period of not exceeding thirty days and the County may also maintain an action or proceeding to enjoin the violation

and recover the costs incurred by the County for cleaning, repairing, reconditioning, or restoring the road or otherwise remedying the condition.

- c. This section shall not be construed to prohibit the storing of building material, or the debris therefrom, or the containers, boxes, dumpsters or instrumentalities used to store such materials on county roads when such materials or containers are stored pursuant to a permit issued by the Commissioner of Public Works.

§ 12-4.5 – Regulation of Motor Vehicle Dimension and Weights on County Roads

No person shall operate or move, or cause or knowingly permit to be operated or moved on any county road any vehicle or combination of vehicles of a size or weight exceeding the limitations provided for in this section unless a permit has been obtained from the New York State Department of Transportation or Nassau County Department of Public Works

- (1) The width of a vehicle, inclusive of load, shall be not more than ninety-six inches plus safety devices, except that the maximum width of a vehicle, inclusive of load, shall be one hundred two inches, plus safety devices, on any county road designated an access highway.
- (2) The provisions of paragraph (1) of this subdivision shall not apply to omnibuses or buses used solely for the transportation of children to and from school, but the width of such omnibuses shall not exceed ninety-eight inches.
- (3) Notwithstanding the provisions of paragraph (1) of this subdivision, the maximum width for omnibuses or buses having a carrying capacity of more than seven passengers shall not exceed one hundred two inches.
 - a. The height of a vehicle from under side of tire to top of vehicle, inclusive of load, shall be not more than thirteen and one half feet. Any damage to County bridges or roads resulting from the use of a vehicle exceeding thirteen feet in height where such excess height is the proximate cause of the accident shall be compensated for by the owner and operator of such vehicle.
- (1) The length of a single vehicle, inclusive of load and bumpers, shall be not more than forty feet unless otherwise provided in this subdivision.
- (2) The length of a semitrailer or trailer shall forty-eight feet provided, however, that the length of semi trailer being operated in combination with another semi trailer shall not exceed twenty-eight and one-half not exceed any trailer or trailer or feet.

- (3) The length of buses having a carrying capacity of more than seven passengers shall not exceed forty-five feet, except that the length of articulated buses shall not exceed sixty-two feet.
 - (4) The provisions of this subdivision shall not apply to fire vehicles.
- A. The total length of a combination of vehicles, inclusive of load and bumpers, shall not be more than sixty-five feet.
- B. The provisions of paragraph (1) of this subdivision shall not apply to:
- i. A combination of vehicles being operated on a County road designated an access highway;
 - ii. Vehicles of a corporation which is subject to the jurisdiction of the interstate commerce commission, the public service commission or other regulatory body and which are used in the construction, reconstruction, repair or maintenance of its property or facilities, provided that any such vehicle complies with the safety requirements of the laws and regulations of the United States and of this state pertaining to over length vehicles;
 - iii. Vehicle hauling poles, girders, columns, or other similar objects of great length provided that any such vehicle complies with the safety requirements of the laws and regulations of the United States and of this state pertaining to such over length vehicles;
 - iv. Fire vehicles;
 - v. A vehicle or combination of vehicles which is disabled and unable to proceed under its own power and is being towed for a distance not in excess of ten miles for the purpose of repairs or removal from the highway; and
 - vi. Stinger-steered automobile transporters, while operating on a County road designated as an access highway. Such vehicles shall not, however, exceed seventy-five feet exclusive of an overhang of not more than three feet on the front and four feet on the rear of the vehicle.

- C. Notwithstanding the provisions of paragraph (1) of this subdivision, an overhang of not more than three feet on the front and four feet on the rear of an automobile transporter or stinger-steered automobile transporter shall be permitted.
- b. In determining the number of wheels and axles on any vehicle or combination of vehicles within the meaning of this section, only two wheels shall be counted for each axle, and axles which are less than forty-six inches apart, from center to center, shall be counted as one axle. However, in the case of multiple tires or multiple wheels, the sum of the widths of all the tires on a wheel or combination of wheels shall be taken in determining tire width.
 - c. The weight per inch width of tire on any one wheel of a single vehicle or a combination of vehicles equipped with pneumatic tires, when loaded, shall be not more than eight hundred pounds.
 - d. The weight on any one wheel of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall be not more than eleven thousand two hundred pounds.
 - e. The weight on any one axle of a single vehicle or a combination of vehicles, equipped with pneumatic tires, when loaded, shall be not more than twenty-two thousand four hundred pounds.
 - f. The weight on any two consecutive axles of a single vehicle or combination of vehicles, equipped with pneumatic tires, when loaded, and when such axles are spaced less than eight feet from center to center, shall be not more than thirty-six thousand pound except where axles are spaced eight feet or greater, but less, than ten feet, the weight on those two axles shall not exceed that permitted by paragraph (2) of subdivision (j) of this section and, in addition, shall not exceed forty thousand pounds. Axles to be counted as provided in subdivision (e) of this section.
 - g. A single vehicle or a combination of vehicles having three axles or more and equipped with pneumatic tires, when loaded, may have a total weight on all axles not to exceed thirty-four thousand pounds, plus one thousand pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle. Axles to be counted as provided in subdivision five of this section. In no case, however, shall the total weight exceed eighty thousand pounds. For any vehicle or combination of vehicles having a total gross weight less than seventy-one thousand pounds, the higher of the following shall apply:

- (1) The total weight on all axles shall not exceed thirty-four thousand pounds plus one thousand pounds for each foot and major fraction of a foot of the distance from the center of the foremost axle to the center of the rearmost axle, or
- (2) The overall gross weight on a group of two or more consecutive axles shall not exceed the weight produced by application of the following formula:

$$W = 500 (L \times N) / (N-1) + (12 \times N) + 36$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest five hundred pounds, L equals - distance in feet from the center of the foremost axle to the center of the rearmost axle of any group of two or more consecutive axles, and N equals number of axles in group under consideration, except that two consecutive sets of tandem axles may carry a gross load of thirtyfour thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirtysix feet or more. For any vehicle or combination of vehicles having a total gross weight of seventy-one thousand pounds or greater, paragraph (2) shall apply to determine maximum gross weight which is permitted hereunder.

- h. For the purpose of this section, the width of pneumatic tires shall be ascertained by measuring the greatest width of the tire casing when tire is inflated.
 - i. No person shall operate or move a vehicle or a combination of vehicles over, on or through any bridge or structure on any county road if the weight of such vehicle, or combination of vehicles, and load, is greater than the posted capacity of the structure or exceeds the height of the posted clearance as shown by an official sign.
- (1) A violation of the provisions of subdivision (j) of this section by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or the weight limitations specified by a permit issued by the New York State Department of Transportation or Nassau County Department of Public Works shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or lessee in accordance with the following schedule:

Excess Total Weight (pounds) greater than	Less than or equal to	Amount of fine (dollars)
0	2,000	50
2,000	3,000	75
3,000	4,000	100

4,000	5,000	200
5,000	6,000	300
6,000	7,000	400
7,000	8,000	500
8,000	9,000	600
9,000	10,000	700
10,000	15,000	1,200
15,000	20,000	1,700
20,000	25,000	2,200
25,000	30,000	2,700
30,000	Six cents for each pound in excess of 30,000	

(NOTE: Where the excess total weight is greater than 10,000 pounds in excess of the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

- (2) A violation of the provisions of subdivisions (h) and (i) of this section by any vehicle or combination of vehicles whose weight exceeds the weight limitations as set forth in this section, or the weight limitations specified by a permit issued by the New York State Department of Transportation or Nassau County Department of Public Works shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner, or his agent, or lessee, in accordance with the following schedule:

Percentage of excess Weight (percentage) Greater than	Less than or equal to	Amount of Fine (dollars)
0	5.0	100
5.0	10.0	200
10.0	15.0	350
15.0	20.0	600
20.0	25.0	1000
25.0	30.0	1600
30.0		2450

(NOTE: Where the excess axle or axes weight is greater than ten percent in excess of the limits specified by a permit, the permit shall be deemed voided and then the amount of fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.)

In connection with the weighting of a vehicle or combination of vehicles, if it is found that there is a violation of a New York State Department of Transportation permit or Nassau County permit and/or subdivision (j) and also of subdivision (h) or (i), or both subdivisions (h) and (i), of this section, there shall be a single fine imposed and the maximum amount of such fine shall not exceed the highest fine that could be imposed under paragraph (1) of this subdivision or this paragraph.

- (3) A violation of the provisions of subdivisions (a), (b), (c), (d), (f), (g) and (1) of this section by any vehicle or combination of vehicles shall be punishable by a fine not

to exceed five hundred dollars for the first offense and a fine not to exceed one thousand dollars for subsequent offenses.

- j. If a vehicle or combination of vehicles is operated in violation of this section, an appearance ticket or summons may be issued to the registrant of the vehicle, or if a combination of vehicles, to the registrant of the hauling vehicle rather than the operator. In the event the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant for the purpose of receiving such appearance ticket or summons. Such operator-agent shall transmit such ticket or summons to the registrant of the vehicle or the hauling vehicle. If the registrant does not appear on the return date, a notice establishing a new return date and either containing all pertinent information relating to the charge which is contained on the summons or appearance ticket or accompanied by a copy of the information or complaint shall also be mailed by certified or registered mail by or on behalf of the court before whom the appearance ticket or summons is returnable to the registrant at the address given on the registration certificate for the vehicle, or if no registration certificate, is produced at the time the appearance ticket or summons is issued, to the address of the registrant on file with the Department of Motor Vehicles or given to the person issuing the appearance ticket or summons.

M.8.3 Chapter XXI – Miscellaneous Officers

Title D-15 - Prevention the Spread of Invasive Species in Nassau County

§ 21-24.2 – Prohibitions

- (a) No person shall introduce, throw, dump, deposit, place or cause to be propagated, transplanted, introduced, thrown, dumped, deposited or placed in any river, stream, lake, pond, wetland or storm water drain, in whatever capacity and for whatever purpose, the invasive plant species listed in subdivision b of this section. (b) No person shall knowingly collect, transport, sell, distribute, propagate or transplant any living and viable portion of any plant, or the compost, mulch, soil, or other materials containing seeds or other viable parts of any such plant, included in the Nassau County prohibited invasive plant species list as follows:

Scientific Name	Common Name	Effective Date
Acer platanoides)	Norway maple,	1/1/2013 (except cultivars 'crimson king', 'royal red' which are banned effective 1/1/2016)
Acer pseudoplatanus	Sycamore maple	1/1/2013
Alliaria petiolata	Garlic mustard	1/1/2009
Ampelopsis brevipedunculata	Porcelain berry	1/1/2009
Aralia elata	Japanese angelica tree	1/1/2009
Artemisia vulgaris	Mugwort, common wormwood	1/1/2009
Arthraxon hispidus	Arthraxon	1/1/2012
Berberis thunbergii (includes all hybrids with other Berberis species)	Japanese barberry	1/1/2014
Brachypodium sylvaticum	[slender] False brome	1/1/2012

<i>Cabomba caroliniana</i>	Carolina fanwort	1/1/2009
<i>Cardamine impatiens</i>	Narrowleaf bittercress	1/1/2009
<i>Centaurea stoebe</i> ssp. <i>micranthos</i> s.l. (<i>C. biebersteinii</i> , <i>C. diffusa</i> , <i>C. maculosa</i> misapplied, <i>C. xpsammogena</i>)	Spotted knapweed, spotted star-thistle	1/1/2009
<i>Cirsium arvense</i>	Canada thistle	1/1/2009
<i>Clematis terniflora</i>	Japanese virgin's bower;	1/1/2011
<i>Cynanchum louiseae</i> (<i>C. nigrum</i> , <i>Vincetoxicum nigrum</i>)	Black swallow-wort	1/1/2009
<i>Cynanchum rossicum</i> (<i>C. medium</i> , <i>Vincetoxicum medium</i> , <i>V.rossicum</i>)	European swallow-wort, pale swallow-wort, dog strangling vine	1/1/2009
<i>Dioscorea polystachya</i>	Chinese yam;cinnamon vine	1/1/2012
<i>Egeria densa</i>	Brazilian waterweed	1/1/2009
<i>Elaeagnus umbellata</i>	Autumn olive	1/1/2009
<i>Euonymus alatus</i>	Winged euonymus	1/1/2016
<i>Euonymus fortunei</i>	Spindle-tree, Winter creeper	1/1/2013
<i>Euphorbia cyparissias</i>	Cypress spurge	1/1/2009
<i>Fallopia japonica</i> / <i>sachalinensis</i> / <i>xbohemica</i> (<i>Polygonum cuspidatum</i> / <i>sachalinense</i> / <i>xboehmicum</i>)	Japanese knotweed, giant knotweed, silver lace vine	1/1/2009
<i>Glyceria maxima</i> (<i>Glyceria grandis</i> var. <i>grandis</i>)	Tall Glyceria, English Watergrass, Reed mannagrass	1/1/2012
<i>Humulus japonicus</i>	Japanese hops	1/1/2009
<i>Hydrilla verticillata</i>	Water thyme	1/1/2009
<i>Hydrocharis morsus-ranae</i>	Frogbit	1/1/2009
<i>Imperata cylindrical</i> (all except I.C. Var. <i>koenigii</i> "Red Baron" (syn. "Rubra"))	Cogon grass	1/1/2012 except cultivar "Red baron" which is banned effective 1/1/2014
<i>Iris pseudacorus</i>	Yellow iris	1/1/2012
<i>Lepidium latifolium</i>	Broadleaf pepperweed	1/1/2009
<i>Lespedeza cuneata</i>	Chinese lespedeza	1/1/2009
<i>Ligustrum obtusifolium</i>	Border privet	1/1/2009
<i>Lonicera japonica</i>	Japanese honeysuckle	1/1/2011
<i>Lonicera maackii</i>	Amur honeysuckle	1/1/2011
<i>Lonicera morrowii</i> / <i>tatarica</i> / <i>xbella</i>	Morrow's honeysuckle	1/1/2011
<i>Ludwigia grandiflora</i>	Uruguayan primrose willow	1/1/2009
<i>Ludwigia peploides</i>	Floating primrose willow	1/1/2009
<i>Lythrum salicaria</i>	Purple loosestrife	1/1/2009
<i>Microstegium vimineum</i>	Japanese stilt grass	1/1/2009
<i>Murdannia keisak</i>	Marsh dewflower, wart removing herb	1/1/2012
<i>Myriophyllum aquaticum</i>	Parrot-feather	1/1/2009
<i>Myriophyllum heterophyllum</i> and <i>x M. pinnatum</i>	Broadleaf water-milfoil	1/1/2011
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil	1/1/2009
<i>Nymphoides peltata</i>	Yellow floating heart	1/1/2009

<i>Oplismenus hirtellus</i>	[wavy leaf] basketgrass	1/1/2012
<i>Persicaria perfoliata</i> (<i>Polygonum perfoliatum</i>)	Mile a minute weed	1/1/2009
<i>Phalaris arundinacea</i> (Eurasian genotype)	Reed canary-grass	1/1/2009
<i>Phellodendron amurense/japonicum</i>	Amur cork tree	1/1/2013
<i>Phragmites australis</i>	Common reed grass	1/1/2009
<i>Potamogeton crispus</i>	Curly pondweed	1/1/2009
<i>Ranunculus ficaria</i> (includes all subspecies)	Lesser celandine	1/1/2009
<i>Rhamnus cathartica</i>	Common buckthorn	1/1/2009
<i>Rhamnus frangula</i> (<i>Frangula alnus</i>)	Smooth buckthorn	1/1/2013
<i>Robinia pseudoacacia</i>	Black locust	1/1/2013
<i>Rosa multiflora</i>	Multiflora rose	1/1/2009
<i>Rubus phoenicolasius</i>	Wineberry	1/1/2009
<i>Salix atrocinerea/cinerea</i>	Gray florist's willow	1/1/2013
<i>Silphium perfoliatum</i> var. <i>perfoliatum</i>	Cup-plant	1/1/2009
<i>Trapa natans</i>	Water chestnut	1/1/2009
<i>Vitex rotundifolia</i> (<i>V. ovata</i> , <i>V. trifolia</i>)	Beach vitex	1/1/2009

(c) A cultivar of an invasive species identified in subdivision b may be exempted from prohibited status if:

- (1) its primary means of reproduction is sexual;
- (2) scientific, peer-reviewed criteria verify that such cultivar is effectively 100% male and female sterile;
- (3) it is guaranteed by the producer to be sterile;
- (4) there exists appropriate safeguards to document the identity of the cultivar and source of the cultivar, including tagging individual plants and shipping and nursery invoices; and
- (5) it is deemed appropriate for exemption by the Invasive Species Committee and the Long Island Invasive Species Management Area (LIISMA) Scientific Review Committee (SRC).

M.9 Nassau County Ordinances

M.9.1 Fire Prevention Ordinance

This Ordinance outlines the fire safety standards for the County, and sets forth, among other matters, the requirements for the storage and handling of flammable and combustible liquids in Article III; liquefied petroleum gas in Article VI; compressed gasses in Article VII; welding in Article IX; hazardous materials in Article X; means of egress in Article XIII; manual fire alarm systems and automatic fire detection systems; and fire sprinkler systems installation in Article XXVIII. Further, these provisions set forth requirements for applications, plans and approvals for the foregoing in Article XX and Article XXIV. The Ordinance is available at https://www.nassaucountyny.gov/DocumentCenter/View/17509/NCFPO_2016_rev_3-28-18?bidId=.

M.9.2 Public Health Ordinance

This Ordinance regulates a variety of areas, including but not limited to, Toxic and Hazardous Materials, Storage, Handling and Control (Article XI), which regulates the prevention and control of water pollution caused by toxic and hazardous materials into the groundwater. This Article is available at <https://www.nassaucountyny.gov/DocumentCenter/View/16417/Nassau-County-Public-Health-Ordinance--2014?bidId=>.

M.9.3 Rules and Regulations

Rules and Regulations Pertaining to Permits for Work on County Roads and Within County Right-of-Way 2016.

This manual, prescribed by the Commissioner of the Department of Public Works, pursuant to the approval of the Nassau County Legislature and the Nassau County Executive, provides the regulations and details related to permits for work within County roadways and right-of-ways, and is available at <https://www.nassaucountyny.gov/DocumentCenter/View/16127/RULES--REGULATIONS-2016?bidId=>.

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