

Part I, Administrative Legislation

GENERAL PROVISIONS

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code
[Adopted 7-31-2003 by L.L. No. 7-2003]

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of East Hampton, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 278, together with an Appendix, shall be known collectively as the "Code of the Village of East Hampton," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Village of East Hampton" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of East Hampton, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

All local laws and ordinances of a general and permanent nature of the Village of East Hampton in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law, including the 1971 Code, adopted by the Board of Trustees of the Village of East Hampton 11-19-1971.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of East Hampton prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of East Hampton or any penalty,

punishment or forfeiture which may result therefrom.

- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law, brought pursuant to any legislative provision of the Village of East Hampton.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of East Hampton.
- E. Any local law or ordinance of the Village of East Hampton providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of East Hampton or any portion thereof.
- F. Any local law or ordinance of the Village of East Hampton appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of East Hampton or other instruments or evidence of the village's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the village.
- N. Any local law adopted subsequent to 12-25-2002.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of East Hampton and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted,

such copy shall be certified by the Village Clerk of the Village of East Hampton by impressing thereon the Seal of the Village of East Hampton, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Village of East Hampton" or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Board of Trustees to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Village Clerk to keep up-to-date the certified copy of the book containing the Code of the Village of East Hampton required to be filed in the office of the Village Clerk for use by the public. All changes in said Code and all local laws and resolutions adopted by the Board of Trustees subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws or resolutions until such changes, local laws or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Board of Trustees. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Village Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Village of East Hampton or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of East Hampton to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term

of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of East Hampton, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Village of East Hampton, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Chapter 4**ADMINISTRATOR, VILLAGE****§ 4-1. Position established.**

The position of Village Administrator of the Village of East Hampton is hereby established, and unless otherwise provided by resolution of the Board of Trustees, the Village Clerk-Treasurer shall be the Village Administrator and shall serve in such capacity at the pleasure of the Board of Trustees.

§ 4-2. Powers and duties.

Subject to the direction, control and approval of the Mayor and Board of Trustees and in addition to the duties of Clerk-Treasurer, the Village Administrator shall:

- A. See that all laws applicable to the Village, its officers and employees and all local laws, resolutions, rules and regulations of the Village are faithfully executed and enforced.
- B. Supervise and coordinate, without, however, interfering with normal authority and duties of department heads, on behalf of the Village Board of Trustees, all functions and activities of the Village and of its officers and employees, except the Village Attorney, Zoning Board of Appeals, Planning Board and Design Review Board.
- C. Make reports to the Mayor and Board of Trustees on the affairs of the Village and recommend to them such measures as he may deem necessary or appropriate for the purpose of obtaining greater efficiency and economy in the government and operation of the Village.
- D. Exercise general supervision over all expenditures of the Village in accordance with the budget and keep the Board of Trustees fully advised of the financial condition of the Village and its future financial needs.
- E. Prepare annually a tentative budget for consideration by the Board of Trustees and serve as Budget Officer when so designated by the Mayor in accordance with § 5-500 of the Village Law.
- F. Have such other powers and duties, not inconsistent with law, as from time to time the Board of Trustees may by resolution determine.

Chapter 7**ASSESSMENTS****GENERAL REFERENCES**

Taxation — See Ch. 256.

§ 7-1. Board of Assessment Review abolished; termination of responsibility for assessment.

The Board of Trustees of the Incorporated Village of East Hampton by Local Law No. 2-1991,¹ ceased to be an assessing unit. The Board of Assessment Review in the Incorporated Village of East Hampton is hereby abolished and the Incorporated Village of East Hampton terminates any and all responsibility as provided by law for the review of the assessment of real property located within the Incorporated Village of East Hampton.

§ 7-2. Taxable status date.

The taxable status date of the Town of East Hampton shall be controlling for all Village of East Hampton purposes.

§ 7-3. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State; provided, however, that such chapter is subject to a permissive referendum, and the Village Clerk shall forthwith proceed to notice such fact and conduct such referendum if required by petition.²

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1. Editor's Note: A copy of L.L. No. 2-1991 is on file in the office of the Village Clerk and may be examined there during regular business hours.
 2. Editor's Note: No valid petition requesting referendum was filed.

Chapter 18
ETHICS, CODE OF

GENERAL REFERENCES

Officers and employees — See Ch. 35.

§ 18-1. Statutory requirement in effect.

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of East Hampton recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of East Hampton, and to establish a Board of Ethics to render advisory opinions on the Code of Ethics pursuant to the written request of any officer or employee and to make recommendations with respect to any amendments to the Code of Ethics. These rules shall serve as a guide for official conduct of the officers and employees of the Village of East Hampton. The rules of ethical conduct of this chapter as adopted shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 18-2. Definitions.

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

INTEREST — A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the Village of East Hampton. For the purposes of this chapter a municipal officer or employee shall be deemed to have an interest in the contract of:

- A. His or her spouse, minor children and dependents, except a contract of employment with the Village of East Hampton;
- B. A firm, partnership or association of which such officer or employee is a member or employee;
- C. A corporation of which such officer or employee is an officer, director or employee; and
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Village of East Hampton, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer

or employee solely by reason of being a volunteer fireman or ambulance association volunteer, except a chief or assistant chief.

§ 18-3. Standards of conduct. [Amended 3-18-2005 by L.L. No. 6-2005]

Every officer or employee of the Village of East Hampton shall be subject to and abide by the following standards of conduct:

- A. He shall not use or attempt to use his position as a public servant to obtain any financial gain, contract, license, privilege or personal advantage, direct or indirect, for himself or any person, firm or corporation associated with him.
- B. Gifts. He shall not, directly or indirectly, solicit or accept any gift having a monetary value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.
- C. Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- D. Representations before one's own agency. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- E. Representation before any agency for a contingent fee. He shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- F. Disclosure of interest in legislation. To the extent that he knows thereof, a member of the Board of Trustees and any officer or employee of the Village of East Hampton, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation before the Board of Trustees, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- G. Investments in conflict with official duties. He shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his official duties.
- H. Private employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

- I. Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of East Hampton in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.
- J. Disclosure of interest in contracts. To the extent that he has or will have an interest in any actual or proposed contract with the Village of East Hampton, he shall publicly disclose the nature and extent of such interest to the Board of Trustees in writing as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the Board of Trustees. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year. Notwithstanding the provisions of this section, disclosure shall not be required in the case of an interest in a contract described in Subsection L(9) through (14).
- K. Except as provided in Subsection L below, no municipal officer or employee shall have any interest in any contract with the Village of East Hampton when such officer or employee, individually or as a member of a board, has the power to negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder; audit bills or claims under the contract; or appoint an officer or employee who has any of the powers or duties set forth above; and no chief fiscal officer, treasurer or his deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Village of East Hampton. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited.
- L. The provisions of Subsections J and K shall not apply to:
 - (1) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of funds of the Village of East Hampton except when the chief fiscal officer, treasurer, or his deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the Village would be required because of the foregoing restriction, a bank or trust company within the Village may nevertheless be so designated;
 - (2) A contract with a person, firm, corporation or association in which a Village officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract;
 - (3) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other

proceeding where such publication is required or authorized by law;

- (4) The purchase by the Village of real property or an interest therein, provided the purchase and the consideration therefor is approved by order of the Supreme Court upon petition of the Board of Trustees;
- (5) The acquisition of real property or an interest therein, through condemnation proceedings according to law;
- (6) A contract with a membership corporation or other voluntary nonprofit corporation or association;
- (7) The sale of bonds and notes pursuant to § 60.10 of the local finance law.
- (8) A contract in which a Village officer or employee has an interest, if such contract was entered into prior to the time he was elected or appointed as an officer or employee, but this subsection shall in no event authorize a renewal of any such contract;
- (9) A contract with a corporation in which a Village officer or employee has an interest by reason of stockholdings when less than 5% of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- (10) A contract for the furnishing of public utility services when the rates or charges therefor are fixed or regulated by the Public Service Commission;
- (11) A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of his official duties and are so designated as an office or chamber;
- (12) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of office;
- (13) A contract in which a Village officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of \$750;
- (14) A contract with a member of a private industry council established in accordance with the Federal Job Training Partnership Act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

§ 18-4. Lawful personal claims permitted.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Village of East Hampton, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 18-5. Distribution of the Code of Ethics.

The Mayor of the Village of East Hampton shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village of East Hampton within 30 days of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 18-6. Board of Ethics.

- A. There is hereby created and established a Board of Ethics, consisting of three members, including a Chairman, to be appointed by the Board of Trustees, to serve without compensation, for a one-year term. One member of the Board of Ethics shall be an elected or appointed officer of the Village of East Hampton. The other two members shall not otherwise be officers or employees of the Village.³
- B. The Board of Ethics shall render advisory opinions to officers or employees of the Village of East Hampton with respect to this Code of Ethics and the provisions of Article 18 of the General Municipal Law. Such advisory opinions shall be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board may prescribe and shall have the advice of counsel employed by the Board, or, if none, the Village Attorney. A written request may be submitted by a member of the Board of Ethics. **[Amended 3-18-2005 by L.L. No. 6-2005]**
- C. The Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics or amendments thereto upon the request of the Board of Trustees.

§ 18-7. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this Code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

3. Editor's Note: Section 808 of the General Municipal Law requires at least three members, a majority of whom are not otherwise officers or employees, but the Board must include at least one member who is an elected or appointed municipal officer.

Chapter 24**INFORMATION SECURITY BREACH NOTIFICATION****§ 24-1. Intent and purpose.**

This policy is consistent with the State Technology Law, § 208. This policy requires notification to affected New York residents and nonresidents. New York State values the protection of private information of individuals. The Village of East Hampton is required to notify an individual when there has been, or is reasonably believed to have been, a compromise of the individual's private information in compliance with the Information Security Breach and Notification Act and this policy.

§ 24-2. Definitions.

For the purpose of this chapter, the terms used are defined as follows:

CONSUMER REPORTING AGENCY — Any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. The State Attorney General is responsible for compiling a list of consumer reporting agencies and furnishing the list upon request to the municipality.

DATA — Any information created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. Data may include, but is not limited to, personal identifying information, reports, files, folders, memoranda, statements, examinations, transcripts, images, communications, electronic or hard copy.

INFORMATION — The representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by human or automated means.

PERSONAL INFORMATION — Any information concerning a natural person which, because of name, number, personal mark or other identifier, can be used to identify such natural person.

PRIVATE INFORMATION —

A. Personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- (1) Social security number; or
- (2) Driver's license number or nondriver identification card number; or
- (3) Account number, credit or debit card number, in combination with any required security code, access code or password, which would permit access to an individual's financial account.

B. Private information does not include publicly available information that is lawfully

made available to the general public from federal, state, or local government records.

THIRD PARTY — Any nonmunicipal employee, such as a contractor, vendor, consultant, intern or other municipality.

§ 24-3. Notification of compromise required.

The municipality, after consulting with the State's Office of Cyber Security and Critical Infrastructure Coordination (CSCIC) to determine the scope of the breach and restoration measures, must notify an individual when it has been determined that there has been, or is reasonably believed to have been, a compromise of the individual's private information through unauthorized disclosure.

- A. A "compromise of private information" means the unauthorized acquisition of unencrypted computerized data with private information.
- B. If encrypted data is compromised along with the corresponding encryption key, the data is considered unencrypted and thus falls under the notification requirements.
- C. Notification may be delayed if a law enforcement agency determines that the notification impedes a criminal investigation. In such case, notification will be delayed only as long as needed to determine that notification no longer compromises the investigation.

§ 24-4. Methods of notification.

- A. Written notice;
- B. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving notice in electronic form and a log of each notification is kept by the municipality that notifies affected persons in such form;
- C. Telephone notification, provided that a log of each notification is kept by the municipality that notifies affected persons; or
- D. Substitute notice, if the municipality demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000.00, or that the affected class of persons to be notified exceeds 500,000, or the municipality does not have sufficient contact information.

§ 24-5. Methods for substitute notice.

The following constitute sufficient substitute notice:

- A. E-mail notice when the municipality has an e-mail address for the subject persons;
- B. Conspicuous posting of the notice on the municipality's website page, if the municipality maintains one; and
- C. Notification to major statewide media.

§ 24-6. Parties to be notified; contents of notice; applicability.

- A. The municipality must notify:
 - (1) CSCIC as to the timing, content and distribution of the notices and approximate number of affected persons;
 - (2) The Attorney General and the Consumer Protection Board, whenever notification to a New York resident is necessary, as to the timing, content and distribution of the notices and approximate number of affected persons.
- B. Regardless of the method by which notice is provided, the notice must include contact information for the municipality making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired by a third party.
- C. This policy also applies to information maintained on behalf of the municipality by a third party.
- D. When more than 5,000 New York residents must be notified at one time, then the municipality must notify the consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected individuals. This notice, however, will be made without delaying notice to the individuals.

Chapter 25

LOCAL LAWS, ADOPTION OF

ARTICLE I

Notice of Public Hearing

[Adopted 10-18-1974 by L.L. No. 2-1974 (Ch. 35, Art. I, of the 1971 Code)]

§ 25-1. Posting of notice of public hearing. [Amended 5-16-1980 by L.L. No. 4-1980; 6-7-1994 by L.L. No. 21-1994]

Notice of public hearing on any proposed local law shall be given by publication of such notice in the official newspaper of the Incorporated Village of East Hampton and by posting said notice in the Village Hall, the Emergency Services Building and the Town of East Hampton Town Hall at least three days prior to such public hearing.

ARTICLE II

Notice of Adoption**[Adopted 11-15-1974 as L.L. No. 4-1974 (Ch. 35, Art. II, of the 1971 Code)]****§ 25-2. Publication of notice of adoption.**

The Clerk of the Incorporated Village of East Hampton shall cause to be published in the official newspaper a notice of adoption of each local law adopted by the Board of Trustees of the Incorporated Village of East Hampton.

§ 25-3. Time limit and contents.

Said notice of adoption shall be published in the official newspaper within two weeks after adoption and shall contain, at the minimum, the date of adoption, a general description of the local law and the effective date of the local law.

Chapter 30

MUTUAL AID AGREEMENTS

ARTICLE I
Police Departments
[Adopted 2-21-1992 as L.L. No. 1-1992 (Ch. 37 of the 1971 Code)]

§ 30-1. Findings.

The East Hampton Village Board of Trustees has reviewed § 209-m of the General Municipal Law with particular reference to the authority granted therein permitting a local government to request from or grant to another local government police assistance at a time of public emergency or an event of consequence requiring the adjoining of local police forces to assist each other and orchestrate their efforts for effective management of the emergency circumstance. By this article, the Village Board of Trustees seeks to take advantage of Subdivision 3 of § 209-m permitting the delegation of authority to request and grant police assistance to the Chief of Police of the local Department.

§ 30-2. Delegation of authority.

The Chief of Police of the Village of East Hampton Police Department is hereby delegated the powers otherwise provided the chief executive officer to grant and request police assistance under and pursuant to § 209-m, Subdivision 3, of the General Municipal Law.

Chapter 35

OFFICERS AND EMPLOYEES

GENERAL REFERENCES

Village Administrator — See Ch. 4.

Code of Ethics — See Ch. 18.

ARTICLE I

Residency Requirement**[Adopted 12-17-1976 by L.L. No. 6-1976 (Ch. 39, Art. I, of the 1971 Code)]****§ 35-1. New employees; exception. [Amended 7-31-2018 by L.L. No. 12-2018; 7-31-2018 by L.L. No. 14-2018]**

- A. As a qualification for employment, in addition to any other qualifications imposed by statute, all full-time employees, except police and local officers, shall be full-time residents of the County of Suffolk, State of New York for a period of no less than one year prior to application for employment and throughout their employment.
- B. Notwithstanding the foregoing residency requirement, the Village Administrator, Highway Superintendent, Code Enforcement Supervisor, Public Safety Dispatcher III, and department heads shall be full-time residents of the Town of East Hampton throughout their employment.

§ 35-2. Condition for continued employment.

Continuous full-time residence in said geographic areas shall be a condition of continued employment by the Village for all employees, except police and local officers, appointed on or after the effective date of this article.

§ 35-3. Members of the Police Department.

The provisions of §§ 3(2) and 30(4) of the Public Officers Law shall apply to the appointment of a person to the Village Police Department to the extent that such person shall be a resident of Suffolk County. In the event that said statutory provisions are repealed or annulled, the residency requirements heretofore set forth, applicable to persons other than those seeking appointment to the Police Department, shall apply to those persons seeking appointment to said Police Department.

ARTICLE II

Defense and Indemnification**[Adopted 7-30-1980 by Local Law No. 9-1980 (Ch. 39, Art. II, of the 1971 Code)]****§ 35-4. Purpose.**

The purpose of this article is to provide legal and financial protection for those individuals serving the Village of East Hampton from losses which may be brought against them in their individual capacity for actions taken while in the performance of their official duties and responsibilities. In enacting this article, the Board of Trustees of the Incorporated Village of East Hampton finds that the State of New York has enacted similar provisions for the legal and financial security of its officers and employees and further finds that such security is also required for local personnel. By enactment of this article, said Board of Trustees of the Incorporated Village of East Hampton does not intend to limit or otherwise abrogate any existing right or responsibility of the Incorporated Village of East Hampton or its employees with regard to indemnification or legal defense. It is solely the intent of this article to provide similar coverage for local employees as is presently provided for state employees so as to continue to attract qualified individuals to local government service.

§ 35-5. Definitions.

As used in this article, unless the context otherwise requires, the following terms shall have the meanings indicated:

EMPLOYEE — Any person holding a position by election, appointment or employment in the service of the Incorporated Village of East Hampton, whether or not compensated, or a volunteer expressly authorized to participate in a municipally sponsored volunteer program, but shall not include an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative.

§ 35-6. Defense provided; representation; fees and expenses; request for defense.

- A. Upon compliance by the employee with the provisions of § 35-8 of this article, the Incorporated Village of East Hampton shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties, or which is brought to enforce a provision of 42 U.S.C. § 1981 or 1983. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Incorporated Village of East Hampton.
- B. Subject to the conditions set forth in Subsection A above, the employee shall be entitled to be represented by the Incorporated Village of East Hampton's Attorney or special counsel appointed by the Incorporated Village of East Hampton; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Incorporated Village of East Hampton's Attorney determines, based upon his investigation and review of the facts and circumstances of the case, that representation by the Incorporated Village of East Hampton's Attorney or special counsel would be inappropriate or whenever a court of competent jurisdiction, upon appropriate

motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The Incorporated Village of East Hampton's Attorney shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel of his choice. The Incorporated Village of East Hampton's Attorney may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this subsection, the Incorporated Village of East Hampton's Attorney shall so certify to the Incorporated Village of East Hampton's Board of Trustees. Reasonable attorney's fees and litigation expenses shall be paid by the Incorporated Village of East Hampton to such private counsel from time to time during the pendency of the civil action or proceeding, subject to certification that the employee is entitled to representation under the terms and conditions of this section by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Incorporated Village of East Hampton's Treasurer. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorney's fees shall be resolved by the court upon motion or by way of a special proceeding.

- C. Where the employee delivers process and a request for a defense to the Incorporated Village of East Hampton's Attorney as required by § 35-8 of this article, the Attorney shall take the necessary steps, including the retention of private counsel under the terms and conditions provided in Subsection B of this section, on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

§ 35-7. Indemnification; submission of proposed settlement; service of settlement by employee.

- A. The Incorporated Village of East Hampton shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties. The duty to indemnify and save harmless prescribed by this subsection shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.
- B. An employee represented by private counsel shall cause to be submitted to the Board of Trustees of the Incorporated Village of East Hampton any proposed settlement which may be subject to indemnification by the Incorporated Village of East Hampton, and if not inconsistent with the provisions of this section, the Mayor shall certify such settlement and submit such settlement and certification to the Incorporated Village of East Hampton's Attorney. The Attorney shall review such proposed settlement as to form and amount and shall give his approval if, in his judgment, the settlement is in the best interest of the Incorporated Village of East Hampton. Nothing in this subsection shall be construed to authorize the Incorporated Village of East Hampton to indemnify or save harmless an employee

with respect to a settlement not so reviewed and approved by the Incorporated Village of East Hampton's Attorney.

- C. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail within 30 days of the date of entry or settlement, upon the Mayor, and if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such Mayor. If the Attorney concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the Incorporated Village of East Hampton's Treasurer.

§ 35-8. Duties of employee.

The duty to defend or indemnify and save harmless provided by this article shall be conditioned upon delivery to the Incorporated Village of East Hampton's Attorney, at his office by the employee, of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after he is served with such document and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the Incorporated Village of East Hampton based upon the same act or omission and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the Incorporated Village of East Hampton provide for his defense pursuant to this article.

§ 35-9. Employees benefited; effect on Workers' Compensation Law.

The benefits of this article shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provisions of this article be construed to affect, alter or repeal any provision of the Workers' Compensation Law.

§ 35-10. Effect on insurer.

The provisions of this article shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

§ 35-11. Applicability.

The provisions of this article shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

§ 35-12. Construal of provisions.

Except as otherwise specifically provided in this article, the provisions of this article shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Incorporated Village of East Hampton, or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

Chapter 42**PLANNING BOARD****GENERAL REFERENCES**

Design and site plan review — See Ch. 121.

Subdivision of land — See Ch. 252.

Preservation of historic areas — See Ch. 176.

Zoning — See Ch. 278.

Public property — See Ch. 227.

§ 42-1. Planning Board established; membership and terms of office; removal.⁴

There shall be a Village Planning Board appointed by the Mayor, subject to the approval of the Board of Trustees, which Board shall consist of five members. The terms of the members of the Board first appointed shall be one, two, three, four and five years from and after their appointment. Their successors shall be appointed for the term of five years from and after the expiration of the term of their predecessors in office. If a vacancy occurs otherwise than by expiration of term, it shall be filled by appointment for the unexpired term. Any official of the Village on such Board shall not, by reason of membership thereon, forfeit his right to exercise the powers, perform the duties or receive the compensation of municipal office held by him during such membership. The Mayor shall have the authority to remove any member of such Board for cause and after a public hearing.

§ 42-2. Compensation of members.

Such members may receive compensation as the Board of Trustees may from time to time by resolution provide.

§ 42-3. Designation or election of Chairman.

The Chairman of the Planning Board shall be designated by the Mayor, with the approval of the Board of Trustees, and on its failure to do so, shall be elected from and by the Planning Board's own members.

§ 42-4. Employees of Board; expenditures.

The Planning Board shall have the power and authority to employ experts and a staff and to pay for their services and such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made for such Board.

4. Editor's Note: On March 16, 2007, the Board of Trustees adopted a resolution requiring New York State mandated annual training for all Planning Board, Design Review Board, and Zoning Board of Appeals members. The resolution is on file in the office of the Village Clerk and available for public inspection during regular office hours.

§ 42-5. Recommendations by Planning Board.

The Planning Board may recommend to the Village Board of Trustees regulations relating to any subject matter over which the Planning Board has jurisdiction under this article or any other statute or local law of the Village. Adoption of any such recommendation by the Village Board of Trustees shall be by local law.

§ 42-6. Preparation of Comprehensive Plan; public hearings.

- A. The Planning Board shall prepare and may recommend to the Board of Trustees for adoption a Comprehensive Plan for the development of the entire area of the Village, which Comprehensive Plan shall show existing and proposed streets, bridges and tunnels and the approaches thereto, viaducts, parks, public reservations, roadways in parks, sites for public buildings and structures, zoning districts, pier heads and bulkhead lines, waterways and routes of public utilities and such other features existing and proposed as will provide for the protection and improvement of the Village and its future growth and development and will afford adequate facilities for the public housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of its population. The Comprehensive Plan and all modifications thereof shall be on file in the office of the Planning Board and in the offices of the Village Engineer and Village Clerk.
- B. The Planning Board may advertise and hold public hearings when it desires, notices of which hearings shall be advertised at least once in a newspaper of general circulation and in the Village and by posting a notice of hearing in at least three prominent places at least five days before each such hearing.

§ 42-7. Authority.

By authority of the Village Board of Trustees of the Incorporated Village of East Hampton, the Planning Board is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats and to pass and approve on the development of plats already filed and to act on all subdivision applications as provided by Chapter 252 hereof.

Part II, General Legislation

Chapter 59**AIRCRAFT****GENERAL REFERENCES**

Peace and good order — See Ch. 211.

Vehicles and traffic — See Ch. 267.

§ 59-1. Aircraft and pilots to be licensed; exceptions.

On and after the first day of June 1950, only aircraft and pilots licensed by the United States Department of Commerce shall be permitted to operate in or over the Incorporated Village of East Hampton; provided, however, that this restriction shall not apply to public aircraft of the federal government or of a state, territory or possession, or of a political subdivision thereof.

§ 59-2. Altitude requirement for aircraft.

Exclusive of taking off and landing, and except as otherwise permitted by Section 88 of the Air Commerce Regulations of the United States of America, no aircraft shall be flown over the congested parts of the Village of East Hampton nor over any open-air assembly of persons therein, except at a height sufficient to permit a reasonably safe emergency landing, which in no case shall be less than 1,000 feet.

§ 59-3. Prohibited operations.

Except as herein otherwise provided, the operation of any airplane or aircraft in or over the Village of East Hampton so as to interfere with the safety and health of the inhabitants of said Village and/or the preservation of peace and good order therein, and/or the protection of property in said Village, is hereby prohibited.

§ 59-4. Landings prohibited. [Added 4-20-1973]

Except for an emergency landing, no airplane or aircraft shall land within the limits of the Incorporated Village of East Hampton without prior approval therefor from the Village Board. Any landing of an airplane or aircraft within such Village limits shall be deemed, prima facie, not an emergency landing.

§ 59-5. Penalties for offenses. [Amended 10-16-1970]

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

Chapter 62

ALARM SYSTEMS; EMERGENCY ACCESS

GENERAL REFERENCES

Fire regulations — See Ch. 150.

Noise — See Ch. 196.

ARTICLE I

Purpose**§ 62-1. Purpose. [Amended 4-17-2020 by L.L. No. 3-2020]**

- A. The purpose of this chapter is to establish standards and controls for the various types of fire, intrusion, holdup and other emergency signals from fire and police alarm devices that require Fire Department or police response, investigation or safeguarding of property at the location of an event reported by a signal which is transmitted by telephone or radio to the Police or Fire Department from a central station as hereinafter defined.
- B. This chapter requires owners and lessees of property, both residential and nonresidential, upon which fire and/or police alarm systems have been installed to register the same with the Village Clerk. In addition, all commercial structures, and new residential structures, or existing residential properties for which a building permit is issued, having fire alarm systems which, when activated, transmit a signal to a central alarm station shall be required to provide a key lock box and, if required by the Fire Marshal, an information storage cabinet, which will assist the responding fire department in gaining access to the premises, as well as providing important information which can assist the responding emergency services department during an emergency call.

ARTICLE II
Alarm Systems

§ 62-2. Definitions.

For the purpose of this article, the following definitions shall apply:

ALARM INSTALLATION — Any fire or police alarm device or aggregation of fire or police alarm devices installed on or within a single building or on or within more than one building, or area adjacently located on a common site, at a specific location.

BUSINESS LICENSEE — Any business, firm, corporation or other commercial entity which is in the business of owning, operating, maintaining, installing, leasing or selling a fire or police alarm device or devices or system of fire or police alarm devices, which business, firm, corporation or other commercial entity is an owner, operator, provider of maintenance service, installer, lessor or seller of said device, devices or system of devices.

CENTRAL ALARM STATION — Any facility operated by a private firm that owns or leases a system of fire or police alarm devices, which facility is manned by operators who receive, record or validate alarm signals and relay information about such validated signals to the Police or Fire Department when appropriate.

DIAL ALARM — Any fire or police alarm device which is a telephone device or telephone attachment that automatically or electronically selects a telephone line connected to a central alarm station or police headquarters and reproduces a prerecorded message to report a criminal act or other emergency requiring Police or Fire Department response.

DIRECT ALARM — Any fire or police alarm device connected directly by leased telephone wires from the specific location to police headquarters.

§ 62-3. Registration required.

- A. No business licensee, as defined herein, shall conduct business in the Incorporated Village of East Hampton unless he or it holds a current validly issued license issued by the State of New York pursuant to Article 6-D of the General Business Law.
- B. All business licensees who conduct business in the Incorporated Village of East Hampton shall register with the Village of East Hampton prior to conducting said business. In connection with said registration, all business licensees shall supply the following information:
 - (1) A true copy of the license issued by the State of New York pursuant to Article 6-D of the General Business Law.
 - (2) The names and addresses of all employees of the business licensee who will be conducting the business of said business licensee in the Incorporated Village of East Hampton.
 - (3) A complete and accurate record of all installations of alarm systems in the Village of East Hampton, which shall be updated and provided to the Village of East Hampton on a monthly basis.

- C. Any property owner or lessee of property in the Village of East Hampton having on his or its premises a fire or police alarm device or system of fire or police alarm devices shall be required to register and maintain the registration with the Village of East Hampton in order to own or otherwise have such a device on his or its premises. The registration form shall contain provisions relating to the device or system of devices installed or to be installed on the premises. Registrations for fire or police alarm devices existing in premises on the effective date of this article must be made to the registering authority. No such device may be installed on the premises of the owner or lessee after the effective date of this article prior to registration by the property owner with the registering authority. Annual renewal of the registration shall be required.

§ 62-4. Registration fee.

There shall be payable to the Village of East Hampton an annual fee of \$50 for a fire or police alarm device or devices installed on the premises of any owner or lessee. Such registration fee shall be payable by the owner or lessee of the premises. Upon failure to make any such payment, the Village shall have the right to proceed by civil action to collect such registration fee. Failure to make any such payment after written notice thereof has been given to the owner or lessee shall subject such owner or lessee to the penalty provisions of this article.

§ 62-5. General requirements; false alarm charges; enforcement.

- A. Restrictions. No fire or police alarm device shall be connected directly to the Village of East Hampton headquarters or Fire Department. In addition, any police or fire alarm device which is a telephone device that automatically dials the East Hampton Village Police Department or Fire Department and reproduces a prerecorded message which reports a criminal act or fire requiring Police and/or Fire Department response is prohibited. Any person, business, firm, corporation or other commercial entity which operates, maintains, installs, leases or sells said device will be in violation of the aforementioned article and will be subject to a fine.
- B. Direct alarm system. Any private firm engaged in the business of burglar alarms or fire alarms will operate a facility which is manned by a trained operator who receives, records or validates alarm signals and relays information about such validated signals to the East Hampton Village Police Department or the East Hampton Village Fire Department and, when appropriate, notifies the Police Department and Fire Department on a special telephone number set aside for the express purpose of receiving such information. All central station alarm facilities shall have the capability to electrically supervise all alarm systems so that a trouble signal is indicated should there be a fault with any alarm system. The operator of any central alarm company which calls police headquarters or the Fire Department to report an active alarm will identify himself or herself by name and the name of the company and will provide accurate directions to the protected premises at which the alarm is sounding. The central alarm company shall further provide the name of a caretaker who is responsible for resetting an activated alarm if the property owner or lessee of the property is away. In the event that the caretaker is unavailable, the alarm company shall be responsible for resetting an activated alarm.

- C. Audible alarm device. Any property owner or lessee of property in the Village of East Hampton shall, prior to the installation of any audible signal designed to notify persons within audible range of the signal, obtain a permit for same. Any such alarm device which operates on house current must be equipped with a standby battery power supply sufficient for at least 24 hours. Any such alarm device will incorporate a device whereby the system will automatically shut off and/or reset the audible alarm after the alarm has sounded for a maximum period of 30 minutes. All property owners or lessees having such an alarm device on their premises shall further be required to provide the Police Department and Fire Department with the name of a person who can respond to the premises within a reasonable time. Said person shall have the capability of securing or, in the case of fire, opening up said premises for inspection by the Fire Department. Every such audible alarm device must be equipped with a switch to silence the audible alarm bell at the residence.
- D. False alarm. It shall be a violation of this article to cause a false alarm, and any person who does cause a false alarm shall be subject to the penalty provisions hereof.
- E. Charges for false emergency alarms.
- (1) Any owner or lessee of property having a fire or police alarm device or system of fire or police alarm devices on his or its premises on the effective date of this article and any user of services or equipment furnished by a licensee under this article shall pay to the Village a charge for each and every false emergency alarm to which the Police or Fire Department responds, in each calendar year, as follows:
 - (a) First false emergency alarm each calendar year: no charge.
 - (b) Second false emergency alarm in each calendar year: \$50.
 - (c) Third to fifth false emergency alarms in each calendar year: \$100.
 - (d) All false emergency alarms over five in each calendar year: \$250.
 - (2) The above charges shall be paid to the Village Treasurer. Failure to pay any such charges within 60 days of the date that the notice setting forth the charge has been sent to the owner of the premises by certified mail, return receipt requested, shall result in said charge becoming a lien and charge upon the real property where the alarm installation is located, until the same is paid or otherwise satisfied or discharged, and it shall be collected in the same manner provided by law for the collection of taxes. The application for a permit shall contain a notice advising the owner that the failure to pay the charge can result in it becoming a lien on the property. **[Amended 11-20-2015 by L.L. No. 21-2015]**
- F. Rules, regulations and enforcement. The Board of Trustees of the Village of East Hampton may promulgate rules, regulations and standards for the purpose of assuring the quality, efficiency and effectiveness of fire or police alarm devices and alarm installations and to facilitate the administration of this article. The aforesaid rules, regulations and standards shall be set forth in writing, and copies shall be available for applicants.

§ 62-6. Central alarm station systems; exceptions; severability.

- A. Central alarm station systems. The Village Board of Trustees may prescribe the location and the manner of installation of regular business telephone lines into police headquarters from a central alarm station for the express purpose of providing direct telephone communication between a central alarm station and police headquarters for use in reporting alarms.
- B. Exceptions. None of the provisions of this article shall apply to a fire or police alarm device or devices installed in a motor vehicle or trailer.

§ 62-7. Penalties for offenses.

Any person, firm or corporation who does not pay any charge or fee established in this article, or who violates any provision of this article, shall be subject to a fine not in excess of \$250 for each offense. A separate offense shall be deemed committed upon each day during which a violation occurs or is committed.

ARTICLE III
Emergency Access
[Added 4-17-2020 by L.L. No. 3-2020]

§ 62-8. Purpose.

The purpose of this article is to provide a means of emergency access to buildings, fire suppression equipment, fire alarm equipment, building systems and information specified by the Fire Marshal, for use by the Fire Department at the time of an emergency or a reported emergency on the subject premises.

§ 62-9. Definitions.

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

INFORMATION STORAGE CABINET — A cabinet-style vault approved by the Fire Marshal, installed in an accessible location for the purpose of safe-keeping information and documents related to premises, as may be required by the Fire Marshal, including such items as information on hazardous materials stored on premises, site plans, building plans, emergency notification information or any other information the Fire Marshal may deem to be pertinent to the operations of the responding fire department.

KEY LOCK BOX — A UL-listed box or container of a type approved by the fire department having jurisdiction, installed in a conspicuous and accessible location on the premises approved by the fire department, for the purpose of containing keys, combinations and/or codes necessary to gain access to the premises.

PREMISES — The site upon which a building, structure, or groups of buildings and/or structures are located, together with such buildings and/or structures. "Premises" may exclude such structures, buildings, or parts thereof as the Fire Marshal may determine are not necessary to access in the event of an emergency, including, but not limited to, fireproof safes, storage vaults, etc.

§ 62-10. Applicability.

- A. All commercial premises equipped with fire or police alarm systems (as defined in this chapter) shall comply with the requirements hereof within six months of the effective date of this article. All new residential construction, and existing residential construction for which a building permit is issued or renewed subsequent to the effective date of this article for new construction or alteration (as defined in Chapter 278, Zoning, § 278-1A, Definitions, of the East Hampton Village Code) of a residence, shall comply with the requirements hereof.
- B. Any of the foregoing premises to which this article is made applicable pursuant to Subsection A hereof, which are equipped with fire alarms which when activated transmit a signal to a central alarm station, shall be required to have a key lock box, installed in a conspicuous location approved by the fire department having jurisdiction, as well as an information storage cabinet, if so required by the Fire Marshal.

§ 62-11. Inspection; certificate of compliance.

No equipment installed pursuant to § 62-10 shall be deemed acceptable or approved until an inspection of the same has been conducted by the Fire Marshal's office and/or fire department having jurisdiction, and an appropriate certificate of compliance has been issued.

§ 62-12. Maintenance.

Key lock boxes, information storage cabinets or combinations thereof which have been installed in compliance with any permit or order pursuant to this chapter shall be maintained in operative condition at all times. It shall be unlawful for any owner or occupant to reduce the effectiveness of any such emergency access system, but this limitation shall not prohibit the owner or occupant from making necessary repairs which temporarily reduce the usefulness of the system, provided such repairs are completed within 10 business days. The fire department having jurisdiction shall be notified before any alterations or repairs are made.

§ 62-13. Lock cylinder.

All key lock boxes and information storage cabinets shall be equipped with single lock cylinder and shall be opened only with the master key held by the fire department having jurisdiction for protecting the subject premises. Each fire department key shall be unique in its ability to open only key lock boxes within the department's own jurisdiction. In no case shall any person or entity, other than a member of the fire department having jurisdiction for protecting the subject premises, be issued, possess or use any key intended to operate the fire department lock cylinder on any key lock box or information storage cabinet.

§ 62-14. Violations and penalties.

- A. Violations. The following shall constitute violations of this article:
- (1) Failure to obtain a letter of approval within 30 days from the time the same is required, from the fire department having jurisdiction, to install a key lock box and/or information storage cabinet.
 - (2) Failure to install a key lock box or information storage cabinet in accordance with the requirements of the permit and/or approved plans.
 - (3) Failure to adequately maintain a key lock box or information storage cabinet in proper working order.
 - (4) Failure to maintain an operable key, combination or access code to the subject premises inside the key lock box or maintain such necessary information as required by the Fire Marshal inside the information storage cabinet.
 - (5) Possessing a key lock box key or information storage cabinet key by other than the appropriate Fire Department.
- B. Penalties. Any person, firm or corporation who or which is found to have committed a violation of this article shall be subject to a fine not to exceed \$250 for

the first offense, and \$500 for each offense after the first in any five-year period.

Chapter 65**AMUSEMENTS****GENERAL REFERENCES**

Fireworks — See Ch. 145.

Licensed entertainment — See Ch. 185, Art. II.

§ 65-1. Title.

A short title of this chapter shall be "Amusements and Amusement Businesses."

§ 65-2. Legislative findings.

The Board of Trustees of the Village of East Hampton finds that the business of operation of amusement devices such as pinball machines and similar devices and machines creates noise and litter and generally disturbs the public and is detrimental to the public health, safety and welfare of the residents of the Village.

§ 65-3. Definitions.

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

AMUSEMENT CENTER — Any establishment, place or premises in or at which four or more devices are placed or kept for use or play or on exhibition for the purpose of use or play.

COIN-OPERATED AMUSEMENT MACHINE OR DEVICE — Any amusement machine or device operated by means of the insertion of a coin, token or similar object for the purpose of amusement or skill and for the playing of which a fee is charged. Also included within this definition are coin-operated mechanical or electronic musical devices which are commonly referred to as "jukeboxes."

DISTRIBUTOR — Any person, firm, corporation, partnership or association or other entity, who sets up for operation by another any device as herein defined, whether such setting up for operating, leasing or distributing is for a fixed charge or retail or on the basis of a division of the income derived from such device or otherwise.

PROPRIETOR — Any person, firm, corporation, partnership, association or club, who, as the owner, lessee, agent or proprietor, has under his or its control any establishment, place or premises in or at which devices are placed or kept for use or play or on exhibition for the purpose of use or play.

§ 65-4. Special permits. [Amended 4-20-1992 by L.L. No. 3-1992]

The Board of Appeals, pursuant to the authority vested in it under § 278-7D(1)(f), upon application after due notice and public hearing, may issue special permits for amusement centers. Before passing upon any application hereunder, the Board of Appeals shall determine that the safety, health, welfare, comfort, convenience or order of the Village will not be adversely affected by the proposed use and its location.

- A. In making such determination, the Board of Appeals shall give consideration, among other things, to the following factors:
- (1) Compatibility with preexisting uses.
 - (2) The character of the existing, and probable development of, uses in the district and the peculiar suitability of such district for the location of any of such permissive uses.
 - (3) The conservation of property values and the encouragement of the most appropriate uses of land.
 - (4) The effect that the location of the proposed use may have upon the creation of undue increase of vehicular traffic congestion on public streets or highways.
 - (5) Whether the plot area is sufficient, appropriate and adequate for the use and the reasonable anticipated operation and expansion thereof.
 - (6) Whether the use to be operated is near to a school, theater, recreational area or other place of public assembly.

§ 65-5. Prohibitions.

No person, firm or corporation or other entity shall engage in the business of distributor or proprietor of more than three coin-operated amusement devices, as the terms are herein defined, in any one establishment, place or premises, unless a special permit has been issued for said premises by the Board of Appeals.

§ 65-6. Penalties for offenses.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both.

Chapter 68

ANIMALS

GENERAL REFERENCES

Animals on beaches — See Ch. 77, Art. I.

Keeping animals or fowl — See § 211-4.

Noise — See Ch. 196.

Streets and sidewalks — See Ch. 250.

ARTICLE I

Dog Control**[Adopted 3-17-2000 by L.L. No. 2-2000 (Ch. 13A of the 1971 Code)]****§ 68-1. Definitions.**

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

AT LARGE — Any dog that meets all three of the following:

- A. The dog is without supervision;
- B. The dog is:
 - (1) Causing damage to property;
 - (2) Causing physical harm to persons; or
 - (3) Creating a nuisance within the Village; and
- C. The dog is:
 - (1) On property open to the public; or
 - (2) On private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained.

HARBOR — To provide food or shelter to any dog.

OWNER — Any person who harbors, keeps or possesses any dog. In the event that any animal found in violation of this chapter shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person (or head of household in which said person resides). "Owner" also means that the person who has last obtained the issuance of a license for a dog pursuant to the provisions of the Agricultural and Markets Law shall be presumed, for the purposes of this chapter, to be the "owner" of such dog.

PERSON — Includes an individual, any combination of individuals, a partnership or corporation.

UNREASONABLE NOISE — Acoustic energy that exceeds the standards set forth in Chapter 196, Noise, of the Code of the Village of East Hampton.

§ 68-2. Prohibited acts.

- A. It shall be unlawful for:
 - (1) Any owner to fail to license any dog which is six months of age or older.
 - (2) Any owner to fail to have any dog identified as required by Article 7 of the Agriculture and Markets Law.
 - (3) Any person to knowingly affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs, or purebred license tag.

- B. It shall be unlawful for any owner of a dog to allow or permit such dog to:
- (1) Be at large.
 - (2) Disturb the comfort, peace, repose of any person in the vicinity by unreasonable noise.
 - (3) Cause damage or destruction to property or commit a nuisance upon the premises of a person other than the owner of such dog.
 - (4) Cause or otherwise harass any person in such a manner as to cause reasonable intimidation or to put such person in reasonable apprehension of bodily harm or injury.
 - (5) Habitually chase or run alongside of motor vehicles, bicycles, joggers or pedestrians.
 - (6) Obstruct vehicular traffic.
 - (7) Endanger itself.
- C. It shall be unlawful for any person owning, harboring or possessing any animal to:
- (1) Fail to provide proper shelter for such animal.
 - (2) Cause or permit such animal to enter onto any Village-owned property where it is posted that such entry is prohibited; provided, however, that the presence of an animal on a beach, as defined in Chapter 77, Art. I, of the Village Code, shall be regulated as provided for in said Chapter 77, Art. I, of the Village Code.
 - (3) Any person owning, harboring, walking or in custody of a dog that defecates on a private road or street, a public road, street, sidewalk, public property or private property without the permission of the property owner shall be responsible for cleaning up such waste immediately. [Amended 4-16-2021 by L.L. No. 10-2021⁵]
 - (4) Violate, or to allow or permit such animal to be in violation of, any section of this chapter.

§ 68-3. Confinement of female dogs.

Any owner of any female dog in heat shall confine such female dog in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

§ 68-4. Animal care.

- A. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse a dog or cause, instigate or permit any dogfight.
- B. No owner of a dog shall abandon such dog.

5. Editor's Note: This local law also provided for the redesignation of former Subsection C(3) as Subsection C(4).

§ 68-5. Seizure and redemption.

- A. Any owner of any dog found in violation of the provisions of this chapter may have his or her dog seized pursuant to the provisions of Article 7 of the Agriculture and Markets Law, except that no dog violating § 68-2B(2) shall be seized on the basis of said violation.
- B. Every dog seized shall be properly cared for, sheltered, fed and watered for the ten-day redemption period.
- C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provisions of Article 7 of the Agriculture and Markets Law and by paying an impoundment fee.

§ 68-6. Filing of complaint.

Any person who observes a dog in violation of this chapter may file a complaint under oath with a justice of the town, or file a complaint with a police officer or any Dog Control Officer under contract to the Village of East Hampton, specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this chapter.

§ 68-7. Appearance tickets.

Any Dog Control Officer, peace officer, when acting pursuant to his or her official duties, or police officer in the employ of or under contract to the Village, having reasonable cause to believe that a person has violated this chapter, shall issue and serve upon such person an appearance ticket for such violation.

§ 68-8. Penalties for offenses.

- A. Any person who violates any provision of § 68-2A of this article shall, upon conviction, be subject to the penalties set forth in Article 7 of the Agriculture and Markets Law.
- B. Any person who violates any provision of § 68-4 of this article shall, upon conviction, be subject to the penalties set forth in Article 26 of the Agriculture and Markets Law.
- C. Any person who violates any other provision of this article shall, upon conviction, be subject to the following penalties:
 - (1) For a first offense, a fine of not more than \$50.
 - (2) For a second offense, a fine of not less than \$50 nor more than \$100.
 - (3) For each subsequent offense, a fine of not less than \$100 nor more than \$250.

ARTICLE II
Wildfowl
[Adopted 7-31-2014 by L.L. No. 12-2014]

§ 68-9. Feeding prohibited.

It shall be unlawful for any person to feed geese, ducks, swans, or other wildfowl within the area that is within 200 feet of the shorelines of Georgica Pond or Hook Pond.

§ 68-10. Penalties for offenses.

Any person who violates the provisions of this article shall, upon conviction, be subject to a fine not exceeding \$250 or imprisonment of not more than 15 days, or both, for each and every such violation.

§ 68-10

(RESERVED)

§ 68-10

Chapter 71

(RESERVED)

Chapter 77

BEACHES

GENERAL REFERENCES

Preservation of dunes — See Ch. 124.

Parks and recreation — See Ch. 208.

Peace and good order — See Ch. 211.

Garbage and rubbish — See Ch. 246, Art. I.

Vehicles and traffic — See Ch. 267.

ARTICLE I
Beach Regulations
[Adopted 7-6-1995 by L.L. No. 26-1995 (Ch. 6 of the 1971)]

§ 77-1. Authority.

This article is adopted by the Village Board of the Village of East Hampton pursuant to the authority granted the Board under the provisions of the Municipal Home Rule Law of the State of New York.

§ 77-2. Promulgation of rules; applicability.

- A. The Town Trustees of the Freeholders and Commonality of the Town of East Hampton (hereinafter the "Trustees") have ownership of and authority over certain beach areas within and adjacent to the boundaries of the Village of East Hampton. The Village Board has such powers and authority over beaches within and adjacent to its boundaries as have been granted it under the provisions of the Village Law and the Municipal Home Rule Law of the State of New York. In an effort to provide similar, although not identical, rules and regulations for all beach areas within the Town of East Hampton, the Village Board and the Town Trustees have promulgated the following rules and regulations with respect to all beach areas within and adjacent to the boundaries of the Village.
- B. The provisions of this article shall apply to all beaches within and the ocean beaches adjacent to the boundaries of the Village of East Hampton.

§ 77-3. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

ACCESS — A means of entry to or exit from a beach.

BEACH — All land lying between a body of fresh or salt water and the base of a bluff or dune. In cases where there is no bluff or dune present, then the "beach" shall be all land lying between such body of water and the naturally occurring beach grass or the upland vegetation if no naturally occurring beach grass is present.

BLUFF — A formation of land which is landward of the natural beach and which rises sharply from its base to a bluff line where the natural land contours resume a gradual slope.

CAMPING — Includes but is not limited to the use of any vehicle to sleep in; the use of a tent or other temporary structure to sleep in; or sleeping on the beach after sundown.

DUNE — A naturally occurring accumulation of sand in wind-formed ridges or mounds landward of the beach, often characterized by the natural growth of beach grass (*Ammophila breviligulata*). Included in this definition are deposits of fill placed for the purpose of dune construction.

OPERATE — The same meaning as that given it in the Vehicle and Traffic Law. A person "operates" a vehicle when he begins to use the mechanism of the vehicle for the purpose of putting the vehicle in motion even though he does not move it. "Operate" is markedly broader than "drive" and includes, among other things, sitting behind the

wheel with the keys in the ignition even if the vehicle is not running.

PROTECTED BIRDS — Birds now or hereafter listed on the New York State and/or federal threatened or endangered species list.

TRUSTEE BEACHES — Beaches owned and managed by the Trustees. Included within "Trustee beaches" are the following:

- A. The ocean beaches from the westerly boundary of the Village of East Hampton to the easterly boundary of the Village of East Hampton.
- B. The beaches adjacent to the following bodies of water: Wainscott Pond, Georgica Pond, Hook Pond, Lily Pond and Town Pond.

TRUSTEES — The Trustees of the Freeholders and Commonality of the Town of East Hampton.

UNREASONABLE NOISE — The presence of that amount of acoustic energy which causes temporary or permanent hearing loss in persons exposed and that which is otherwise injurious or tends to be injurious to the public health or welfare, causes a nuisance or interferes with the comfortable enjoyment of life and property of others.

VEHICLE — Any transportation device which is propelled by other than muscular power.

§ 77-4. Prohibited conduct.

- A. No person shall damage, deface, injure, remove, tamper with or destroy any sign, snow fencing, flagging or other property located on the beach.
- B. No person shall throw, break, cast, lay or deposit a glass bottle or pieces of crockery or glass or glassware, fish, garbage or refuse or any injurious substance of any kind or nature on any beach. All persons shall dispose of such substances as directed by law.
- C. No person shall throw, place or deposit fill, sand, gravel or any other materials, including but not limited to trees, shrubs or brush, on the beach unless properly authorized by the Trustees.
- D. No person shall erect, construct, reconstruct, enlarge or alter any structure, including but not limited to any groin, erosion control device, bulkhead, dock, pipe or other improvement whatsoever, in, on or under any beach or pond without having obtained any and all necessary permits and approvals, including those required by the Trustees.
- E. No person shall maintain a camp, trailer or other structure, whether temporary or permanent, on the beach.
- F. No person shall disturb or endanger any protected bird nesting area on the beach. As soon as the protected birds establish their annual nesting sites, the Trustees or their duly authorized agent or agents will cause each nesting site to be fenced, roped or flagged in a manner designed to alert the public that entry is prohibited. No person shall alter, move, remove or tamper with any fence, rope or flagging designating such areas. All such fencing shall be removed at the end of the nesting

season.

- G. No person shall erect a fence, barricade or other impediment to vehicular and/or pedestrian traffic on the beach without the written consent of the Trustees.
- H. No person shall intentionally obstruct vehicular or pedestrian access to the beach.
- I. No person shall camp on the beaches. Specific exception may be granted by the Trustees to organizations such as Boy Scouts, Girl Scouts and other civic organizations, upon written request.
- J. No person shall camp in the parks or on other public property in the Village of East Hampton. Specific exception may be granted by the East Hampton Village Board of Trustees to organizations such as Boy Scouts, Girl Scouts and other civic organizations, upon written request.
- K. No person shall camp on private property without written permission from the owner and only in conformance with other applicable Village ordinances.
- L. No person shall intentionally engage in fighting or in violent, tumultuous or threatening behavior on the beach.
- M. No person shall ride, walk or otherwise allow or permit a horse, dog, cat or other animal to be in or upon a protected bird nesting area designated pursuant to § 77-4F at any time.
- N. Animals on the beach.
 - (1) No person shall ride, walk or otherwise allow or permit a dog, cat or other animal to be on or upon any beach from May 15 to September 15 of each year, between the hours of 9:00 a.m. and 6:00 p.m. At all other times during the period from May 15 to September 15 of each year, dogs must be manually restrained on a leash within areas that are within 300 feet of any road end along the Atlantic Ocean beaches. **[Amended 5-17-2013 by L.L. No. 13-2013; 11-18-2016 by L.L. No. 13-2016]**
 - (2) Any individual who permits a dog upon any beach shall maintain control over said dog at all times and shall take such action as may be necessary to clean up after such animal.
- O. No person shall make unreasonable noise on the beach or permit such noise from a radio, vehicle or other instrument under his or her control.
- P. No person shall disobey the lawful directives of a lifeguard employed by the Village of East Hampton for the health, safety and welfare of the public issued in the performance of his or her duties.
- Q. Beach fires. **[Amended 12-15-2006 by L.L. No. 16-2006]**
 - (1) No person shall start or maintain a beach fire less than 50 feet from any beach grass, vegetation, tent or fence or less than 100 feet from any building or permanent structure or less than 200 feet from any posted water-bird nesting colony.

- (2) No person shall maintain a fire that is greater at any time than two feet in any dimension.
 - (3) All fires must be completely extinguished with as many buckets of water as is necessary. No person shall extinguish a fire or embers by covering them with sand.
 - (4) No person shall leave a fire unattended. All fires shall be under constant watch.
 - (5) No person shall maintain a beach fire unless a bucket of water is stationed within 10 feet of the fire.
 - (6) No person shall kindle or maintain a fire if the prevailing wind velocity exceeds 15 miles per hour.
 - (7) No person shall start or maintain a fire with any fuel other than firewood. The use of construction material as fuel is prohibited.
 - (8) In addition to the penalties set forth in § 77-9 of this article, any duly constituted law enforcement officer as set forth in § 77-10 may require a beach fire to be extinguished when deemed dangerous due to wind conditions or size and may prohibit fires when unusually dry conditions exist or whenever other circumstances present an increased fire hazard. None of these provisions shall be construed as relieving any person who lights or maintains a fire from resulting damage to property or persons.
 - (9) All fire debris, including logs and wood, shall be removed from the beach. **[Added 1-15-2010 by L.L. No. 2-2010]**
 - (10) All fires must be contained in a metal container. **[Added 1-15-2010 by L.L. No. 2-2010]**
 - (11) No beach fire shall be set, started, kindled or maintained prior to 6:00 p.m. and must be fully extinguished prior to 12:00 midnight. **[Added 10-20-2017 by L.L. No. 19-2017]**
- R. Alcohol on the beach. **[Added 4-16-2021 by L.L. No. 9-2021]**
- (1) No person shall possess, consume, ingest, or take internally any alcoholic beverage, nor have in his possession any alcoholic beverage container which has been opened for the purpose of consuming the contents thereof, during the hours of lifeguard protection on the beach.
 - (2) If there is no lifeguard stationed on the beach, then no person shall possess, consume, ingest, or take internally any alcoholic beverage, nor have in his possession any alcoholic beverage container which has been opened for the purpose of consuming the contents thereof, from 9:00 a.m. through 5:00 p.m. from May 15 to September 15 of any year.
 - (3) At no time, without a special event permit specifically permitting such, shall any person possess on any beach an alcoholic beverage container which is capable of holding in excess of one gallon.
- S. Alcohol, additional. **[Added 4-16-2021 by L.L. No. 9-2021]**

- (1) Except as hereinafter provided, no person under the age of 21 years shall possess any alcoholic beverage on any beach, with the intent to consume such beverage.
- (2) A person under the age of 21 years may possess any alcoholic beverage on any beach with intent to consume if the alcoholic beverage is given:
 - (a) To a person who is a student in a curriculum licensed or registered by the State Education Department and the student is required to taste or imbibe alcoholic beverages in courses which are a part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum; or
 - (b) To the person under 21 years of age by that person's parent or guardian.
- (3) Any person who unlawfully possesses an alcoholic beverage on any beach with intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that nothing contained herein shall authorize, or be construed to authorize, a peace officer as defined in Subdivision 33 of § 1.20 of the Criminal Procedure Law or a police officer as defined in Subdivision 34 of § 1.20 of such law to arrest a person who unlawfully possesses an alcoholic beverage with intent to consume. If a determination is made sustaining such charge, the court may impose a fine not exceeding \$50 and/or completion of an alcohol awareness program established pursuant to § 19.25 of the Mental Hygiene Law and/or an appropriate amount of community service not to exceed 30 hours.
- (4) No such determination shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license granted by public authority, and no such person shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction.
- (5) Whenever a peace officer, as defined in Subdivision 33 of § 1.20 of the Criminal Procedure Law, or police officer, as defined in Subdivision 34 of § 1.20 of the Criminal Procedure Law, shall observe a person under 21 years of age openly in possession of an alcoholic beverage, as defined in this chapter, on any beach, with the intent to consume such beverage in violation of this section, said officer may seize the beverage and shall deliver it to the custody of his or her department.
- (6) Any alcoholic beverage seized in violation of this section is hereby declared a nuisance. The official to whom the beverage has been delivered shall, no earlier than three days following the return date for initial appearance on the summons, dispose of or destroy the alcoholic beverage seized or cause it to be disposed of or destroyed. Any person claiming ownership of an alcoholic beverage seized under this section may, on the initial return date of the summons or earlier on five days' notice to the official or department in possession of the beverage, apply to the court for an order preventing the destruction or disposal of the alcoholic beverage seized and ordering the return of that beverage. The court may order the beverage returned if it is determined

that return of the beverage would be in the interest of justice or that the beverage was improperly seized.

- T. Smoking. No person shall smoke a cigarette, pipe, cigar or similar smoking substance or engage in any vaping activity at any beach pavilion, beach parking lot, on the beach within 300 feet of the beach road end, and/or within 20 feet of any other person on the beach. **[Added 4-16-2021 by L.L. No. 9-2021]**

§ 77-5. Vehicles on the beach.

A. Requirements.

- (1) No person shall operate or park a vehicle on the beach from May 15 to and including September 15 in any year, between the hours of 9:00 a.m. to 6:00 p.m. Notwithstanding the above, individuals shall be permitted to drive a vehicle on the beach between the easterly side of the Two Mile Hollow parking area to the easterly boundary of the Village at all times, provided that they shall exercise due caution when traversing through said area and provided, further, that they are in compliance with all other requirements of this article. **[Amended 11-18-2016 by L.L. No. 14-2016]**
- (2) No person shall operate or park a vehicle on that portion of the beach between the Hook Pond Jetty on the east and the prolongation southerly on the westerly property line of the HiTide (known as SCTM#301-13-13-12) on the west, between the hours of 6:00 p.m. and 12:00 midnight on the night of the annual East Hampton Village Fire Department fireworks display. The provisions of this subsection shall not apply to vehicles whose occupants are engaged in commercial net fishing and vehicles whose occupants are actively engaged in the fireworks display. **[Amended 7-31-2019 by L.L. No. 10-2019]**
- (3) No person shall operate a vehicle on the beach unless said vehicle is registered and displays a valid vehicle registration license in compliance with the Vehicle and Traffic Law of the State of New York.
- (4) No person shall operate a vehicle on the beach unless said vehicle is in compliance with the provisions of the Motor Vehicle Financial Security Act as contained in Article 6 of the Vehicle and Traffic Law, requiring liability insurance or other proof of financial security.
- (5) No person shall operate a vehicle on the beach unless such vehicle has been issued and displays a valid and proper East Hampton town resident beach vehicle permit issued by the East Hampton Town Clerk. Resident permits shall be issued free of charge to all residents of the Town of East Hampton who shall submit proof of residency or property ownership within the town and a valid registration in the name of the resident or property owner. Permits shall be issued to nonresidents upon payment to the Town Clerk of a nonrefundable fee of \$200. Such nonresident permits shall expire on December 31 of each year. Disabled veterans and individuals possessing a valid mobility impaired license shall be entitled to a fifty-percent discount on the cost of the permit. The Town Clerk shall inspect all applications for permits and determine the validity of the qualifications presented in accordance with the provisions of

this section. The permit shall be affixed to the rear of the vehicle in the location specified by the Town Clerk and shall be placed in such location in a manner which allows the permit to be clearly visible at all times when the vehicle is in motion. **[Amended 7-31-1998 by L.L. No. 12-1998]**

- (6) No person shall operate a vehicle on the beach unless such vehicle is equipped with a tow rope or chain, jack and spare tire.
- B. Exemptions. Operators of the following vehicles shall be exempt from the provisions of § 77-5A(1) above, provided that they shall exercise due caution when traversing through restricted bathing areas:
- (1) Vehicles whose occupants are actively engaged in traditional commercial net fishing.
 - (2) Vehicles displaying a handicapped parking permit being used by a handicapped person.
- C. Nesting areas. No person shall operate a vehicle within or upon any protected bird nesting area designated as such by the Trustees or Village Board pursuant to § 77-4F hereof at any time. A violation of the provisions of this subsection shall be punishable by a fine of not less than \$250 nor more than \$1,000 or by imprisonment for up to 15 days, or both. Upon conviction of such violation, the permission to operate a vehicle on the beach heretofore given said person by the Trustees is hereby revoked, automatically and without recourse, for a period of one year. In the event that the violator is also the owner of the vehicle in which the offense occurred, then, in such event, the permit issued to the violator for said vehicle shall be surrendered to the court and shall be subject to removal from the vehicle by a court officer or police officer if not voluntarily surrendered. A person who operates a vehicle on the beach at a time when his permission to do so has been revoked shall be subject to prosecution for criminal trespass, as well as other applicable statutes, under the Penal Law.
- D. Access. No person operating a vehicle shall take access to the beach other than from existing access points. No person operating a vehicle shall take access to the beach by climbing over any dune, bluff or vegetation.
- E. Regulations for beach use by vehicles.
- (1) All operators of vehicles traveling along the beach shall maintain a distance of no less than 50 feet seaward of the beach grass line, if possible.
 - (2) No person shall operate a vehicle over or upon any dune, bluff or vegetation.
 - (3) No person shall utilize a vehicle on the beach for the purpose of camping or sleeping.
 - (4) No person shall operate a vehicle on the beach during the period from one-half hour after sunset to one-half hour before sunrise and at such other times as visibility for a distance of 1,000 feet ahead of such vehicle is not clear, unless such vehicle displays at least two lighted headlights on the front and two lighted lamps on the rear.

- (5) No persons shall operate a vehicle on the beach at a speed in excess of 15 miles per hour.
- (6) No person shall operate a vehicle in a reckless manner that endangers the safety of other persons.
- (7) Vehicles shall travel in a single line, except when necessary to pass. In the event that a vehicle operator(s) deems it necessary and safe to pass another vehicle, he or she shall do so in a manner so that not more than two vehicles, inclusive of the vehicle to be passed, are traveling beside each other in any one direction at any time.
- (8) No operator of a vehicle shall have the right-of-way over any person on foot.
- (9) No person shall abandon any vehicle on the beach. A vehicle left unattended for a period of 24 hours or more shall be deemed abandoned and may be removed to an impound area designated for the placement of the same by or at the direction of any officer authorized to enforce this article at the expense of the owner thereof. The Village Board and Trustees and said enforcement officer shall not be responsible for damage to any vehicle occasioned by such removal. Upon impounding an abandoned vehicle, the officer shall make an inquiry as to the owner of the vehicle and shall notify the owner, if known, that the vehicle has been impounded and that, if unclaimed, it will be sold at public auction not less than 10 days after the date such notice was given. The owner may reclaim the vehicle after proving ownership and paying an impound fee of \$200, plus the costs of removal, plus a storage fee of \$20 per day. If a vehicle remains unclaimed for a period of 10 days from the date notice is given to the owner or if the owner cannot be found or ascertained:
 - (a) A vehicle having a value of \$750 or less may be destroyed, junked or otherwise disposed of as the officer or the Trustees see fit.
 - (b) A vehicle having a value in excess of \$750 shall be disposed of at a public auction to the highest bidder. The proceeds from the sale of such vehicle, less the impound fee, costs of removal, storage fee and costs of sale, shall be held by the Trustees, without interest, for the benefit of the owner of such vehicle for a period of one year. If not claimed within said one-year period, such proceeds shall be paid into the general fund of the Trustees.
- (10) Notwithstanding any provision herein contained to the contrary, no person shall operate a motorcycle, hovercraft, snowmobile, all-terrain vehicle or similar vehicle designed for off-road travel on the beach.
- (11) The provisions of this § 77-5 shall not apply to vehicles operated by the police, fire and rescue services, the dory rescue squad, East Hampton Town Bay Constable, an East Hampton Town Harbor Master, an East Hampton Town Dog Control Officer or other emergency vehicles while actually in the performance of their duties.

§ 77-6. Operating a vehicle while under the influence of alcohol or drugs prohibited.

A. Prohibited conduct.

- (1) No person shall operate a vehicle on the beach while such person's ability is impaired by the consumption of alcohol.
- (2) No person shall operate a vehicle on the beach while such person has 0.10 of 1% or more by weight of alcohol in his or her blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of § 1194 of the Vehicle and Traffic Law.
- (3) No person shall operate a motor vehicle on the beach while in an intoxicated condition.
- (4) No person shall operate a vehicle on the beach while his ability to operate such vehicle is impaired by the use of a drug, as defined in the Vehicle and Traffic Law.

B. Sanctions.

- (1) A violation of Subsection A(1) above shall be punishable by a fine of not less than \$100 nor more than \$250 or by imprisonment for up to 15 days, or both. Upon conviction of such violation, the violator's permission to operate a vehicle on the beach is hereby revoked, automatically and without recourse, for a period of one year.
- (2) A violation of Subsection A(2), (3) or (4) above shall be punishable by a fine of not less than \$250 nor more than \$500 or by imprisonment for up to 15 days, or both. Upon conviction of such violation, the violator's permission to operate a vehicle on the beach is hereby revoked, automatically and without recourse, for a period of two years.
- (3) A person who operates a vehicle in violation of any provision of Subsection A, after having been convicted of a violation of any provision of Subsection A within the preceding 10 years, shall be punished by a fine of not less than \$350 nor more than \$500 or by imprisonment for up to 15 days, or both. Upon conviction of such violation, the violator's permission to operate a vehicle on the beach is hereby revoked, automatically and without recourse, for a period of five years.
- (4) In addition to the penalties set forth herein in Subsection B(1), (2) and (3), in the event that the violator is also the owner of the vehicle in which the offense occurred, then, in such an event, the permit issued to the violator for said vehicle shall be surrendered to the court and shall be subject to removal from the vehicle by a court officer or police officer if not voluntarily surrendered.
- (5) No person shall operate a vehicle on the beach at a time when his or her permission to do so has been revoked. Violation of this provision shall be subject to a fine of not less than \$500 nor more than \$1,000 and imprisonment for a period of not more than 15 days, or both.

C. Chemical tests.

- (1) Any person who operates a vehicle on the beach shall be deemed to have given

consent to a chemical test of one or more of the following: breath, blood, urine or saliva, for the purpose of determining the alcohol and/or drug content of the blood, provided that:

- (a) Such test is administered by or at the direction of a police officer, with respect to a chemical test of breath, urine or saliva, or at the direction of a police officer, with respect to a chemical test of blood;
 - (b) The police officer has reasonable grounds, as such term is defined in § 1194 of the Vehicle and Traffic Law, to believe such person to have been operating in violation of any provision of § 77-6A of this article; and
 - (c) The test is administered within two hours after the person has been lawfully arrested for such violation, in accordance with the procedures set forth in § 1194 of the Vehicle and Traffic Law.
- (2) A person arrested for a violation of any provision of § 77-6A of this article shall be advised by the arresting officer that he or she may refuse to submit to the chemical test and that, as a result of such refusal, his or her permission to operate a vehicle on the beach will be revoked immediately and automatically for a period of two years.
 - (3) If a person who has been lawfully arrested for a violation of any provision of § 77-6A of this article and who has received the warning provided in Subsection C(2) hereof shall refuse to submit to a chemical test, the permission to operate a vehicle on the beach heretofore given said person by the Trustees is hereby revoked, automatically and without recourse, for a period of two years, regardless of whether the person is convicted of a violation of any provision of Subsection A above, and shall not be restored thereafter without the written approval of the Trustees.
 - (4) In addition to the penalties set forth herein in Subsection C(1), (2) and (3), in the event that the violator is also the owner of the vehicle in which the offense occurred, then, in such an event, the permit issued to the violator for said vehicle shall be surrendered to the court and shall be subject to removal from the vehicle by a court officer or police officer if not voluntarily surrendered.
 - (5) Chemical test results shall be accorded the same treatment and effect as provided in § 1195 of the Vehicle and Traffic Law.

§ 77-7. Parking requirements. [Amended 3-16-2001 by L.L. No. 1-2001; 5-18-2001 by L.L. No. 5-2001; 2-15-2002 by L.L. No. 1-2002]

No person shall park or stand a motor vehicle in the driveway access to the Village-owned property at Sea Spray Cottages, located east of Ocean Avenue, or on the Village-owned land adjacent to Hook Pond along said driveway access without first obtaining a miscellaneous permit from the Village Administrator, which permit shall be issued on an annual basis. Said permits shall only be issued to residents of the Village of East Hampton and the Town of East Hampton for the purposes of access to Hook Pond for fishing and shall require proof of a valid New York State freshwater fishing license.

§ 77-8. Nonliability of Trustees and Village Board.

Anyone using a beach shall do so with the understanding that the Trustees and Village Board assume no responsibility for any injury or damage to any person or property which may be sustained while using the beach and that the Trustees and Village Board will not be responsible in any manner for any article that may be stolen from any structure or automobile or for any automobile or any other article that may be stolen from a beach.

§ 77-9. Penalties for offenses.

- A. A violation of the provisions of § 77-4S, § 77-5C or of § 77-6 of this article shall be punishable as provided therein. **[Amended 7-31-2019 by L.L. No. 9-2019; 4-16-2021 by L.L. No. 9-2021]**
- B. A violation of the provisions of § 77-4M, § 77-4N(1), § 77-4N(2), § 77-4Q(10), § 77-4R, § 77-5A(1) or of § 77-5A(5) of this article shall be punishable as follows: **[Amended 4-20-2015 by L.L. No. 3-2015⁶; 7-31-2019 by L.L. No. 9-2019; 4-16-2021 by L.L. No. 9-2021]**
- (1) A person or entity charged with a violation of any of the sections listed above shall be required to appear or answer within 15 days of the issuance of a ticket, and shall be subject to a minimum fine of \$150.
 - (2) Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.
 - (3) Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.
 - (4) Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.
- C. The provisions of § 77-4T shall be punishable by a fine of \$50. **[Added 4-16-2021 by L.L. No. 9-2021⁷]**
- D. A violation of any other provision of this article shall be punishable as follows:
- (1) For a first offense within a period of 18 months, by a fine of not less than \$100 nor more than \$250 or by imprisonment for up to 15 days, or both.
 - (2) For a second offense within a period of 18 months, by a fine of not less than \$250 nor more than \$500 or by imprisonment for up to 15 days, or both.
 - (3) For a third offense within a period of 18 months, by a fine of not less than \$400 nor more than \$1,000 or by imprisonment for up to 15 days, or both.

§ 77-10. Enforcement.

This article shall be enforced by any duly constituted law enforcement officer, including

6. Editor's Note: This local law also redesignated former Subsection B as Subsection C.

7. Editor's Note: This local law also redesignated former Subsection C as Subsection D.

any Code Enforcement Officer, having jurisdiction within the Village of East Hampton and/or by any Bay Constable of the Town of East Hampton and/or by any Harbor Master of the Town of East Hampton and/or by any Dog Control Officer of the Town of East Hampton.

§ 77-11. Permission of Trustees required prior to amendment by Village Board.

The Village Board shall not amend any section of this article as the same applies to any Trustee beach without having first received the written permission of a majority of the Trustees. In the event that the Trustees shall amend any provision of their regulations so as to render any section of this article ineffective, then the Village Board may repeal such provision as it applies to Trustees beaches without having first obtained the permission of the Trustees. In the event that the Trustees should amend their regulations without having obtained the cooperation and agreement of the Village Board to amend this article accordingly, then the Village Board shall not be responsible for enforcement of the amended regulations.

§ 77-12. Temporary closure.

The Trustees have the right to temporarily close or restrict any beach or portion thereof at any time if deemed appropriate and necessary. The Trustees shall advise the Village Board of their decision to order any closure in a manner deemed reasonable under the circumstances, but failure to do so shall not affect the validity of such closure or restriction.

ARTICLE II

Main Beach Pavilion**[Adopted 2-15-2002 by L.L. No. 1-2002 (Ch. 36 of the 1971 Code)]****§ 77-13. Legislative history and intent.**

- A. The property on which the Main Beach Pavilion and Parking Lot #1 (the parking lot adjacent to the Main Beach Pavilion) are situated was purchased by the Board of Trustees of the Incorporated Village of East Hampton on June 16, 1937, from private individuals. The funds to purchase the property were raised from the issuance of a Village of East Hampton bond secured with the full faith and credit of the Village taxpayers. The property, then known as the "Maidstone Bathing Pavilion," was already improved with locker facilities, but over the years, and through the issuance of additional Village of East Hampton bonds, the facilities have been further improved and maintained. When the property was first acquired there were as many as 300 lockers, and although the total number of lockers has fluctuated, for many years there was ample opportunity for residents of the Village and nonresidents to all have the seasonal use of a locker if they wished. There are now 176 lockers at the Pavilion, of varying sizes, which have been issued to Village residents and nonresidents on a seasonal basis according to an informal process by which locker-holders have been given the first opportunity to be issued the same lockers in all ensuing seasons. Locker-holders have also been traditionally entitled to park their vehicles in Lot #1, immediately adjacent to the Pavilion, while non-locker-holders use the parking lot across the street. Although a fee is charged for the use of a locker, the acquisition, renovation and general maintenance of the overall facility has been underwritten by Village tax revenues. As a result of the increasing population, the tendency of locker-holders to renew their request for the same lockers year after year, and the increasing demand for lockers, the Village has developed a lengthy, virtually stagnant waiting list for the use of seasonal lockers, with some Village residents and taxpayers having to wait many, many years for the opportunity to use a locker, while their taxes subsidize the maintenance of the lockers and general facilities at the Main Beach Pavilion. Meanwhile, the majority of lockers are held by non-Village residents.
- B. The Village Board of Trustees finds that it is appropriate at this time, given the increasing demand for lockers, the general stagnation of the waiting list, and the fact that these facilities are supported by Village taxpayer revenues, to codify a procedure for the seasonal use of the lockers and the parking lot adjacent to the Pavilion that gives the Village taxpayers a priority. The Pavilion, including rest rooms, a snack bar and a deck, and the beach next to the Pavilion, have always been and will continue to be open to members of the general public, with nonresidents, as always, paying a fee for the privilege of parking in the municipal lot.
- C. The intent is to utilize the long-established waiting list for lockers by codifying that Village residents will be issued lockers on a first-come-first-served basis. If there are any vacant lockers before the beginning of the season, nonresidents will be issued locker permits on a lottery basis. The intent, furthermore, is to provide for enforceable rules and requirements for the use of the facility generally and to confine the seasonal permit requirements for the Village-owned parking lot across the street from the Pavilion to Chapter 267 of the Code (Vehicle and Traffic).

§ 77-14. Locker permits.

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

NONRESIDENT — Any individual who does not meet the definition of a resident.

RESIDENT — Any individual who:[Amended 4-19-2002 by L.L. No. 10-2002]

- (1) Is registered to vote in Village elections; or
 - (2) Owns property in the Village, including a shareholder in a housing cooperative located in the Village; or
 - (3) Is a volunteer or exempt member of the East Hampton Fire Department or the Ambulance Association serving the Village of East Hampton.
- B. Permits for the use of the lockers located inside the Main Beach Pavilion shall be issued on a seasonal basis, as follows:
- (1) The Board of Trustees shall, by resolution, establish the fees to be charged for the use of the lockers, based on the respective size of the lockers.
 - (2) Residents. Village residents who have had the use of a locker or a locker permit during the previous season shall be given first opportunity to obtain a permit for the same locker during the following season. In addition, the Village Clerk shall, on a continuing basis, maintain a list of Village residents who did not have the use of a locker during the previous season, but wish to obtain a locker permit for the following season. The list shall retain the order in which residents have signed up for a locker. Upon payment of the applicable fee and upon the submission of proof of Village residency, the Village Clerk shall issue a seasonal locker permit to those residents who had lockers the previous season, and then, on a first-come-first-served basis, to any Village resident desiring the use of a locker.
 - (3) Nonresidents. The Village Clerk shall, on a continuing basis, maintain a list of nonresidents who wish to obtain a locker permit for the following season. If there are any vacant lockers remaining upon June 15 of each year, permits for those lockers will be issued to nonresidents based upon a lottery drawing.
 - (4) One sticker only, entitling the vehicle to which the sticker is affixed to park in Lot #1, the lot immediately adjacent to the Main Beach Pavilion, shall be issued with each locker permit. Nonresident locker permit-holders shall pay the fee required under § 267-5C of this Code for the sticker. The sticker must be affixed to a vehicle which is owned or leased by the locker permit-holder or a resident of the same premises in which the permit-holder resides.
 - (5) Locker permits and Lot #1 parking stickers are nontransferable and nonassignable.
 - (6) The contents of all lockers must be removed no later than September 15 of each year.

§ 77-15. Regulations governing use of main beach pavilion; penalties for offenses.

- A. The Board of Trustees of the Village of East Hampton may, by resolution, adopt such rules and regulations governing the use of the general facilities associated with the Main Beach Pavilion as it shall deem necessary.⁸
- B. All such rules and regulations shall be posted at the Main Beach Pavilion.
- C. Any violation of the posted rules and regulations shall be punishable by a fine of not more than \$250 or by imprisonment for up to 15 days, or both.

8. Editor's Note: The Main Beach Rules are included at the end of this chapter.

Chapter 84**BRUSH, GRASS, WEEDS AND RUBBISH**

GENERAL REFERENCES

Buildings and structures, unsafe — See Ch. 87.

Garbage and rubbish — See Ch. 246, Art. I.

Dutch elm disease — See Ch. 127.

Streets and sidewalks — See Ch. 250.

§ 84-1. Removal required.

Owners of land in the Incorporated Village of East Hampton shall cut, trim or remove brush, grass, rubbish or weeds from their property.

§ 84-2. Village may remove; costs a lien on property.

Upon default in their doing so, the Village Trustees may cause such grass, brush, rubbish, weeds or other materials to be cut, trimmed or removed by the Village, and the total cost thereof may be assessed upon the real property on which such brush, grass, rubbish or weeds are found, and shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected by the Village Treasurer in the manner provided by law for the collection of delinquent taxes.

§ 84-3. Notice to nonresident owners.

If the owner of said lands is a nonresident, a notice to so cut, trim or remove such brush, grass, rubbish, weeds or other materials mailed to such owner addressed to his last known address shall be sufficient service thereof.

§ 84-4. Penalties for offenses.

Any such willful refusal to so remove such objects after notice is given shall constitute a violation, the penalty for which shall be \$10 per day for each additional day that the said objects are not removed after notice given.

Chapter 87**BUILDINGS AND STRUCTURES, UNSAFE**

GENERAL REFERENCES

Code enforcement administration — See Ch. 104.

Electrical inspections — See Ch. 130.

§ 87-1. Procedure for repair or removal of unsafe buildings or structures.

The Board of Trustees may, upon its own motion or upon complaint of an interested party, provide for the removal or the repair of buildings or structures in commercial, industrial and residential districts (zones) that, from any cause, may now be or shall hereafter become dangerous or unsafe to the public, as follows:

- A. The Board of Trustees shall duly appoint an official of the Village to inspect the premises and report thereon to the said Board of Trustees within a reasonable time but in any event not later than the next regular meeting of said Board of Trustees.
- B. Upon the receipt of said report and upon a finding by the Board of Trustees that the premises are dangerous or unsafe to the public, the Village Clerk may be directed to arrange for the service of notice upon the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in said premises, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in said premises, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk, containing:
 - (1) A description of the premises;
 - (2) A statement of the particulars in which the building or structure is unsafe or dangerous, and an order requiring same to be made safe and secure or removed, the securing or the removal of said building or structure to be commenced within a reasonable time but in no event later than 30 days from the date of service of notice as hereinbefore provided;
 - (3) A statement that in the event of neglect or refusal of the person served with said notice to comply with same, a survey shall be made by an official of the Village and a practical builder, engineer or architect, therein designated by the Board of Trustees, and a practical builder, engineer or architect appointed by the person notified, and in event of refusal or neglect of person so notified to appoint such surveyor, the two surveyors named shall make the said survey and report to the Board of Trustees within a reasonable time but in any event not later than the next regular meeting of the Board of Trustees;
 - (4) A statement that in the event the building or other structure shall be reported unsafe or dangerous under such survey, a signed copy of which shall be posted

on said building or structure, an application will be made on behalf of the Village at a Special Term of the Supreme Court in the judicial district in which the property is located, not less than five nor more than 10 days thereafter, for an order determining the building or structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed. If such service be made by registered mail, a copy of such notice shall be posted on the premises.

§ 87-2. Compensation of surveyors.

The Board of Trustees shall make such provisions as may be necessary for the reasonable compensation of surveyors designated as hereinbefore provided in § 87-1B(3) hereof.

§ 87-3. Assessment of costs.

All costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing, said building or structure, shall be assessed against the land on which said building or structure is located.

Chapter 101

COASTAL EROSION HAZARD AREAS

GENERAL REFERENCES

Beaches — See Ch. 77.

Flood damage prevention — See Ch. 160.

Preservation of dunes — See Ch. 124.

Freshwater wetlands — See Ch. 163.

Environmental quality review — See Ch. 133.

ARTICLE I
General Provisions

§ 101-1. Statutory authority.

Pursuant to and as required by the provisions of Article 34 of the New York State Environmental Conservation Law and § 10 of the Municipal Home Rule Law, the Village of East Hampton, County of Suffolk, State of New York, hereby enacts, by Local Law No. 3 of 1989, this chapter.

§ 101-2. Title.

This chapter shall be known and may be cited as the "Village of East Hampton Coastal Erosion Hazard Area Law."

§ 101-3. Purpose.

The Village of East Hampton hereby assumes the responsibility and authority to implement and administer a coastal erosion management program within its jurisdiction pursuant to Article 34 of New York State Environmental Conservation Law. In addition, it is the purpose of this chapter to:

- A. Establish standards and procedures for minimizing and preventing damage to structures from coastal flooding and erosion and to protect natural protective features and other natural resources.
- B. Regulate, in coastal areas subject to coastal flooding and erosion, land use and development activities so as to minimize or prevent damage or destruction to man-made property, natural protective features and other natural resources, and to protect human life.
- C. Regulate new construction or placement of structures in order to place them a safe distance from areas of active erosion and the impacts of coastal storms to ensure that these structures are not prematurely destroyed or damaged due to improper siting, as well as to prevent damage to natural protective features and other natural resources.
- D. Restrict public investment in services, facilities or activities which are likely to encourage new permanent development in erosion hazard areas.
- E. Regulate the construction of erosion protection structures in coastal areas subject to serious erosion to assure that, when the construction of erosion protection structures is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, private and public property, natural protective features and other natural resources.

§ 101-4. Findings.

The Village of East Hampton finds that the coastal erosion hazard area:

- A. According to the findings of the New York State Department of Environmental Conservation, is prone to erosion from action of the Atlantic Ocean. Such erosion

may be caused by the action of waves, currents running along the shore and wind-driven water and ice. Such areas are also prone to erosion caused by the wind, runoff of rainwater along the surface of the land or groundwater seepage, as well as by human activities such as construction, navigation and certain forms of recreation.

- B. According to the findings of the New York State Department of Environmental Conservation, experiences coastal erosion which causes extensive damage to publicly and privately owned property and to natural resources, as well as endangering human lives. When this occurs, individuals and private businesses suffer significant economic losses, as do the Village of East Hampton and the state economies, either directly through property damage or indirectly through loss of economic return. Large public expenditures may also be necessitated for the removal of debris and damaged structures and replacement of essential public facilities and services.
- C. According to the findings of the New York State Department of Environmental Conservation, experiences erosion-related problems that are often contributed to by man's building without considering the potential for damage to property, by undertaking activities which destroy natural protective features such as dunes or vegetation and by building structures intended for erosion prevention which may exacerbate erosion conditions on adjacent or nearby property.

§ 101-5. Definitions.

The following terms, as used in this chapter, shall have the meanings indicated, unless the context clearly requires otherwise:

ADMINISTRATOR — The Village of East Hampton's Building Inspector, who shall be responsible for administering and enforcing this chapter. The powers and duties of this position are more fully described in § 101-28.

BEACH — The zone of unconsolidated earth that extends landward from the mean low water line to the waterward toe of a dune or bluff, whichever is most waterward. Where no dune or bluff exists landward of a beach, the landward limit of a beach is 100 feet landward from the place where there is a marked change in material or physiographic form or from the line of permanent vegetation, whichever is most waterward. Shorelands subject to seasonal or more frequent overwash or inundation are considered to be "beaches."

BLUFF — Any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The waterward limit of a bluff is the landward limit of its waterward natural protective feature. Where no beach is present, the waterward limit of a bluff is mean low water. The landward limit is 25 feet landward of the receding edge or, in those cases where there is no discernible line of active erosion, 25 feet landward of the point of inflection on the top of the bluff. (The "point of inflection" is that point along the top of the bluff where the trend of the land slope changes to begin its descent to the shoreline.)

COASTAL EROSION HAZARD AREA MAP — The final map, and any amendments thereof, issued by the Commissioner of the New York State Department of Environmental Conservation, which delineates boundaries of coastal erosion hazard areas subject to regulation under this chapter.

COASTLINE AND COASTAL WATERS — The lands adjacent to the Village's coastal waters is the Atlantic Ocean.

DEBRIS LINE — A linear accumulation of waterborne debris deposited on a beach by storm-induced high water or by wave action.

DUNE — A ridge or hill of loose, windblown or artificially placed earth, the principal component of which is sand.

EROSION — The loss or displacement of land along the coastline due to the action of waves, currents, wind-driven water, waterborne ice or other impacts of storms. It also means the loss or displacement of land due to the action of wind, runoff of surface or groundwaters or groundwater seepage.

EROSION HAZARD AREA — An area of the coastline which is a structural hazard area or a natural protective feature area.

EROSION PROTECTION STRUCTURE — A structure specifically designed to reduce or prevent erosion, such as a groin, jetty, revetment, breakwater or artificial beach nourishment project.

EXISTING STRUCTURE — A structure and appurtenances in existence or one where construction has commenced or one where construction has not begun, but for which a building permit has been issued prior to the effective date of this chapter.

GRADING — A redistribution of sand or other unconsolidated earth to effect a change in profile.

MAJOR ADDITION — Any addition to a structure resulting in an increase in the ground area coverage of the structure other than an erosion protection structure. **[Amended 7-31-1997 by L.L. No. 15-1997]**

MEAN LOW WATER — The approximate average low water level for a given body of water at a given location, determined by reference to hydrological information concerning water levels or other appropriate tests.

MODIFICATION — The reconstruction or renovation of a structure which introduces new architectural elements to the structure and is not an in-kind replacement of the existing elements of the structure. Modifications may be allowed if they do not exceed preexisting size limits and are intended to mitigate impacts to natural protective features and other natural resources and the total construction costs will not exceed 50% of the estimated full-replacement cost of the structure at the time of the modification. **[Added 7-31-1997 by L.L. No. 15-1997]**

MOVABLE STRUCTURE — A structure designed and constructed to be readily relocated with minimum disruption of the intended use. Mobile homes and structures built on skids or piles and not having a permanent foundation are examples of "movable structures."

NATURAL PROTECTIVE FEATURE — A nearshore area, beach, bluff, primary dune, secondary dune or marsh, and their vegetation.

NATURAL PROTECTIVE FEATURE AREA — A land and/or water area containing natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion or high water or lower the reserve of sand or other natural materials available to replenish storm losses through natural processes.

NEARSHORE AREA — Those lands underwater beginning at the mean low water line and extending waterward in a direction perpendicular to the shoreline to a point where mean low water depth is 15 feet or to a horizontal distance of 1,000 feet from the mean low water line, whichever is greater.

NORMAL MAINTENANCE — Periodic replacement or repair of same-kind structural elements or protective coatings which do not change the size, design or function of a functioning structure. A "functioning structure" is one which is fully performing as originally designed at the time that "normal maintenance" is scheduled to begin. "Normal maintenance" of a structure does not require a coastal erosion management permit.

PERSON — Any individual, public or private corporation, political subdivision, government agency, public improvement district, partnership, association, firm, trust, estate or any other legal entity whatsoever.

PRIMARY DUNE — The most waterward major dune where there are two or more parallel lines within a coastal area. Where there is only one dune present, it is the primary one. Occasionally one or more relatively small dune formations exist waterward of the primary dune. These smaller formations will be considered to be part of the "primary dune" for the purposes of this chapter. The waterward limit of a primary dune is the landward limit of its fronting beach. The landward limit of the primary dune is 25 feet landward of its landward toe.

RECEDING RATE — The most landward line of active erosion or, in cases where there is no discernible line of active erosion, the most waterward line of permanent vegetation.

RECESSION RATE — The rate, expressed in feet per year, at which an eroding shoreline moves landward.

REGULATED ACTIVITY — The construction, modification, restoration or placement of a structure, or major addition to a structure, or any action or use of land which materially alters the condition of land, including grading, excavation, dumping, mining, dredging, filling or other disturbance of soil.

RESTORATION — The reconstruction without modification of a structure, the cost of which equals or exceeds 50% of the estimated full-replacement cost of the structure at the time of restoration. **[Amended 7-31-1997 by L.L. No. 15-1997]**

SAND FENCING — Fencing constructed of untreated wood laths or slats constructed of spruce, pine, fir, locust, cedar or other wood of similar life and strength, connected to one another by five or more twisted wires (until such time as an alternative is available that is degradable and/or more environmentally sensitive), and no more than four feet in height, supported by untreated wooden (no metal or plastic) posts of not less than two inches by three inches in dimension and at least six feet in length, which shall be driven into the sand so that the top of the posts are no higher than the top of the fencing. Such posts shall be spaced no more than every 10 feet of fence length. Fencing shall be secured to the posts by no less than two heavy-duty (at least 150 pounds tensile strength), UV-resistant, plastic zip ties. **[Added 7-31-2012 by L.L. No. 20-2012]**

SECONDARY DUNE — The major dune immediately landward of the primary dune. The waterward limit of a secondary dune is the landward limit of its fronting primary dune. The landward limit of a secondary dune is 25 feet landward of its landward toe.

SIGNIFICANT FISH AND WILDLIFE HABITAT — Those habitats which:

- A. Are essential to the survival of a large portion of a particular fish or wildlife population;
- B. Support rare or endangered species;
- C. Are found at a very low frequency within a geographic area;
- D. Support fish or wildlife populations having significant commercial or recreational value; or
- E. Would be difficult or impossible to replace.

STRUCTURAL HAZARD AREA — Those shorelands located landward of natural protective features and having shorelines receding at a long-term average recession rate of one foot or more per year. The inland boundary of a structural hazard area is calculated by starting at the landward limit of the fronting natural protective feature and measuring along a line perpendicular to the shoreline a horizontal distance landward which is 40 times the long-term average annual recession rate.

STRUCTURE — Any object constructed, installed or placed in, on or under land or water, including but not limited to:

- A. A building, permanent shed or deck;
- B. In-ground or aboveground pool;
- C. Garage;
- D. Mobile home;
- E. Road;
- F. Public service distribution, transmission or collection system;
- G. Tanks;
- H. Docks;
- I. Piers or wharves;
- J. Groins;
- K. Jetties;
- L. Seawalls;
- M. Bulkheads;
- N. Breakwaters;
- O. Revetments;
- P. Artificial beach nourishment; or
- Q. Any addition to or alteration of the same.

TOE — The lowest surface point on a slope face of a dune or bluff.

UNREGULATED ACTIVITY — Excepted activities which are not regulated by this chapter, including but not limited to elevated walkways or stairways constructed solely for pedestrian use and built by an individual property owner for the limited purpose of providing noncommercial pedestrian access to the beach; docks, piers, wharves or structures built on floats, columns, open timber piles or other similar openwork supports with a top surface area of less than 200 square feet or which are removed in the fall of each year; normal beach grooming or cleanup; maintenance of structures when normal and customary and/or in compliance with an approved maintenance program; planting vegetation and sand fencing so as to stabilize or entrap sand in primary dune and secondary dune areas, in order to maintain or increase the height and width of dunes; routine agricultural operations, including cultivation or harvesting, and the implementation of practices recommended in a soil and water conservation plan as defined in § 3(12) of the Soil and Water Conservation Districts Law; provided, however, that agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure.

VEGETATION — Plant life capable of surviving and successfully reproducing in the area or region and which is compatible with the environment of the coastal erosion hazard area.

ARTICLE II
Regulation of Activities

§ 101-6. Establishment of area.

The coastal erosion hazard area is hereby established to classify land and water areas within the Village of East Hampton, based upon shoreline recession rates which have been computed by the New York State Department of Environmental Conservation or the location of natural protective features. The boundaries of the area are established on the final map prepared by the New York State Department of Environmental Conservation under § 34-0104 of the New York State Environmental Conservation Law and entitled, "Coastal Erosion Hazard Area Map of the Village of East Hampton," including all amendments made thereto by the Commissioner of the New York State Department of Environmental Conservation pursuant to § 34-0104 of the New York State Environmental Conservation Law.

§ 101-7. Permit required.

No person may engage in any regulated activity in an erosion hazard area as depicted on the Coastal Erosion Hazard Areas Map of the Village of East Hampton, as amended, without first obtaining a coastal erosion management permit. No coastal erosion management permit is required for unregulated activities.

§ 101-8. General standards.

A coastal erosion management permit will be issued only with a finding by the administrator that the proposed regulated activity:

- A. Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location.
- B. Is not likely to cause a measurable increase in erosion at the proposed site and at other locations.
- C. Prevents, if possible, or minimizes adverse effects on natural protective features and their functions and protective values, existing erosion protection structures and natural resources.

§ 101-9. 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 must be located landward of the shoreline structures.
- B. The construction of nonmovable structures or placement of major nonmovable additions to an existing structure is prohibited.
- C. Permanent foundations may not be attached to movable structures, and any temporary foundations are to be removed at the time the structure is moved. Below-

grade footings will be allowed if satisfactory provisions are made for their removal.

- D. No movable structure may be located closer to the landward limit of a bluff than 25 feet.
- E. No movable structure may be placed or constructed such that, according to accepted engineering practice, its weight places excessive ground-loading on a bluff.
- F. Plans for landward relocation of movable structures must be included with each application for a permit. Movable structures which have been located within a structural hazard area pursuant to a coastal erosion management permit must be removed before any part of the structure is within 10 feet of the receding edge. The last owner of record, as shown on the latest assessment roll, is responsible for removing that structure and its foundation, unless a removal agreement was attached to the original coastal erosion management permit. With the attachment of a removal agreement to the coastal erosion management permit, the landowner or the 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 Village of East Hampton at the time the permit is issued.
- G. Debris from structural damage which may occur as a result of sudden unanticipated bluff edge failure, dune migration or wave or ice action must be removed within 60 days of the damaging event.
- H. Any grading, excavation or other soil disturbance conducted within a structural hazard area must not direct surface water runoff over a bluff face.

§ 101-10. Nearshore area restrictions.

Nearshore areas dissipate a substantial amount of wave energy before it is expended on beaches, bluffs or dunes by causing waves to collapse or break. Nearshore areas also function as reservoirs of sand, gravel and other unconsolidated material for beaches. Sandbars, which are located in nearshore areas, control the orientation of incoming waves and promote the development of ice-cap formations which help protect shorelines during winter storms. The roots of aquatic vegetation in nearshore areas bind fine-grained silts, clays and organic matter to form a fairly cohesive bottom that resists erosion. The following restrictions apply to regulated activities in nearshore areas:

- A. Excavating, grading, mining or dredging which diminishes the erosion protection afforded by nearshore area is prohibited, except bypassing sand around natural and man-made obstructions and artificial beach nourishment, all of which require a coastal erosion management permit.
- B. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within nearshore areas. Any deposition will require a coastal erosion management permit.
- C. All development is prohibited in nearshore areas unless specifically provided for by this chapter.

§ 101-11. Beach area restrictions.

Beaches buffer shorelands from erosion by absorbing wave energy that otherwise would be expanded on the toes of bluffs or dunes. Beaches that are high and wide protect shorelands from erosion more effectively than beaches that are low or narrow. Beaches also act as reservoirs of sand or other unconsolidated material for longshore littoral transport and offshore sandbar and shoal formation. The following restrictions apply to regulated activities in beach areas:

- A. Excavating, grading or mining which diminishes the erosion protection afforded by beaches is prohibited.
- B. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within beach areas. Any deposition will require a coastal erosion management permit which may be issued only for expansion or stabilization of beaches.
- C. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the New York State Department of Environmental Conservation.
- D. All development is prohibited on beaches unless specifically provided for by this chapter.

§ 101-12. Dune area restrictions.

Dunes prevent overtopping and store sand for coastal processes. High, vegetated dunes provide a greater degree to 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 and assurance of a supply of nourishment sand to the dunes. The following restrictions apply to regulated activities in dune areas:

- A. In primary dune areas:
 - (1) Excavating, grading or mining of primary dunes is prohibited.
 - (2) Clean sand of a compatible type and size is the only material which may be deposited. Any deposition requires a coastal erosion management permit.
 - (3) All depositions must be vegetatively stabilized using species tolerant to the conditions at the site and must be placed so as to increase the size of, or restore, a dune or dune area.
 - (4) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the Department.
 - (5) Nonmajor additions to existing structures are allowed on primary dunes pursuant to a coastal erosion management permit and subject to permit conditions concerning the location, design and potential impacts of the

structure on the primary dune.

- (6) Stone revetments or other erosion protection structures compatible with primary dunes will only be allowed at the waterward toe of primary dunes and must not interfere with the exchange of sand between primary dunes and their fronting beaches.

B. In secondary dune areas:

- (1) All depositions must be of clean sand of a compatible type and size, and all grading must be performed so as to increase the size of, or restore, a dune or former dune area.
- (2) Excavating, grading or mining must not diminish the erosion protection afforded by them.
- (3) Nonmajor additions to existing structures are allowed on secondary dunes pursuant to a coastal erosion management permit.
- (4) Permitted construction, reconstruction, restoration or modifications must be built on adequately anchored piling such that at least three feet of open space exists between the floor joints and the surface of the secondary dune; and the permitted activity must leave the space below the lowest horizontal structural members free of obstructions.

C. All other activities and development in dune areas are prohibited unless specifically provided for by this chapter.

D. The restrictions of § 101-15, Traffic control, apply to dune areas.

§ 101-13. Bluff area restrictions.

Bluffs protect shorelands and coastal development by absorbing the often destructive energy of open water. Bluffs are a source of depositional material for beaches and other unconsolidated natural protective features.

A. The following activities are prohibited on bluffs:

- (1) Excavating or mining, except when in conjunction with conditions stated in a coastal erosion management permit issued for minor alterations in construction of an erosion protection structure or for provision of shoreline access.
- (2) All development, unless specifically allowed by § 101-13B of this chapter.
- (3) Disturbance of active bird nesting and breeding areas, unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the Department.
- (4) Soil disturbance that directs surface water runoff over a bluff face.

B. The restrictions of § 101-15, Traffic control, apply to bluffs.

C. Activities specifically allowed under this section are:

- (1) Minor alteration of a bluff done in accordance with conditions stated in a coastal erosion management permit issued for new construction, modification or restoration of an erosion protection structure.
- (2) Bluff cuts done in accordance with conditions stated in a coastal erosion management permit issued for the provision of shoreline access, where:
 - (a) The cut is made in a direction perpendicular to the shoreline.
 - (b) The ramp slope may not exceed 1:6.
 - (c) The side slopes may not exceed 1:3 unless terraced or otherwise structurally stabilized.
 - (d) The side slopes and other disturbed nonroadway areas must be stabilized with vegetation or other approved physical means.
 - (e) The completed roadway must be stabilized and drainage provided for.
- (3) New construction, modification or restoration of walkways or stairways done in accordance with conditions of a coastal erosion management permit.
- (4) Nonmajor additions to existing structures on bluffs, pursuant to a coastal erosion management permit.

§ 101-14. Erosion protection structures.

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 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.

§ 101-15. Traffic control.

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 or bluff.
- B. Motor vehicle traffic is prohibited on primary dunes, except for officially designated crossing areas, and on bluffs.
- C. Pedestrian passage across primary dunes must utilize elevated walkways and stairways or other specially designed dune-crossing structures.

ARTICLE III
Emergency Activities

§ 101-16. Applicability.

The requirements of this chapter do not apply to emergency activities that are necessary to protect public health, safety or welfare, including preventing damage to natural resources. Whenever emergency activities are undertaken, damage to natural protective features and other natural resources must be prevented, if possible, or minimized.

§ 101-17. Notification of administrator.

The administrator must be notified by the person responsible for taking the emergency measures prior to the commencement of an emergency measure and a description of the problem and activities provided. The description must be in written form, outline the public health or safety or resource for which protection was sought and relate the measures which were taken to secure the protection.

§ 101-18. Failure to notify administrator.

If the administrator determines that a regulated activity has been undertaken without a coastal erosion management permit, and does not meet the emergency activity criteria, then the administrator will order the immediate cessation of the activity. In addition, the administrator may require:

- A. Removal of any structure that was constructed or placed without a coastal erosion management permit; and
- B. The return to former conditions of any natural protective feature that was excavated, mined or otherwise disturbed without a coastal erosion management permit.

ARTICLE IV
Variances and Appeals

§ 101-19. Criteria for variances.

Strict application of the standards and restrictions of this chapter may cause practical difficulty or unnecessary hardship. When this can be shown, such standards and restrictions may be varied or modified, provided that the following criteria are met:

- A. No reasonable, prudent, alternative site is available.
- B. All responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense.
- C. The development will be reasonably safe from flood and erosion damage.
- D. The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for the requested variance.
- E. Where public funds are utilized, the public benefits must clearly outweigh the long-term adverse effects.

§ 101-20. Requests for variances.

Any request for a variance must be in writing to the Coastal Erosion Hazard Board of Review and specify the standard, restriction or requirement to be varied and how the requested variance meets the criteria of § 101-19 of this chapter. The burden of demonstrating that the requested variance meets those criteria rests entirely with the applicant.

§ 101-21. Fees.

Each variance request must be accompanied by the required fee or fees as established by the Village Board under separate resolution.

§ 101-22. Expiration of variances.

Any construction activity allowed by a variance granted by the Coastal Erosion Hazard Board of Review must be completed within one year from the date of approval or approval with modifications or conditions. Variances expire at the end of this one-year period without further hearing or action by the Coastal Erosion Hazard Board of Review.

§ 101-23. Coastal Erosion Hazard Board of Review.

The Zoning Board of Appeals is hereby designated as the Coastal Erosion Hazard Board of Review and has the authority to:

- A. Hear, approve, approve with modification or deny requests for variance or other forms of relief from the requirements of this chapter.
- B. Hear and decide appeals where it is alleged there are errors in any order, requirement, decision or determination made by the administrator in the

enforcement of this chapter, including any order requiring an alleged violator to stop, cease and desist.

§ 101-24. Appeals.

The Coastal Erosion Hazard Board of Review may, in conformity with the provision of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the administrator, including stop or cease-and-desist orders. Notice of such decision will forthwith be given to all parties in interest. The rules and procedures for filing appeals are as follows:

- A. Appeals must be filed with the Village of East Hampton administrator within 30 days of the date of the adverse decision.
- B. All appeals made to the Coastal Erosion Hazard Board of Review must be in writing on standard forms prescribed by the Board. The Board will transmit a copy to the Commissioner of the New York State Department of Environmental Conservation for his information.
- C. All appeals must refer to the specific provisions of this chapter involved, specify the alleged errors, the interpretation thereof that is claimed to be correct and the relief which the appellant claims.

§ 101-25. Appeals to court.

Any person or persons, jointly or severally aggrieved by a decision by the Coastal Erosion Hazard Board of Review or any officer, department or board of the Village of East Hampton, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.

ARTICLE V
Administration and Enforcement

§ 101-26. Procedure for issuance of permits.

A coastal erosion management permit will be issued for regulated activities which comply with the general standards (§ 101-8) restrictions and requirements of the applicable sections of this chapter, provided that the following is adhered to:

- A. The application for a coastal erosion management permit must be made upon the form provided by the administrator and must include the following minimum information:
- (1) A description of the proposed activity.
 - (2) A map, drawn to a scale no smaller than 1:24,000, showing the location of the proposed activity.
 - (3) Any additional information the administrator may require to properly evaluate the proposed activity.
 - (4) A stormwater pollution prevention plan (SWPPP), where required pursuant to Chapter 248, shall be required for approval of a coastal erosion management permit. The SWPPP shall meet the performance and design criteria and standards of Chapter 248, and the coastal erosion hazard area permit shall be consistent with the provisions of Chapter 248 of the Code. **[Added 7-31-2014 by L.L. No. 13-2014]**
- B. Each application for a coastal erosion management permit must be accompanied by the required fee or fees as established by the Village legislative body under separate resolution.
- C. Permits will be issued by, and bear the name and signature of the administrator, and will specify:
- (1) The activity or operation for which the permit is issued.
 - (2) The address or location where the activity or operation is to be conducted.
 - (3) The name and address of the permittee.
 - (4) The permit number and a date of issuance.
 - (5) The period of permit validity. If not otherwise specified, a permit will expire one year from the date of issuance.
 - (6) The terms and conditions of the approval.
- D. When more than one coastal erosion management permit is required for the same property or premises under this chapter, a single permit may be issued listing all activities permitted and any conditions, restrictions or bonding requirements. Revocation of a portion or portions of such consolidated permits will not invalidate the remainder.

- E. A coastal erosion management permit may be issued with such terms and conditions as are necessary to ensure compliance with the policies and provisions of Article 34 of the Environmental Conservation Law, the Coastal Erosion Management Regulations implementing Article 34 (6 NYCRR 505) and the laws and policies of the Village of East Hampton.
- F. When an application is made for a coastal erosion management permit, a variance thereto, or other form of approval required by this chapter and such activity is subject to permit, variance, hearing or application procedures required by another federal, state or local regulatory agency pursuant to any federal, state or local law or ordinance, the Zoning Enforcement Officer shall, at the request of the applicant, consolidate and coordinate the application, permit, variance and hearing procedures as required by each regulatory agency into a single comprehensive hearing and review procedure. However, nothing contained in this section shall be deemed to limit or restrict any regulatory agency which is properly a party to such a consolidation review proceeding from the independent exercise of such discretionary authority with respect to the issuance, denial or modification of such permits, variances or other forms of approval as they may have been granted by law. **[Added 8-18-1989 by L.L. No. 30-1989]**

§ 101-27. Bond.

The Village of East Hampton may require a bond or other form of financial security. Such bond or security must be in an amount, with such surety and conditions as are satisfactory to the Village of East Hampton, so as to insure compliance with the terms and conditions stated in the erosion area permit.

§ 101-28. Powers and duties of administrator.

The authority for administering and enforcing this chapter is hereby conferred upon the administrator. The administrator has the powers and duties to:

- A. Apply the regulations, restrictions and standards or other provisions of this chapter.
- B. Explain to applicants the map which designates the land and water areas subject to regulation and advise applications of the standards, restrictions and requirements of this chapter.
- C. Review and take appropriate actions on completed applications.
- D. Issue and sign all approved permits.
- E. Transmit written notice of violations to property owners or to other responsible persons.
- F. Prepare and submit reports.
- G. Perform compliance inspections.
- H. Serve as the primary liaison with the New York State Department of Environmental Conservation.
- I. Keep official records of all permits, inspections, inspection reports,

recommendations, actions of the Coastal Erosion Hazard Board of Review and any other reports or communications relative to this chapter or requests for information from the New York State Department of Environmental Conservation.

- J. Perform normal and customary administrative functions required by the Village of East Hampton relative to the Coastal Erosion Hazard Area, Act, Article 34 of the New York State Environmental Conservation Law; 6 NYCRR 505; and this chapter.
- K. Have, in addition, powers and duties as are established in, or reasonably implied from this chapter as are necessary to achieve its stated purpose.

§ 101-29. Interpretation of provisions.

The provisions, regulations, procedures and standards of this chapter will be held to be the minimum requirements necessary to carry out the purposes of this chapter.

§ 101-30. More stringent provisions to take precedence.

The provisions of this chapter will take precedence over any other laws, ordinances or codes in effect in the Village of East Hampton to the extent that the provisions of this chapter are more stringent than such other laws, ordinances or codes. A coastal erosion management permit issued pursuant to this chapter does not relieve the permit applicant from the responsibility of obtaining other permits or approvals as may be necessary, nor does it convey any rights or interest in real property.

§ 101-31. Environmental review.

All regulated activities are subject to the review procedures required by the New York State Environmental Quality Review Act (SEQR), Article 8 of the New York State Environmental Conservation Law. The applicant may be required to submit information necessary for compliance with SEQR, in addition to information required under this chapter.

§ 101-32. Penalties for offenses.

A violation of this chapter is hereby declared to be an offense punishable by a fine not exceeding \$250 or imprisonment for a period not to exceed six months, or both. Each day's continued violation of this chapter will constitute a separate additional violation. Nothing herein will prevent the proper local authorities of the Village of East Hampton from taking such other lawful actions or proceedings as may be necessary to restrain, correct or abate any violation of this chapter.

ARTICLE VI
Amendments

§ 101-33. Procedure.

The Village of East Hampton legislative body may on its motion or on petition, amend, supplement or repeal the provisions, regulations, procedures or standards of this chapter. When an amendment is duly proposed, the Village Board must:

- A. Notify the Commissioner of the New York State Department of Environmental Conservation in writing of all proposed amendments and request his advice as to whether such amendment is subject to his approval and, if so, whether such amendment conforms to the minimum standards of a certified program.
- B. Issue public notice and conduct a hearing on all proposed amendments. The Village of East Hampton legislative body, by resolution, must cause notice of such hearing's time, date and place to be published in the official newspaper not less than five days prior to the date of the hearing.
- C. Refer to the proposed amendment at least 30 days prior to the public hearing, in writing, to the Suffolk County Planning Commission for its review and recommendations pursuant to Article 12-B, § 239, of the New York State General Municipal Law.

§ 101-34. Approval by Commissioner.

After enactment, the amendment must be sent to the Commissioner of Environmental Conservation for certification.

§ 101-35. Recording.

After an amendment to this chapter has been initially reviewed and found to be in conformance by the Commissioner of the New York State Department of Environmental Conservation, completed the public hearing process and intergovernmental review, been finally approved and adopted by the Village Board and been certified by the Commissioner, the Village Administrator will, as prescribed by § 27 of the Municipal Home Rule Law:

- A. Record the amended local law in the Village of East Hampton Minute Book.
- B. File the amended local law within five days after adoption as follows:
 - (1) One copy in the Village Administrator's office.
 - (2) One copy in the office of the State Comptroller.
 - (3) Three copies in the office of the Secretary of State.
 - (4) One copy with the Commissioner of the New York State Department of Environmental Conservation.

Chapter 104

CODE ENFORCEMENT ADMINISTRATION

GENERAL REFERENCES

Unsafe buildings and structures — See Ch. 87.

Coastal erosion hazard areas — See Ch. 101.

Contractors, home improvement — See Ch. 107.

Electrical inspections — See Ch. 130.

Environmental quality review — See Ch. 133.

Fire regulations — See Ch. 150.

Fire zones — See Ch. 154.

Flood damage prevention — See Ch. 160.

Subdivision of land — See Ch. 252.

Zoning — See Ch. 278.

ARTICLE I

Building Construction**[Adopted 7-1-1997 by L.L. No. 14-1997 Ch. 8 of the 1971 Code]****§ 104-1. Applicability of state code; establishment of Department of Code Enforcement; Code Enforcement Officers.**

- A. Pursuant to Chapter 707 of the Laws of 1981, New York,⁹ the Village of East Hampton accepts the applicability of the New York State Uniform Fire Prevention and Building Code and shall enforce said code. Nothing herein shall be construed as limiting the authority of the Village to implement future local laws which are more stringent than the state code, and nothing herein shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulation which is more restrictive than this chapter or the state code.
- B. Department of Code Enforcement.
- (1) There is hereby designated in the Village of East Hampton a Department of Code Enforcement to administer and enforce the New York State Uniform Fire Prevention and Building Code and the Code of the Village of East Hampton.
 - (2) The Village Board may appoint one or more Code Enforcement Officers as needed. The compensation of such Code Enforcement Officer shall be fixed by the Village Board.
 - (3) The Board of Trustees shall be responsible for determining areas of responsibility for the appointed Officer(s) of the Department of Code Enforcement and may, at its discretion, establish one position serving as the department head or distribute the duties and responsibilities of the department amongst its Officers.

§ 104-2. Duties and powers of Code Enforcement Officers and Traffic Control Officers.

- A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Code Enforcement Officer shall administer and enforce all the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof. In addition, the Code Enforcement Officer shall administer and enforce all the provisions of laws, ordinances and regulations applicable for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of building or premises.
- B. The Code Enforcement Officer shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and for all activities or materials regulated by laws, ordinances and

9. Editor's Note: See § 370 et seq. of the Executive Law.

regulations and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of ensuring compliance with laws, ordinances and regulations governing described herein.

- C. The Code Enforcement Officer shall issue all appropriate notices or orders to remove illegal or unsafe conditions and to ensure compliance with the requirements of such laws, ordinances or regulations. The Code Enforcement Officer shall make all inspections which are necessary and proper for the carrying out of his or her duties.
- D. The Code Enforcement Officer shall execute and perform all the duties of a building inspector with respect to the provisions of any chapter or provision of the Code of the Village of East Hampton, including but not limited to Chapter 278, Zoning, and Chapter 101, Coastal Erosion Hazard Areas, which impose a duty upon the Building Inspector or the Building Inspector of the Village of East Hampton.
- E. The Code Enforcement Officers and Traffic Control Officers of the Village of East Hampton are hereby authorized to issue and serve an appearance ticket with respect to the violation of statute, a local law, ordinance, rule or regulation of the Village of East Hampton, or in the case of the Code Enforcement Officers, with respect to a violation of any covenant or condition imposed by the Village Board of Trustees, the Zoning Board of Appeals, the Planning Board or the Design Review Board as a condition of any change of zone, permit, special permit, grant, subdivision approval, certificate of appropriateness, site plan or design approval that such Code Enforcement Officers or Traffic Control Officers are required or authorized to enforce. **[Added 4-16-2003 by L.L. No. 3-2003; amended 4-16-2004 by L.L. No. 3-2004; 7-27-2007 by L.L. No. 10-2007]**
- F. The Code Enforcement Officers shall have the authority to approve the installation of design modifications and accessibility improvements to the exterior of a dwelling without the requirement of a building permit, subject to the following: **[Added 6-20-2008 by L.L. No. 6-2008]**
- (1) A resident of the dwelling shall present documentation from a licensed physician declaring that one or more residents of the dwelling requires the construction of design modifications and accessibility improvements to provide for access or egress aided by equipment requiring ramps or lifts.
 - (2) The construction of said facilities or improvements meets applicable building code and zoning code¹⁰ requirements for accessibility, except that if there is no existing entrance to the dwelling from which said improvements can be constructed in compliance with generally applicable front, side and rear lot setback or lot coverage requirements, the Code Enforcement Officer shall have the authority to waive the generally applicable front, side and rear lot setback or lot coverage requirements and approve the installation of said facilities in front of an existing entrance, notwithstanding the nonconforming location of said facilities.
 - (3) The duration of the improvement shall be limited to the time period specified by the licensed physician providing the documentation required pursuant to

10. Editor's Note: See 278, Zoning.

Subsection F(1) hereof, subject to extensions of time upon presentation of further documentation from a licensed medical professional addressing the continued need for the facility or improvement.

- G. The Code Enforcement Officers shall have the authority to review and approve or deny applications for tent permits, based on the requirements of the New York State Uniform Fire Prevention and Building Code and the other provisions of the Code of the Village of East Hampton, including but not limited to the provisions of the Zoning Code.¹¹ [Added 3-15-2013 by L.L. No. 9-2013]

§ 104-3. Department records and reports.

- A. The Code Enforcement Officer shall keep permanent, official records of all transactions and activities conducted by him or her, including all applications received, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. All such records shall be public records, open to public inspection during business hours.
- B. The Code Enforcement Officer shall, as directed, submit to the Village Board a written report and summary of all business conducted by him or her, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.

§ 104-4. Cooperation of other departments.

The Code Enforcement Officer may request and shall receive, so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of the police and fire officers and all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

§ 104-5. Application for building permit.

- A. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a building permit from the Code Enforcement Officer for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature or otherwise required by New York State Uniform Fire Prevention and Building Code.
- B. Application.
- (1) Application for the building permit shall be made to the Code Enforcement Department on forms provided by the Department and shall contain the following information:
- (a) A description of the land on which the proposed work is to be done.
- (b) A statement of the use or occupancy of all parts of the land and of the building structure.

11. Editor's Note: See Ch. 278, Zoning.

- (c) The valuation of the proposed work.
 - (d) The full name and address of the owner and of the applicant and the names and addresses of their responsible officers, if any of them are corporations.
 - (e) A brief description of the nature of the proposed work.
 - (f) Such other information as may be reasonably required by the Code Enforcement Officer to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances and regulations.
- (2) Application shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work.
 - (3) Applicants may confer with the Code Enforcement Officer in advance of submittal to discuss the Code Enforcement Officer's requirements for same.
- C. Plans and specifications.
- (1) Each application for a building permit shall be accompanied by plans and specifications, including a plot plan, drawn to scale, showing the size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from the lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys and, where required by the Code Enforcement Officer, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data.
 - (a) Whenever the plans accompanying an application are required by the Uniform Code to have the stamp and seal of a licensed design professional and the original signature of said professional, such plans shall be submitted in accordance with all pertinent regulations as set forth in the Uniform Code, State Education Law¹² and all other rules, regulations and laws as they may apply. Whenever the plans accompanying an application for a structure which, in the opinion of the Code Enforcement Officer, is of complex design, the Officer shall require the applicant to file an affidavit signed by a licensed architect or engineer certifying that the plans and specifications comply with the provisions of this chapter and all applicable provisions of the New York State Uniform Code as in force on the date of the application. In such case the Code Enforcement Officer may, in his or her discretion, employ a licensed architect or engineer to examine the plans. The amount by which the cost of such examination, not exceeding 1/3 of 1% of the estimated construction cost, is in excess of 1/2 of the permit fee and paid by the applicant before the permit shall be issued. In the event that the Code Enforcement Officer employs a licensed engineer or architect under this subdivision, the Code Enforcement Officer may rely upon the advice of

12. Editor's Note: See § 1 et seq. of the Education Law.

such architect or engineer as to whether such plans and specifications comply with this chapter and all applicable provisions of the New York State Uniform Code.

- (b) Whenever the plans accompanying an application are for a structure which, in the opinion of the Code Enforcement Officer, is of complex design, the Code Enforcement Officer may, in his or her discretion, issue the permit subject to the condition that an architect and/or engineer whose qualifications are acceptable to the Code Enforcement Officer (and who may already be employed by the owner or builder) be employed by the owner or builder to supervise all work done under the permit, to see that the work conforms with the approved plans and specifications, and forthwith upon its completion to make and file with the Code Enforcement Officer an affidavit or affidavits that he or they have complied with all inspection requirements of this chapter and the work has been carried out according to the approved plans and specifications of this chapter as well as all other applicable rules, regulations and codes. In such case the Code Enforcement Officer may rely upon such affidavit or affidavits as evidence that such building conforms substantially to the approved plans and specifications and the requirements of this chapter applying to buildings of its class and kind.
 - (2) Plans and specifications shall bear the signature of the person responsible for the design of the drawings. All plans submitted by a licensed professional shall be conforming to the requirements of both the New York State Uniform Fire Prevention and Building Code in addition to the New York Education Law(s) and such other rules and regulations as may be applicable and in force at the time.
 - (3) In cases where the proposed work can otherwise be shown to comply with all requirements of applicable building codes, ordinances and regulations, the Code Enforcement Officer may waive the requirement for filing plans.
- D. Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Code Enforcement Officer.

§ 104-6. Issuance or denial of permit.

- A. The Code Enforcement Officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He or she shall approve or disapprove the application within a reasonable time. **[Amended 10-21-2005 by L.L. No. 19-2005]**
- B. Upon approval of the application and upon receipt of the legal fees thereof, the Code Enforcement Officer shall issue a permit to the applicant upon the form prescribed by the Code Enforcement Officer and shall affix his or her signature or cause such legal signature to be affixed thereto.
- C. Upon approval of the application, one set of such approved plans and specifications shall be retained in the files of the Code Enforcement Department.

- D. If the application, together with plans, specifications and other documents filed therewith, describes proposed work which does not conform to all requirements of the applicable codes, laws and ordinances, the Code Enforcement Officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Code Enforcement Officer shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant, in writing.

§ 104-7. Performance of work under building permit.

- A. A building permit issued pursuant to this chapter shall be prominently displayed on the property and premises to which it pertains in such a way as to be clearly visible from the street at all times. Any permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based, for a period of one year after the date of its issuance. For good cause, the Code Enforcement Officer may allow a maximum of three extensions for periods not exceeding one year each. No permit may be renewed until such time as the relevant information in the application is up to date. **[Amended 7-29-2016 by L.L. No. 10-2016]**
- B. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building code(s), ordinances or regulations. All work shall conform to the approved application, plans and specifications.

§ 104-8. Permit fees. [Amended 6-20-2008 by L.L. No. 6-2008; 5-18-2012 by L.L. No. 8-2012; 3-15-2013 by L.L. No. 9-2013; 8-20-2021 by Ord. No. 24-2021]

Upon filing an application for a building permit or a tent permit, fees shall be payable to the Village Treasurer in accordance with a schedule of fees which shall from time to time be fixed by resolution of the Village Board of Trustees. Any such fee shall be increased by 100% whenever the work subject to a permit has been started prior to the issuance of the permit. The building permit fee shall be waived for all modifications to existing buildings relating to improving access for persons with mobility impairments, including but not limited to ramps and bathroom renovations.

§ 104-9. Revocation of permit.

The Code Enforcement Officer may revoke a permit theretofore issued and approved in the following instances:

- A. When he or she finds that there has been any false statement or misrepresentations as to a material fact in the application, plans or specifications upon which the permit was based.
- B. Where he or she finds that the permit was issued in error and should not have been issued in accordance with the applicable law.
- C. Where he or she finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.

§ 104-10. Notices of violation; stop orders.

Whenever the Code Enforcement Officer has reasonable grounds to believe that a violation of applicable codes, local laws or ordinances exists, he or she shall issue a notice of violation. Similarly, whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable codes, laws, ordinances or regulations or is not in conformity with the provisions of an application, plans or specifications on the basis of which a permit was issued or is in an unsafe and dangerous manner, he or she shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. All such notices and orders shall be in writing, shall state the conditions under which the violation may be abated and the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the premises or building and sending a copy of the same by registered mail.

§ 104-11. Certificate of occupancy.

- A. No building or structure hereafter erected or as to which there has been a change of ownership shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Code Enforcement Officer. Upon filing an application for a certificate of occupancy, fees shall be payable to the Village Treasurer in accordance with a schedule of fees which shall from time to time be fixed by resolution of the Board of Trustees. **[Amended 5-18-2012 by L.L. No. 7-2012; 11-20-2015 by L.L. No. 20-2015]**
- B. No building or structure hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit, shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Code Enforcement Officer. **[Amended 5-18-2012 by L.L. No. 7-2012]**
- C. No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Code Enforcement Officer.
- D. The owner or his agent shall make application for a certificate of occupancy. Accompanying his application and before the issuance of a certificate of occupancy, there shall be filed with the Code Enforcement Officer an affidavit of the registered architect or licensed professional engineer who filed the original plans, or of the registered architect or licensed professional who supervised the construction of the work, or of the building contractor who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought. This affidavit shall state that the deponent has examined the approved plans of the structure for which a certificate of occupancy is sought, that the structure has been erected in accordance with approved plans and, as erected, complies with the law governing building construction except insofar as variations therefrom have been legally authorized. Such variations shall be specifications in the affidavit.

- E. Any owner of a building in the Village of East Hampton for which a building number has been established by the Town of East Hampton shall conspicuously post and display as hereafter set forth said number in the manner provided for herein. The posting and display of the building number shall be a prerequisite to the issuance of a certificate of occupancy. It shall be unlawful to post or maintain any number on any building other than the one designated for identification of that building at that address by the Official Map on file in the office of the Town of East Hampton Assessors.
- (1) Manner of display. Address numbers for all buildings shall be displayed by permanently affixing or painting numerals, letters or script stating the number to the front of the building. Where the building is not close enough to the street or is not readily visible from the street for a number affixed to the building to be easily seen from the street, then the address number shall be permanently affixed to a sign, post or mailbox located at the frontage of the parcel or lot where the building is situate.
 - (2) Style and size of numbers. The numerals, letters or script used to display the address number of the building shall be made of metal or other durable material and shall be at least four inches in height. All numbers shall be displayed so as to be easily seen from the street by both pedestrians and drivers of vehicles. **[Amended 4-21-2006 by L.L. No. 10-2006]**

§ 104-12. Inspection prior to issuance of certificate.

- A. Before issuing a certificate of occupancy, the Code Enforcement Officer shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy; and he or she may conduct such inspections as appropriate from time to time during and upon completion of the work for which a building permit has been issued.
- B. There shall be maintained by the Code Enforcement Officer a record of all such examinations and inspections, together with a record of findings and violations of the law.

§ 104-13. Issuance of certificate of occupancy.

- A. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, ordinances and regulations, and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Code Enforcement Officer shall issue a certificate of occupancy upon the form provided by it. Prior to the issuance of a certificate of occupancy, additional fees may be required based upon any substantial changes in the plans and specifications which have increased the cost of the work. If it is found that the proposed work has not been properly completed, the Code Enforcement Officer shall refuse to issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.
- B. A certificate of occupancy shall be issued, where appropriate, within a reasonable

time. **[Amended 10-21-2005 by L.L. No. 19-2005]**

- C. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances and regulations and shall specify the use or uses and the extent thereof to which the building or structures or its several parts may be put.

§ 104-14. Temporary certificate of occupancy.

Upon request, the Code Enforcement Officer may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public welfare.

§ 104-15. Tests.

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

§ 104-16. Penalties for offenses; exceptions.

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use or occupy or maintain any building or structure or portion thereof in violation of any provisions of this chapter, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.
- B. Any person who shall fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any person taking part or assisting in the construction of use of any building who shall knowingly violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made thereunder shall commit a violation of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.
- C. This section shall not apply to violations of the provisions of the New York State Uniform Fire Prevention and Building Code punishable under § 385 of the Executive Law of the State of New York¹³ nor to violations of the provisions of the Multiple Residence Law punishable under § 304 of the Multiple Residence Law of

13. Editor's Note: Section 385 was repealed by L. 1981, c. 707. See now § 382 of the Executive Law.

the State of New York.

§ 104-17. Abatement of violations.

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

ARTICLE II
Disabilities Accommodation
[Adopted 7-30-2004 by L.L. No. 9-2004]

§ 104-18. Purpose.

The Americans with Disabilities Act of 1990 (42 U.S.C. 12181), as the same may be amended from time to time, prohibits discrimination on the basis of disability, and requires pursuant to Title III of said Act that places of public accommodation and commercial facilities be designed, constructed, and altered in compliance with accessibility standards established by the Americans with Disabilities Act Accessibility Guidelines incorporated into Title III of the Americans with Disabilities Act, and Part 36 of the Regulations for Title III of the Americans with Disabilities Act, as printed in the Code of Federal Regulations (7/1/94 and as thereafter amended) and the appendices annexed thereto. The Village of East Hampton has adopted the New York State Uniform Fire Prevention and Building Code and requires compliance with the provisions of the Americans with Disabilities Act, as the same may be amended from time to time.

§ 104-19. Definitions.

All terminology used in this article shall be defined as set forth in Americans with Disabilities Act (42 U.S.C. 12181), as the same may be amended from time to time.

§ 104-20. Compliance with statements and guidelines.

It shall be the responsibility of any owner of property containing improvements which are subject to the provisions of Title III of the Americans with Disabilities Act or upon which the owner proposes to construct improvements which, if constructed as proposed, would be subject to the provisions of Title III of the Americans with Disabilities Act, to assure that such improvements comply with any and all design and accessibility guidelines ("guidelines") required pursuant thereto. Newly constructed places of public accommodation and commercial facilities must be accessible to individuals with disabilities to the extent that such access is not structurally impracticable. Existing facilities, which predate the January 1993 dateline, are required to remove physical barriers to entering and using existing facilities when such removal is "readily achievable." Whether such alterations on existing facilities are considered readily achievable is to be considered on a case-by-case basis. If compliance with the guidelines is not readily achievable, other safe, readily achievable measures must be taken.

§ 104-21. Architect's certification.

All plans submitted to the Code Enforcement Officer for purposes of obtaining a building permit for new construction, or for the addition to, alteration or modification of existing construction utilized or proposed to be utilized for purposes within the scope of Title III of the Americans with Disabilities Act, shall contain a certification from the architect that the proposed construction complies with the accessibility requirements of the Americans with Disabilities Act, and shall further state that:

- A. Any required alterations to existing premises (other than improvements for which a permit is sought) required pursuant to the requirements of the Americans with

Disabilities Act have been designed and will be implemented as a part of the improvement process; or

- B. A waiver or variance has been obtained from such requirements.

§ 104-22. Grievances; appeals procedure.

- A. Jurisdiction. The Zoning Board of Appeals shall have jurisdiction to determine appeals of aggrieved persons concerning the following. Aggrieved persons for purposes hereof shall be deemed those individuals owning or in control of property over which the Code Enforcement Officer has jurisdiction and authority pursuant to the provisions of the Village Code and/or New York State Uniform Fire Prevention and Building Code, and for which the Code Enforcement Officer has issued an interpretation, order, requirement, decision or determination relating to the application of the ADA upon the subject property.

- (1) Interpretations. Interpretations of the Code Enforcement Officer, including all orders, requirements, decisions or determinations made by him pursuant to the provisions of the Americans With Disabilities Act (ADA).
- (2) Variances. Application for a variance from the requirements of the ADA criteria to be considered when granting such variances shall include but are not limited to the following:
 - (a) The size and financial means of the public accommodation, commercial facility or private entity seeking the variance;
 - (b) Architectural limitations on existing structures including geographical, structural, and technical barriers which may make alterations necessary to comply with the provisions of the ADA impracticable;
 - (c) In newly constructed places of public accommodation only "unique characteristics of terrain" (i.e., proximity to wetlands requiring construction on pilings) shall be considered when granting variances to the ADA.

- B. Application procedure.

- (1) The aggrieved party shall make written application to the Zoning Board of Appeals in the form required by the Board. In the event of an appeal from an interpretation, order, requirement, decision or determination by the Code Enforcement Officer with regard to the application of the ADA, such application shall be filed within 60 days of the Code Enforcement Officer's interpretation, order, requirement, decision or determination made pursuant to the provisions of the ADA.
- (2) For purposes of this section the Code Enforcement Officer shall be deemed to have filed his/her interpretation, order, requirement, decision or determination when the later of the following two events occur:
 - (a) When the Code Enforcement Officer has placed his/her interpretation, order, requirement, decision, or determination in any of his/her official files regarding the affected premises; or

- (b) When the Code Enforcement Officer has mailed or caused to be delivered notice of his/her interpretation, order, requirement, decision, or determination to any owner, lessee, contract vendee, mortgagee, or other person having a legal or equitable interest in the affected premises, or to any agent of any of the above parties.
- (3) All applications shall set forth fully the facts and circumstances relied upon by the applicant in support of the application. The application shall set forth the specific provisions of the ADA involved, the interpretation, order, requirement, decision, or determination of the Code Enforcement Officer appealed from, the circumstances and reasons for requesting a variance, or if applicable, the "unique characteristic of terrain" which purportedly justifies the variance.

ARTICLE III
Universal Design.
[Adopted 5-5-2016 by L.L. No. 8-2016]

§ 104-23. Definitions.

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

DEPARTMENT — The Department of Code Enforcement of the Village of East Hampton.

INCENTIVE — A specific benefit granted to an applicant submitting an application to construct, reconstruct, develop or redevelop a one-family dwelling in accordance with universal design requirements.

§ 104-24. Universal design permit applicability.

A universal design permit issued in accordance with the requirements of this chapter and Chapter 278 (Zoning), shall have the same force and effect as the issuance of a building permit.

§ 104-25. Application requirements; incentives.

A. Application. An application and other documents as determined to be necessary by the Department for a universal design permit shall be submitted to the Department in accordance with the provisions contained in this chapter and Chapter 278 (Zoning). The Department shall review the application. Upon submission of a complete application, and demonstrating compliance with the requirements of this chapter and Chapter 278, as determined by the Chief Code Enforcement Officer, a universal design permit shall be issued. If the application is denied, the reasons thereof shall be stated.

B. Incentives.

(1) Expedited review. Upon submission of an application for a universal design permit demonstrating compliance with this chapter and Chapter 278, the Department may expedite the review and processing of an application, subject to such rules and regulations as may be promulgated by said Chief Code Enforcement Officer. The expedited review of applications covered by this Chapter shall not apply to applications before the Planning Board or Zoning Board or other divisions or departments.

(2) It shall be unlawful for any applicant to make false statements or mislead any Village department, division, agency or board in order to secure an expedited review pursuant to the provisions of this article, or to fail and/or neglect to inform the Department of a change in the project which would negate eligibility for expedited review.

§ 104-26. Universal design requirements.

Applications for a universal design permit shall comply with the requirements set forth in this section.

- A. All applications must demonstrate compliance with the universal design features set forth in this subsection:
- (1) Zero-step entrance. At least one zero-step entrance to the residence, which may be located at the front, rear or side of the structure, but does not include any entrance that is located within an attached garage. There shall be less than a one-half-inch rise at the zero-step entrance. A sidewalk or walkway being utilized as the accessible route to a zero-step entrance must have a slope no greater than 1:12.
 - (2) Doorways and passageways. All doors on the ground floor the new construction or addition (including bathrooms, walk-in closets, pocket and sliding doors, and any door intended for human passage) shall have a minimum clearance of 34 inches. A thirty-six-inch door, hung in the standard manner, shall be considered to provide the opening required by this section.
 - (3) Adaptability features. There shall be at least one bedroom on the ground floor, or at least one room that can be converted easily into a bedroom.
 - (4) Convenient facilities. There shall be at least a 1/2 bath located on the ground floor, and the fixtures shall be arranged to provide sufficient floor space so as to allow an individual using a wheelchair or other mobility aid to enter and close the door, use the facilities, reopen the door and exit. A sixty-inch turning radius is required to meet the requirements of this section. Maneuvering space may include any knee space or toe space available below bathroom fixtures, including the clear space under a wall-hung lavatory. The lavatory shall be equipped with a lever faucet handle(s).
 - (5) Bathroom(s). There shall be reinforcements or "blocking" between wall studs around the toilet and the bathroom/shower areas to conveniently and safely allow for future installation of grab bars, commencing at a height of 32 inches from the floor and extending to a height of at least 38 inches above the floor. Reinforcements may be constructed of plywood or wood blocking.
 - (a) Behind the toilet, a minimum twenty-six-inch-wide reinforced area is required, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange. Where a toilet is adjoining a sidewall, a minimum twenty-six-inch wide reinforced area is required, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange. For a sidewall adjoining a toilet, a forty-four-inch wide reinforced area is required to safely accommodate a forty-two-inch grab bar with proper backing for flange.
 - (b) Along a tub wall, reinforcements shall be at least 50 inches wide, which safely accommodates a forty-eight-inch grab bar and provides proper backing for flange. Sidewalls shall have a minimum twenty-six-inch-wide reinforced area, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.
 - (c) Inside a shower stall, reinforcements shall be at least 26 inches wide on each side adjoining a wall, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.

- B. All applications must demonstrate compliance with at least five of the universal design features as set forth in the following subsection:
- (1) Seventeen-inch-to-nineteen-inch-high water closet in the ground-floor bathroom.
 - (2) Roll-in shower in lieu of standard tub or shower in a ground-floor bathroom.
 - (3) Adjustable hand-held showerhead.
 - (4) Installation of grab bars in the shower area and behind and adjacent to the water closet of the ground-floor bathroom.
 - (5) Ground-floor full bath adjacent to or accessed from a bedroom or the room that is designated as readily converted to a bedroom.
 - (6) Open-front lavatory with knee space and protection panel.
 - (7) Kitchen cabinet base cabinets with pullout shelves and corner cabinets with lazy susan.
 - (8) Removal base cabinet below the kitchen sink.
 - (9) Lever handle faucet at kitchen sink.
 - (10) Kitchen appliances: refrigerator with pull-out freezer drawer on bottom; dishwasher with pull-out drawers; microwave base cabinet.
 - (11) A minimum thirty-inch-by-forty-eight-inch clear space at appliances.
 - (12) "Right Height" vanity.
 - (13) Elevator, lift or LULA.

Chapter 107**CONTRACTORS, HOME IMPROVEMENT****GENERAL REFERENCES**

Code enforcement administration — See Ch. 104.

Costs and expenses of hearings — See Ch. 110.

§ 107-1. Definitions.

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

BUILDING INSPECTOR — The Building Inspector of the Village of East Hampton or, in the event the Village of East Hampton shall enter into a cooperative agreement with the Town of East Hampton pursuant to § 107-11, the Building and Zoning Administrator of the Town of East Hampton.

HOME IMPROVEMENT — Any repair, remodeling, alteration, conversion, modernization, improvement or addition to residential property, including but not limited to alarm systems, awnings, basements, bathrooms, cabinetmaking, carpentry, central vacuum cleaning, cesspools, dormers, driveways, extensions, exterminating, fencing, flagpoles, flooring, fumigation, garages, heating, ventilating, air conditioning, kitchens, masonry, railing, roofing, septic tanks, siding, sprinklers, storms and screens, swimming pools, tennis courts, termite control, tile installers, waterproofing and weatherproofing, but not including:

- A. The construction of a new home or work done by a contractor in compliance with a guaranty of completion on new residential property.
- B. The sale of goods by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation or application of the goods.
- C. Improvements to residences owned or controlled by any government subdivision.
- D. The painting or decorating of residential property.
- E. The landscaping of residential property.

HOME IMPROVEMENT CONTRACT — An oral or written agreement between a home improvement contractor and an owner for the performance of a home improvement, and includes all labor, services and materials to be furnished and performed thereunder.

HOME IMPROVEMENT CONTRACTOR — A person who conducts or engages in a home improvement business and who performs or undertakes or agrees to perform or undertake a home improvement.

LICENSING REVIEW BOARD — The Board formed and composed pursuant to § 107-8, unless the Village of East Hampton shall enter into a cooperative agreement with the Town of East Hampton pursuant to § 107-11, in which case "Licensing Review

Board" shall mean the Licensing Review Board of the Town of East Hampton.

OWNER — Any owner of residential property, tenant or any other person who orders, contracts for or purchases the service of a home improvement contractor, or the person entitled to performance of the work of a home improvement contractor pursuant to a home improvement contract.

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

PLACE OF BUSINESS — Any shop, residence, place or premises from which a home improvement business is transacted.

RESIDENTIAL PROPERTY — One- or two-family houses and property associated therewith.

VILLAGE BOARD — The Village of East Hampton Board of Trustees, unless the said Village shall enter into a cooperative agreement with the Town of East Hampton pursuant to § 107-11, in which case "Village Board" shall mean the Town Board of the Town of East Hampton.

VILLAGE CLERK — The Village Clerk of the Village of East Hampton, unless the said Village shall enter into a cooperative agreement with the Town of East Hampton pursuant to § 107-11, in which case "Village Clerk" shall mean the Clerk of the Town of East Hampton.

§ 107-2. License required.

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

§ 107-3. Exclusions.

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

- A. An individual who performs labor or services for a licensed home improvement contractor for wages or salary.
- B. A member or partner of a firm, partnership or other entity which is a licensed home improvement contractor, who performs labor or services for such licensed home improvement contractor.
- C. A stockholder or officer of a corporation which is a licensed home improvement contractor, who performs labor or services for such licensed home improvement contractor.
- D. A plumber, electrician, architect, professional engineer or any other person who is required by state law to attain standards of competency or experience as a prerequisite to engaging in such craft or profession and who is acting exclusively within the scope of the craft or profession for which he is currently licensed.
- E. Any home improvement where the aggregate contract price for all labor, materials and other items is less than \$500. This exclusion does not apply where the work is only part of a larger or major operation, whether undertaken by the same or different home improvement contractors, or in which a division of the operation is

made in contracts or amounts less than \$500 for the purpose of evasion of this chapter or otherwise.

§ 107-4. Application fee; term, use and display of license.

- A. A fee of \$10 shall be paid to the Village of East Hampton or, in the event the Village of East Hampton shall enter into a cooperative agreement with the Town of East Hampton pursuant to § 107-11, to the Town of East Hampton, upon the filing of each application for a license, for the purpose of defraying expenses incidental to the processing of said application and the enforcement of the provisions of this chapter. The same fee shall be payable upon applications for renewals.
- B. Any license issued hereunder shall expire one year after its date of issuance, unless revoked as hereinafter provided.
- C. Issuance of a license shall create no presumption that the license is in compliance with the provisions of this chapter or that the licensee is entitled to the license.
- D. No license issued under this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.
- E. A license issued hereunder may not be construed to authorize the licensee to perform any work or engage in any kind of business which is reserved to qualified licensees under separate provisions of state law.
- F. A license issued hereunder shall at all times be posted conspicuously in the place of business of the licensee.
- G. Every licensee shall, within 10 days after a change of control in ownership, of management, of address or of trade name, notify the Building Inspector of such change in writing.

§ 107-5. Application for license.

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

- A. The name, trade name and business address of the applicant.
- B. If the applicant is an individual, his name and residence address; if the applicant is a corporation, the names and residence addresses of the officers thereof; and if the applicant is a firm, partnership or other entity, the names and residence addresses of the members or partners thereof.
- C. Whether or not there are any outstanding liens or judgments against the applicant.
- D. Such other reasonable information as the Building Inspector may deem necessary or advisable to facilitate the purposes and enforcement of this chapter, including but not limited to the following:
 - (1) The names and residence addresses of any employees of the applicant.

- (2) The names and residence addresses of the stockholders and directors of a corporate applicant.
- (3) Whether or not the applicant or any member, partner, officer, stockholder or employee thereof ever engaged in a home improvement business under another name or for another person, and if so, reasonable information with respect thereto.
- (4) Information relating to the financial responsibility and character of the applicant.

§ 107-6. Issuance of license.

After the filing of an application for a license or renewal thereof and payment of the required fee, the Building Inspector shall examine the application and make such investigation as he deems necessary or advisable. Upon completion of the same, the Building Inspector shall issue a license unless he finds that the applicant is unfit or undesirable to carry on such home improvement business or is incapable of properly conducting such home improvement business, in which event he shall deny the license.

§ 107-7. Denial of license; appeal.

- A. The Building Inspector shall notify the applicant of his denial of an application for a license. Service of such notice shall be made personally or by certified mail, addressed to the address set forth in the application for a license. Such notice shall be in writing and shall specify the ground or grounds for the denial. The notice shall include or be accompanied by a statement that the applicant may request an appeal hearing before the Village Board by filing a written request therefor with the Village Clerk. The Village Clerk shall give the appealing party at least five days' written notice of the time and place of such hearing.
- B. At the time and place set for the hearing upon the appeal from the determination of the Building Inspector, the Village Board shall give the appealing party and any other interested party a reasonable opportunity to be heard, in order to show cause before said Board why the determination of the Building Inspector should not be upheld. The decision of the Village Board shall be in writing, shall specify the ground or grounds upon which the decision is based and shall be final and conclusive.

§ 107-8. Licensing Review Board.

- A. Formation and composition.
 - (1) There is hereby established in and for the Village of East Hampton a Licensing Review Board consisting of either three or five members, as may be determined from time to time by the Village Board, who shall be appointed by the Village Board to serve at the pleasure of the Village Board. In no event shall a member serve for more than two years unless reappointed by the Village Board.
 - (2) The Village Board shall designate one member of the Licensing Review Board to serve as Chairman thereof.

- (3) A majority of the members shall constitute a quorum of the Licensing Review Board.
 - (4) Members of the Licensing Review Board shall be residents of the Village and shall serve voluntarily without salary or compensation.
 - (5) At least one member of the Licensing Review Board shall be a home improvement contractor who resides and has his place of business in the Village.
 - (6) In the event the Village shall enter into a cooperative agreement with the Town of East Hampton pursuant to § 107-11, the Licensing Review Board shall be the Licensing Review Board established by said town.
- B. Function. It is the function of this Board to hear and determine any complaint or grievance that may be the basis for recommendation to the Village Board for suspension or revocation of a license or that may be the basis for suspension of a license by the Licensing Review Board, upon finding that the licensee has been guilty of any one of the following:
- (1) Fraud, misrepresentation or bribery in securing license.
 - (2) The making of any false statement as to any material matter in any application for a license.
 - (3) The business transactions of the home improvement contractor have been or are marked by a practice of failure to timely perform or complete its contracts or the manipulation of assets or accounts, or by fraud or bad faith, or is marked by an unwholesome method or practice of solicitation of business from owners.
 - (4) The person or the management personnel of the home improvement contractor are untrustworthy or not of good character.
 - (5) Failure to display the license as provided in this chapter.
 - (6) Failure to comply with any demand or requirement lawfully made by those charged with administering and enforcing this chapter.
 - (7) An agent or employee of a licensee has been guilty of an act of omission, fraud or misrepresentation and the licensee has approved or had knowledge thereof.
 - (8) Violation of any provision of this chapter.
 - (9) Abandonment of or willful failure to perform, without justification, any home improvement contract or project engaged in or undertaken by a home improvement contractor; or willful deviation from or disregard of plans or specifications in any material respect without the consent of the owner and, where required, from the Building Inspector.
 - (10) Making a substantial misrepresentation in the solicitation or procurement of a home improvement contract, or making any false promise of a character likely to influence, persuade or induce.

- (11) Any fraud in the execution of, or in the material alteration of, any contract, mortgage, promissory note or other document incident to a home improvement transaction.
- (12) Preparing or accepting any mortgage, promissory note or other evidence of indebtedness upon the obligation of a home improvement transaction with knowledge that it recites a greater monetary obligation than the agreed consideration for the home improvement work.
- (13) Directly or indirectly publishing any advertisement relating to home improvements which contains an assertion, representation or statement which is false, deceptive or misleading, provided that any advertisement which is subject to and complies with the then existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading; or by any means advertising or purporting to offer the general public any home improvement work with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public.
- (14) Willful or deliberate disregard and violation of the building, sanitary, fire and health laws of the Village, county or state.
- (15) Failure to notify the Building Inspector of any change or control in ownership, management or business name or location.
- (16) Conducting a home improvement business in any name other than the one in which the home improvement contractor is licensed.

C. Procedure.

- (1) The Licensing Review Board shall have the right to determine whether or not it will take jurisdiction of any complaint submitted to it. In the event it shall deny jurisdiction, such determination shall be in writing, and a copy shall be mailed to the complainant.
- (2) If the Licensing Review Board upon reasonable cause should believe that any licensee has violated any of the provisions of this chapter, such Board shall have the power to make such investigation as it shall deem necessary or advisable.
- (3) There shall be no suspension of a license or recommendation that a license be suspended or revoked until after a hearing is had before the Licensing Review Board upon written notice to the licensee of at least 10 days. Such notice shall specify the time and place of the hearing and the grounds which will be the subject of the hearing, and it shall state that the purpose of the hearing is to determine whether the license should be suspended and whether a recommendation of suspension or revocation should be made to the Village Board. Such notice shall be served personally or by certified mail, return receipt requested, addressed to the place of business of the licensee. The licensee and any other interested party shall be given a reasonable opportunity to be heard. A stenographic record of the hearing may be taken and preserved. The determination or recommendation of the Licensing Review Board shall be in writing and shall specify the ground or grounds upon which it is based.

- (4) The Licensing Review Board shall maintain records and files of any and all hearings held by it.

D. Powers.

- (1) The Licensing Review Board shall have the power to suspend a license for a period not exceeding 30 days if it determines that the licensee has been guilty of any act or circumstances set forth in § 107-8B of this chapter. Any such determination of suspension shall be final and conclusive. Upon making such a determination of suspension, such Board shall direct the Building Inspector to notify the licensee that his license is suspended. Such notice shall be served personally or by certified mail, return receipt requested, addressed to the place of business of the licensee, and such licensee shall immediately surrender his license to the Building Inspector.
- (2) The Licensing Review Board shall have the power to recommend to the Village Board that a license be suspended or revoked by the Village Board.
- (3) In lieu of a suspension or a recommendation to the Village Board, the Licensing Review Board may accept a written assurance of a compromise between the parties.

§ 107-9. Suspension or revocation of license.

- A. The Village Board shall have the power to revoke a license if it determines, after a public hearing as hereinafter provided, that the licensee is unfit or undesirable to carry on the home improvement business or is incapable of properly conducting such home improvement business. The Village Board shall have the power to suspend a license if it determines, after a public hearing as hereinafter provided, that the licensee has been guilty of any act or circumstances set forth in § 107-8B of this chapter.

B. Hearing.

- (1) If the Village Board determines to hold such a hearing, it shall notify the licensee that a hearing will be held before the Village Board to determine whether his license should be suspended or revoked. Such notice shall specify the time and place of hearing and the ground or grounds for suspension or revocation which will be the subject of the hearing. Such notice shall be in writing, shall be served at least 10 days prior to the date of the hearing and shall be served personally or by certified mail, return receipt requested, addressed to the place of business of the licensee.
- (2) At the time and place set for the hearing, the Village Board shall give a licensee and any other interested party reasonable opportunity to be heard. The decision of the Village Board shall be in writing, specify the ground or grounds upon which the decision is based and shall be final and conclusive.
- (3) If the Village Board determines that the license of the licensee should be suspended or revoked, the Village Board shall direct the Building Inspector to notify the licensee that his license is suspended or revoked. Such notice shall be served personally or by certified mail, return receipt requested, addressed

to the place of business of the licensee. A licensee shall immediately surrender his license to the Building Inspector upon its suspension or revocation by the Village Board.

§ 107-10. Penalties for offenses.

- A. Any person who shall conduct or engage in any home improvement business without having obtained a license therefor, in violation of this chapter, or who shall conduct or engage in any home improvement business while his license is suspended or revoked, in violation of this chapter, shall be guilty of a violation of this chapter and, upon conviction, shall be punishable by a fine not exceeding \$250 for each and every violation.
- B. Each and every home improvement contract entered into or undertaken or performed by a home improvement contractor without having obtained or maintained in effect a license therefor, in violation of this chapter, shall be deemed a separate violation of this chapter.

§ 107-11. Cooperative agreements for administration and enforcement.

The Village of East Hampton may enter into a cooperative agreement with the Town of East Hampton for performance by the Town of East Hampton of the functions, powers and duties relating to administration and enforcement of this chapter requiring a license in order to conduct or engage in home improvement business in the Village of East Hampton. Such cooperative agreements may provide, among other things, that the Town of East Hampton Building and Zoning Administrator shall serve as the licensing officer under this chapter, that the Licensing Review Board of the Town of East Hampton shall serve as the Licensing Review Board under this chapter, that the Town Board of the Town of East Hampton shall serve as the Board designated to hear appeals and to revoke and suspend licenses under such chapter, that application fees under such chapter be paid to the Town of East Hampton and that a license issued by the Town of East Hampton shall serve as the license required under this chapter, so that a licensee will be permitted to engage in the home improvement business in the Village of East Hampton and elsewhere, as provided in § 107-12, by obtaining one license and paying one application fee.

§ 107-12. Reciprocity.

- A. Any home improvement contractor whose principal place of business is located in the Town of East Hampton, Town of Southampton, Town of Riverhead, Town of Shelter Island or Town of Southold, or in any incorporated village within any of the aforesaid towns, and who holds a license issued by such town or village in which his principal place of business is located, permitting him to conduct or engage in the home improvement business, shall be exempt from the application fee provided for in this chapter and shall be entitled to a license under this chapter without payment of such application fee, upon filing with his application satisfactory proof that he meets the foregoing conditions.
- B. The application fee exemption provided for in § 107-12A of this chapter shall apply only to a home improvement contractor whose principal place of business is located in any of the aforementioned towns or villages which have adopted a local law or

ordinance containing a reciprocal provision applicable to home improvement contractors having their principal place of business in the Village of East Hampton.

§ 107-13. When effective; nonapplicability.

This chapter shall take effect 20 days after its adoption and shall not apply to home improvement contracts entered into before such date.

Chapter 110**COSTS AND EXPENSES OF HEARINGS****GENERAL REFERENCES**

Zoning — See Ch. 278.

§ 110-1. Deposit or bond required for application requiring public hearing; refunds or additional charges.

Any person, persons or corporation petitioning or otherwise making any application to the Board of Trustees of the Village of East Hampton for any change, changes, alterations or amendments to Chapter 278, Zoning, of the Code of the Village of East Hampton, or for any other purpose whatsoever, whereby it is necessary for the Village Board to hold a public hearing or hearings, shall deposit with the Village Clerk and/or Board of Trustees of said village the sum of \$50 cash, or a bond with sufficient surety in a like amount, approved by the Mayor or Board of Trustees, conditioned for the payment of all costs and expenses incurred by said village in connection with said hearing or hearings, the advertising of the notices, and any election or referendum necessarily required by reason of the petition or application made. If the petition or application is granted, \$50 shall be returned to the petitioner or applicant, or the bond canceled, but if the petition or application is not granted or allowed, all the expenses, costs, etc., in connection with the matter shall be deducted from the amount deposited or secured, and if there is any balance thereof the same shall be returned to the petitioner or applicant, and if the cost should be in excess of the amount deposited, the petitioner or applicant shall be liable therefor.

Chapter 121**DESIGN AND SITE PLAN REVIEW****GENERAL REFERENCES**

Planning Board — See Ch. 42.

Subdivision of land — See Ch. 252.

Code enforcement administration — See Ch. 104.

Zoning — See Ch. 278.

Preservation of historic areas — See Ch. 176.

§ 121-1. Statement of policy. [Amended 10-17-2003 by L.L. No. 12-2003]

East Hampton Village contains many residential and commercial structures of historic value. It is famed as one of America's most beautiful and uniquely situated villages. Distinct commercial areas still retain desirable features which make them compatible with the Village's character and scale. East Hampton residents derive considerable peace of mind from their congenial physical surroundings. As old ways of farming and fishing have waned, it is that character and charm that now provide the basis for its resort economy. It is that resort economy that now poses the greatest threat to the Village's physical appearance. Much requires preservation and stabilization while inevitable growth and development require compatibility and tasteful "fit" into an existing fabric. Commercial and industrial properties interface with residential and historical areas. It is essential that that rural-residential aspect be maintained: green open spaces, screening, rear yard parking, limited vehicular access, etc. The Village Board finds that new development can otherwise have a substantial adverse impact on the character, health and safety of the area in which it is located. Inappropriate exterior design of buildings or structures and development of grounds adversely affect the desirability of immediate and neighboring areas for residential and commercial purposes and, by so doing, impair the benefits of occupancy of existing property in such cases, impair the stability of values of both improved and unimproved real property in such areas and preclude the most appropriate development of such areas. The Village Board finds that the aggravation and intrusion of further restrictions on the use and enjoyment of private property is more than offset by the common advantage in the maintenance of overall values and avoidance of assaults on the senses which in this Village's case are especially dependent on the aesthetic quality and physical attributes of the community. Some harmful effects of one land use upon another can be prevented through zoning, subdivision controls and building codes. Other aspects of construction or development are more subtle and less amenable to rules promulgated without regard to specific construction or development proposals. Among these are the general form of the land before and after development, the spatial relationships of the structures and open spaces to proximate land uses and the appearance of buildings and open spaces as they contribute to an area as it is being developed. Such matters require the timely exercise of judgment in the public interest by people qualified to evaluate the design of new construction and development.

§ 121-2. Purposes.

The purposes of design review are:

- A. To promote those qualities in the environment which retain or bring quality to life as well as material value to the community.
- B. To foster the attractiveness and functional utility of the community as a place to live and work.
- C. To preserve the character and quality of our heritage by maintaining the integrity of those areas which have a discernible character or are of special historic significance.
- D. To protect existing investments in the area.
- E. To encourage, where appropriate, a mix of uses within permissible use zones.
- F. To raise the level of community expectations for the quality of its environment.
- G. To control the exterior color of buildings so as to best promote and protect the abovesaid purposes. **[Added 12-17-1982 by L.L. No. 3-1982]**
- H. To maintain and enhance the desirable character and the best features of individual commercial areas. **[Added 10-17-2003 by L.L. No. 12-2003]**
- I. To encourage development that is compatible with the scale and character of the Village. **[Added 10-17-2003 by L.L. No. 12-2003]**
- J. To control the distribution of open space so as to maintain and enhance the desirable character and best features of a property or area. **[Added 10-17-2003 by L.L. No. 12-2003]**

§ 121-3. Objectives.

The Design Review Board, in examining applications for building permits, shall consider the various aspects of design, with special emphasis on these objectives:

- A. Landscape and environment: to prevent the unnecessary destruction or blighting of the natural or cultural landscape or of the achieved man-made environment.
- B. Relationship of structures and open spaces: to ascertain that the design treatment of built-up and open spaces has been such that they relate harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed development.
- C. Circulation: to determine that the proposal facilitates appropriate pedestrian and vehicular access, interior traffic circulation, loading facilities, servicing and parking.
- D. Lighting facilities shall be placed and shielded in such a manner as not to cause direct light to shine upon adjacent properties, and such illuminating source, together with lighted signs, shall not cause a hazard to be created upon a public street.
- E. Parking areas, where required by Chapter 278, Zoning, of the Code of the Village of East Hampton, shall be located to the rear of the structures, shall be screened

from adjoining properties and public view and shall be adequately drained.

- F. Where the site is located adjacent to a dwelling or a residential district (zone), appropriate buffer landscaping, natural screening and fencing shall be required in order to protect all property values and lessen the impact of development upon adjoining areas.
- G. The preservation of existing large trees and the unique natural features of the site shall be accomplished wherever possible. When extensive clearing and grading is necessary, the Board may require a landscaping plan demonstrating that plants, bushes or trees acceptable to the Board will be planted and maintained.
- H. Protection of neighbors: to protect neighboring owners and users by making sure that reasonable provision has been made for such matters as surface water drainage, sound and sight buffers, the preservation of views, light and air and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses. With few exceptions, commercial and industrial properties interface with residential areas, and the development of the former must not destroy the latter.
- I. Compliance with other regulations: to coordinate compliance with other municipal ordinances that affect design and aspect, such as zoning, sign and billboard control provisions and provisions for underground utilities.
- J. Color: to control the exterior color of existing and new stores to ensure that the stores relate both to each other and to the natural or landscaped environment. **[Added 12-17-1982 by L.L. No. 5-1982]**
- K. Exterior materials. **[Added 3-16-1984 by L.L. No. 7-1984]**
- (1) Exterior materials shall be either clapboard, natural wood, shingles or brick, all with trim.
 - (2) Notwithstanding the above, the Design Review Board may waive this requirement if, in the Design Review Board's judgment, the purpose and objectives of this chapter will be met through the use of other exterior materials.
- L. To control the location and screening of dish antennas in conformance with the requirements of § 57-3B(5)(c).¹⁴ **[Added 7-31-1986 by L.L. No. 13-1986; amended 4-17-1992 by L.L. No. 5-1992]**
- M. Integrated parking: In order to improve interior traffic circulation, reduce the number of accesses on existing streets and maximize the number of parking spaces, parking areas shall be, at the discretion of the Design Review Board, designed and located so as to permit their integration with existing or prospective parking areas on adjoining properties. In this regard, the Board may require shared access and shared interior drives (aisles).¹⁵ **[Added 4-21-1989 by L.L. No. 8-1989]**

14. Editor's Note: Original § 57-3B(5)(c) was superseded 12-20-2002 by L.L. No. 19-2002.

15. Editor's Note: Original Subsection N, Parking variances, added 4-21-1989 by L.L. No. 8-1989, which immediately followed this subsection, was repealed 4-17-1992 by L.L. No. 2-1992.

- N. All applications for site plan approval shall demonstrate that all runoff is contained on site in accordance with the standards of § 121-9D. **[Added 9-16-1994 by L.L. No. 30-1994]**
- O. To control the color, shape, location and size of signs and awnings and to ensure that signs and awnings comply with the requirements of § 278-4 of Chapter 278, Zoning, of this Code. **[Added 12-15-1989 by L.L. No. 4-1989; amended 4-17-1992 by L.L. No. 6-1992; 12-15-1995 by L.L. No. 33-1995]**
- P. Protection of landmarks and historic districts: to protect, maintain and enhance the setting of landmarks and historic districts designated under Chapter 176. When reviewing any application for a property that is adjacent to, across a public way from or within 100 feet of a designated landmark or historic district, the Design Review Board shall take into account the impact of the proposed action on the designated property and its setting. The Board shall consider alternatives that would protect, maintain or enhance the setting of a designated property. **[Added 2-1-1996 by L.L. No. 1-1996]**
- Q. Maintenance of character: to maintain features that contribute to the desirable character of a commercial area, including buildings, features of buildings, landscape features and open space. **[Added 10-17-2003 by L.L. No. 12-2003]**
- R. Compatibility of design: to determine that the aspects of a design, including the orientation, setback, rhythm, size, height, width, proportion of the front facade, massing, building form, roof form, materials, color, proportion and arrangement of windows, storefront, building details, the distribution and location of open space and other considerations of site design, will maintain and enhance the desirable character and the best features of the commercial area in which the property is situated and will maintain the overall character and scale of the Village. **[Added 10-17-2003 by L.L. No. 12-2003]**
- S. Location of open space: to control the location of the required percentage of permeable surface on a property so that it will be located to have the greatest benefit to the desirable setting of that property and to the desirable setting of the commercial area in which the property is situated. **[Added 10-17-2003 by L.L. No. 12-2003]**

§ 121-3.1. Guidelines. [Added 10-17-2003 by L.L. No. 12-2003]

- A. The Design Review Board may adopt, and from time to time amend, guidelines for applying the policy, purposes and objectives provided in §§ 13-1, 13-2 and 13-3.
- B. Guidelines may be adopted for any aspect of review or for any specific area or district and will identify its desirable character, important qualities and best features.
- C. The Design Review Board may adopt guidelines for the “allocation of open space” for each commercial area to best enhance the setting of a property or area.

§ 121-4. Limitations on review.

- A. ¹⁶The Board may assist in the design of any building or projects submitted for

approval. The Board will require an applicant or his architect or agent to participate in a meeting with the Board or a designated committee thereof. The purpose of this meeting is to aid the applicant in relating his building to its surroundings and to secure, in advance of the preparation of finished plans, an understanding between the Board and the applicant as to the style and exterior finish of the proposed building. All these procedures will be conducted within the contents and purposes of this chapter of the East Hampton Village Code. **[Added 11-20-1987 by L.L. No. 32-1987]**

- B. Individual initiative and experimentation are to be encouraged.¹⁷
- C. The applicant's failure to take reasonable account of the items discussed in §§ 121-1, 121-2 and 121-3 shall justify the disapproval of a proposal or design. **[Added 10-16-1987 by L.L. No. 30-1987]**
- D. In its endeavor to improve the quality of a design, the Board shall keep considerations of cost in mind, but cost shall not override the other objectives of this chapter.
- E. The Fire Inspector and Building Inspector are to play essential roles at the earliest stages of design consideration, and prospective applicants are encouraged to avail themselves of their services. **[Amended 3-16-1984 by L.L. No. 11-1984]**
- F. The Board may approve, or approve with additional conditions, applications made by the owners of improved property in the Core Commercial District to install and maintain planters that are wholly or partially located on Village-owned property if the proposed planters meet the following conditions: **[Added 6-18-2010 by L.L. No. 8-2010]**
 - (1) No planter shall be located on Village-owned property if there is sufficient room on the commercial property to permit the maintenance of a planter.
 - (2) No planter located partially or wholly on Village-owned property shall exceed 12 inches in depth or exceed three feet in height.
 - (3) Plantings shall not extend beyond the sides of the planters.
 - (4) Permits for planters to be located partially or wholly on Village-owned property, to the extent that they are approved by the Design Review Board, shall be granted on an annual basis only and may not be installed prior to May 1 of any year and must be removed no later than November 1 of every year.
 - (5) Any violations of these conditions may result in immediate removal of the planters by the Village without prior notice and denial of future applications for an annual permit from the same property owner.

§ 121-5. Design Review Board.¹⁸

16. Editor's Note: Original Subsection A, as amended 3-16-1984 by L.L. No. 8-1984, was repealed 11-20-1987 by L.L. No. 31-1987.

17. Editor's Note: Original Subsection C, concerning disapproval of proposals, which immediately followed this subsection, was repealed 10-16-1987 by L.L. No. 29-1987.

18. Editor's Note: On March 16, 2007, the Board of Trustees adopted a resolution requiring New York State mandated

- A. The Village Board hereby establishes a Design Review Board. Insofar as practicable, all members of the Board shall be familiar in matters of design.¹⁹ **[Amended 4-20-1984 by L.L. No. 12-1984]**
- B. The Board shall have seven members appointed by the Mayor with the advice and consent of the Village Board. **[Added 10-16-1987 by L.L. No. 26-1987]**
- C. A Chairman and Vice Chairman of the Board shall be designated from the members of the Board by the Board of Trustees for terms of one year.
- D. Compensation, if any, shall be determined by the Board of Trustees on recommendation of the Mayor. Such out-of-pocket expenses as have been authorized by the Board of Trustees shall be paid on vouchers.²⁰
- E. The term of service on the Board is two years. One of the two members appointed as a result of the increase in size of the Board from five members to seven members shall be appointed to an initial term commencing with the date of appointment and terminating on June 30, 1988, and thereafter for two-year terms, and the other member of the Board appointed as a result of the expansion of the Board shall be appointed to an initial term commencing with the date of appointment and terminating on June 30, 1989. **[Added 10-16-1987 by L.L. No. 28-1987]**
- F. Removal shall be on recommendation of the Mayor, concurred with by a majority vote of the Village Board of Trustees, and only for good cause.

§ 121-6. Limited Office Districts.

- A. In issuing approval to use existing primary residential structures on lots in Limited Office Districts (Zones) for up to two offices or one office on the first floor and one apartment on the second floor, the Design Review Board shall consider the following standards and impose the following conditions:
 - (1) Said uses shall be conducted in primary residential structures in existence on May 1, 1989, which primary residential structure shall not be expanded, enlarged or relocated.
 - (2) Accessory structures or buildings may not be used for any purpose other than storage.
 - (3) The applicant and the Design Review Board shall retain the residential appearance of the property and structures existing thereon. To help achieve this, the following standards are hereby imposed:
 - (a) All parking shall be located to the rear of the property at the discretion of the Design Review Board.
 - (b) Existing primary residential structures shall not be moved or relocated on

annual training for all Planning Board, Design Review Board, and Zoning Board of Appeals members. The resolution is on file in the office of the Village Clerk and available for public inspection during regular office hours.

19. Editor's Note: Original Subsection B, concerning number of members, which immediately followed this subsection, was repealed 10-16-1987 by L.L. No. 25-1987.

20. Editor's Note: Original Subsection E, concerning terms of office, which immediately followed this subsection, was repealed 10-16-1987 by L.L. No. 27-1987.

the lots.

- (c) All parking areas shall be screened from adjoining residential property and to the extent possible shall not be visible by passersby on adjoining roads and streets.
 - (d) The areas of lawn and landscaping which contribute to the residential character of the property shall be preserved and maintained.
 - (e) Driveways and parking areas shall not together exceed coverage of 30% of the lot.²¹
 - (f) Parking shall be as required by Chapter 278, Zoning. In considering whether to waive and/or restrict required parking, the Design Review Board shall be guided by the policy, purposes and objectives of this chapter as set forth in §§ 121-1, 121-2 and 121-3, as well as the guidelines of this section pertaining to the Limited Office District. In calculating parking and occupancy, the actual number of spaces provided, rather than the number of spaces required, shall be utilized. **[Added 1-20-1995 by L.L. No. 2-1995]**
 - (g) All changes to the exterior of the structures shall be subject to approval of the Design Review Board, which shall retain the residential appearance of said structures.
 - (h) Landscape planning and fencing shall be required so as to give residential character to the lot and to screen office uses from adjacent residential properties.
 - (i) No lot shall contain more than one freestanding sign, which may not exceed two square feet in size.
 - (j) One parking space shall be provided for each employee, independent contractor, including real estate salespersons and real estate brokers, and principal operator. The total number of employees, independent contractors and principal operators and tenants, if any, that occupy the building shall not exceed the lesser of eight or 75% of required parking.
 - (k) In order to help retain the residential appearance of the structure, the Design Review Board shall have the right to require the applicant to grant to the Incorporated Village of East Hampton a facade easement.
- B. Prior to the issuance of approval as set forth in Subsection A, the Board shall hold a public hearing, to be noticed and held as required for public hearings on site plan review. **[Amended 5-18-2007 by L.L. No. 5-2007]**

§ 121-7. Applicability; interpretation.

- A. This chapter shall apply to all projects within the Design Review District, as defined herein:

21. Editor's Note: Original Subsection A(3)(f), specifying certain parking provisions, which immediately followed this subsection, was repealed 1-20-1995 by L.L. No. 1-1995.

- (1) All areas which are presently or may hereafter be classified commercial or manufacturing in the Building Zone Ordinance of May 19, 1925, as amended,²² and any areas which may hereafter be zoned for multiple dwellings.
 - (2) All legal nonconforming use properties, wherever situated.
 - (3) Schools, public libraries, art museums, churches, parish houses, Sunday school buildings, buildings of membership clubs, social and recreational buildings, soldiers' and sailors' memorial buildings, hospitals, telephone exchanges and public or charitable institutional buildings, wherever situated. **[Added 4-15-1988 by L.L. No. 6-1988]**
- B. Within the above districts, this chapter shall apply to all development, private and public.
- C. The word "development" in this chapter means that no tract or parcel of land or portion thereof shall be cleared or altered; that no building, structure or sign be erected, installed, constructed, demolished, moved or enlarged; nor the exterior of any building or structure or the use of the appurtenances or accessories to such building, structure or land be altered, changed, intensified, expanded or extended; and that no additional use shall be installed or permitted inside or outside of an existing building or structure without the approval of the Design Review Board. Applications for minor alterations, such as a change in exterior paint colors or finishes or the installation of planters or benches or fences, at the sole discretion of the Design Review Board, and applications for signs and awnings, may be approved following a design review by the Board upon an oral motion approved by a quorum of the members of the Board at a meeting of the Board. All other applications shall be subject to full site plan review and approval by the Design Review Board, as set forth in this chapter. **[Amended 4-21-1989 by L.L. No. 10-1989; 2-17-2006 by L.L. No. 3-2006; 7-27-2007 by L.L. No. 11-2007]**
- D. Whenever a project requires both a special permit from the Zoning Board of Appeals pursuant to § 278-7D of Chapter 278, Zoning, of the Code of the Incorporated Village of East Hampton and the approval of the Design Review Board, the following procedures shall apply: **[Added 11-19-1993 by L.L. No. 22-1993; amended 2-17-2006 by L.L. No. 4-2006]**
- (1) Application shall be made simultaneously to the Zoning Board of Appeals and the Design Review Board.
 - (2) The Zoning Board of Appeals shall act as the lead agency pursuant to the State Environmental Quality Review Act.
 - (3) The application to the Zoning Board of Appeals shall not be deemed complete until the Design Review Board has concluded its preliminary review of the proposed site plan. The conclusion of preliminary review shall not be construed as a final action and is not binding on either the Zoning Board of Appeals or the Design Review Board in their final review and determinations. Primarily, it is intended to give the applicant and the Zoning Board of Appeals

22. Editor's Note: See Ch. 278, Zoning.

guidance as early in the process as possible, before the hearing at the Zoning Board of Appeals, on the broad aspects of the proposed site plan that may result in significant modifications to the proposal by the applicant.

- (4) The Design Review Board shall not grant final approval until the Zoning Board of Appeals has completed its environmental review pursuant to the State Environmental Quality Review Act, issued the appropriate State Environmental Quality Review Act decision and issued the appropriate special permit.²³

§ 121-8. Exemptions. [Added 12-15-1989 by L.L. No. 43-1989; amended 10-20-2006 by L.L. No. 12-2006; 6-15-2012 by L.L. No. 12-2012]

Whenever the Chairman or, in the Chairman's absence, the Vice Chairman of the Board finds that a proposal regarding signs and/or awnings or an improvement that relates solely to improving access for persons with disabilities raises no substantial design problem and fulfills the goals outlined in §§ 121-1, 121-2 and 121-3, he is hereby authorized to grant an exemption and approve the application.

§ 121-9. Submissions.

A. The applicant shall submit through the Building Inspector:

- (1) Seven copies of preliminary building floor plans and exterior elevations, drawn to such scale adequate to show clearly the design intent. These plans and exterior elevations shall include structures and significant natural features on neighboring properties.
- (2) Ten copies of a site plan or plans, drawn at a scale adequate to show clearly the following: **[Amended 1-15-1988 by L.L. No. 1-1988; 9-18-1998 by L.L. No. 18-1998; 8-15-2003 by L.L. No. 9-2003; 2-17-2006 by L.L. No. 7-2006]**
 - (a) The dimensions, orientation and size of each lot or plot to be developed, built upon or otherwise used.
 - (b) The layout of the entire project and its relation to surrounding properties and the existing buildings thereof.
 - (c) The location and dimensions of present and proposed street and highway dedications required to handle the traffic generated by the proposed development and its proposed uses.
 - (d) The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
 - (e) The location and layout of all paved areas, including off-street parking and loading facilities, including drainage facilities.
 - (f) All existing and proposed topography.

23. Editor's Note: Original § 13-7, Exemptions, as amended, which section immediately followed this subsection, was repealed 12-15-1989 by L.L. No. 42-1989.

- (g) The locations, species and sizes of existing and proposed plantings and screenings.
 - (h) The size, shape and location of existing and proposed construction.
 - (i) Indication of the proposed use of construction shown on the site.
 - (j) The location of walls, fences and railings and the indication of their height and the materials of their construction.
 - (k) Indication of exterior lighting adequate to determine its character and to enable review of possible hazards and disturbances to the public and adjacent properties.
 - (l) Indication of other potential disturbances to the public and adjacent properties due to noise or odors to be emitted from the proposed development and its proposed use.
 - (m) The location, size, illumination, design and manner of construction of exterior signs and outdoor advertising.
 - (n) Existing and proposed sewage disposal systems.
 - (o) All applications or submissions to the Design Review Board shall be accompanied by the appropriate fee in accordance with a schedule of fees which shall from time to time be fixed by resolution of the Board of Trustees. **[Amended 2-16-2018 by L.L. No. 1-2018]**
- (3) A stormwater pollution prevention plan consistent with the requirements of Chapter 248 shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards of Chapter 248 and the approved site plan shall be consistent with the provisions of Chapter 248 of the Code. **[Added 1-18-2013 by L.L. No. 6-2013]**
- B. The Chairman of the Board may waive any of the above submissions that he believes unnecessary. The Chairman may require such other information and exhibits as he deems reasonably necessary to enable the Board to reach an informed result. That information may include:
- (1) Photographs from the site of adjoining structures.
 - (2) Detailed drawings of decorative elements.
 - (3) Samples of exterior materials and colors.
 - (4) Location and method of refuse storage.
 - (5) Scale drawings of signs.
 - (6) Sectional studies to help explain the character of the design.
- C. The applicant shall submit to the Design Review Board through the Building Inspector, whether or not a building permit is applied for, the proposed color on a piece of the material out of which the store is or shall be constructed in all instances in which the exterior color of an existing structure is to be changed, altered or

modified. [Added 12-17-1982 by L.L. No. 6-1982]

D. Stormwater drainage. [Added 9-16-1994 by L.L. No. 31-1994]

(1) Stormwater drainage design criteria:

- (a) Grading and drainage plans shall be based on a two-inch storm.
- (b) Runoff shall be retained on site or allowed to flow to an approved outlet.

[1] Show calculations for retention on site (leaching pools).

[a] Leaching pool storage comp. formula:

$$aC(2'')=V/c.f. \text{ per leaching pool}$$

Where:

a = Tributary area in square feet

C = Coefficient of runoff of drainage areas

Coefficient values:

Roof area: 1.00

Paved area: 0.90

Nonpaved area: 0.25

V = Volume (cubic feet), which is total storage volume required

[b] Conversion to leaching pool depth required.

[i] Volume per vertical foot of eight-foot-zero (8' 0) leaching pool = 42.24 cubic feet.

[ii] Volume per vertical foot of ten-foot-zero (10' 0) leaching pool = 68.42 cubic feet.

[c] Required volume storage (cubic feet) - c.f./v.f. = total number of vertical feet necessary.

[d] No allowance for volumetric storage in domes or pipes.

[2] Alternative calculations showing flow analysis for drainage to approved outlet.

[a] Rational method formula:

$$Q = A c I$$

Where

Q = Discharge in cubic feet per second (c.f.s.)

A = Tributary drainage area in acres

c = Coefficient of runoff of drainage area minimum coefficient = 0.25).

Coefficient values:

Roof area: 1.00

Paved area: 0.90

Nonpaved area: 0.25

I = intensity (inches per hour)

I is determined by formula: $I = 1.20 - t + 20$ [t = time of concentration (minutes) at point of design (maximum time = 28 minutes)]

[3] Pipes and open channels designed using Mannings Formula:

$$V = 1.486 \times R^{2/3} \times S^{1/2}$$

n

Where:

V = Velocity in feet per second

R = hydraulic radius in feet

S = Slope in feet/feet (checked against available hydraulic gradient when discharging against an existing hydraulic head. If discharge to tidal waters, use maximum tide elevation)

n = 0.015 for reinforced concrete pipe 18" 0 or less

0.013 for reinforced concrete pipe 24" 0 or larger

0.021 for corrugated metal pipe

0.023 for earth ditches

0.013 for paved ditches

[4] Pipe design limitations.

[a] Velocity: two feet per second (minimum) and 10 feet per second (maximum).

[b] Minimum pipe diameter: 15 inches.

[c] Minimum cover over pipe: two feet (top of pipe to finished pavement or ground surface).

[5] Indicate length, diameter, slope and invert elevations of piping.

(2) Storm drainage structures.

- (a) Manholes shall be placed at changes in pipe alignment or gradient (350 feet, maximum spacing). Provide interior steps at fourteen-inch intervals in all manholes (steps protrude seven inches from manhole wall).
- (b) Catch basins shall be placed at design low points or as interceptors.
 - [1] Interceptor basins installed where flow rate to basin exceeds three c.f.s. (350 feet maximum spacing).
 - [2] Provide interior steps at fourteen-inch intervals in all catch basins (steps protrude seven inches from basin wall).
- (c) Leaching pools shall be comprised of three-foot to four-foot-six-inch ring sections to develop design capacity. The topmost section shall be a solid ring wherever possible.
- (d) Maintain fourteen-foot (minimum) center-to-center separation when leaching pools are connected in series.
 - [1] Provide a three-foot (minimum) collar of select granular backfill for periphery and bottom seepage for all pools.
- (e) The bottom of all structures shall be two feet (minimum) above groundwater elevation (as shown in test hole data).
- (f) Footing rings and traffic bearing tops are required on all structures located below traffic areas.

§ 121-10. Stages of inquiry.

- A. Prior to filing any submissions, the applicant and/or his architect or agent are entitled to and are encouraged to meet with the Board in order to obtain information on the general guidelines which the Board expects to use. The applicant and his architect or agent are entitled to have the Board's guidelines, as they apply to his case, in writing so that, if they wish to rely on them, a permanent record of the basis for their reliance will exist. The Fire Inspector and the Building Inspector shall be consulted and shall attend all early-stage discussions concerned with design.
- B. The Board will ordinarily approve, approve with minor modifications or disapprove a proposal on the submissions described in § 121-9. The Board may expressly reserve approval of detailed aspects of development not possible to decide upon on the submissions as provided by the applicant.

§ 121-11. Statement of minimum acceptable conditions.

Whenever the Board disapproves a submission, at the request of the applicant it shall specify in writing the conditions under which a majority of the Board would accept the submission. However, it is not the intent of this section to require the Board to furnish the applicant with a design.

§ 121-12. Procedure for meetings.

The Chairman or, in his absence, the Vice Chairman shall conduct the meetings of the Board. The Secretary shall keep the minutes and a permanent record of all resolutions, motions, transactions and determinations. These records, including all documents submitted by the applicant, shall be available on request for public inspection at reasonable times. The Board shall tender a full statement in writing to each applicant on whose submission action is taken, explaining in detail the reasons and basis for the decision.

§ 121-13. Time limitations. [Amended 5-18-2007 by L.L. No. 5-2007]

The Board shall meet as required, pursuant to the following time schedule:

- A. Within 62 days of the receipt of a complete application for site plan review, the Board shall conduct a public hearing, unless the Board adopts a resolution waiving the requirement for a public hearing. Notice of public hearing shall be mailed to the applicant at least 10 days before such hearing, and the Board shall give public notice of said hearing in a newspaper of general circulation in the Village at least five days prior to the date thereof.
- B. The Board may, in its discretion, schedule a public hearing on any application before it, which if scheduled, shall be noticed and held as set forth in the other provisions of this section.
- C. The Board shall make a decision on the application within 62 days after such hearing, or if no hearing is held, within 62 days after the receipt of a complete application. The decision of the Board shall be filed in the office of the Village Clerk within five days after such decision is rendered and a copy thereof mailed to the applicant. This schedule or any portion thereof may be extended by consent of the applicant or his architect or agent.

§ 121-14. Reports.

The Design Review Board shall apprise the Board of Trustees of its decisions. The report may from time to time include a survey of the appearance and condition of buildings in the Village, an analysis of community trends in design, methods that might be employed to improve the quality of new building and prevent the deterioration of existing structures and recommendations that might be enacted to make the design review process more satisfactory.²⁴

§ 121-15. Approval required; penalties for offenses.

- A. The Building Inspector shall issue no building permit or sign permit within designated design review districts without the approval, in writing, of the Chairman or, in his absence, the Vice Chairman of the Design Review Board.
- B. The penalties for violating any of the provisions of this chapter or any restrictions, covenants or conditions imposed by the Design Review Board as a condition of

24. Editor's Note: Original § 13-14, Appeals, which section immediately followed this section, was repealed 7-30-1993 by L.L. No. 9-1993.

approval of any application or permit granted hereunder shall be that any person, firm or corporation or other legal entity shall be subject to a fine not exceeding the sum of \$250 for any violation or offense, and each day that such violation or offense continues shall be deemed to constitute a separate offense. **[Amended 7-27-2007 by L.L. No. 12-2007]**

Chapter 124

DUNES, PRESERVATION OF

GENERAL REFERENCES

Beaches — See Ch. 77.

Freshwater wetlands — See Ch. 163.

Environmental quality review — See Ch. 133.

Subdivision of land — See Ch. 252.

Flood damage prevention — See Ch. 160.

Zoning — See Ch. 278.

§ 124-1. Location of buildings on oceanfront lots restricted; minimum elevation of dunes; nondisturbance of dunes.

- A. Along the southerly boundary of the Incorporated Village of East Hampton between its westerly boundary and the westerly side of Old Beach Lane, the following restrictions shall apply:
- (1) Every building and structure shall be located a minimum of 100 feet from a natural contour line nearest to mean high water and representing a natural elevation of 15 feet above mean high water. If not already existent, the height of the dunes at said point of construction shall be increased to a minimum elevation of 15 feet across the entire width of the lot along the ocean frontage, throughout the depth of the building or structure, by the addition of beach sand and the planting of beach grass and fencing in a manner which meets with the approval of the Village Code Enforcement Officer. At no time shall fill be taken from the area between the fifteen-foot contour line and the Atlantic Ocean to accomplish this requirement. For the purpose of this section, the mean high-water line shall be that line which marks the southerly edge of beach grass along the ocean beach.
 - (2) There shall be no disturbance of the area lying within 150 feet of the southerly edge of the beach grass along the Atlantic Ocean, including but not limited to:
 - (a) No clearing or grading of land.
 - (b) No digging, dredging, or excavating of land, or depositing fill or other material upon land, except for the placement of beach-compatible sand. **[Amended 8-15-2014 by L.L. No. 16-2014]**
 - (c) No building, constructing, erecting, reconstructing, enlarging, altering, or placing any structure or other improvement whatever in or upon land, except for elevated walkways constructed solely for pedestrian use and built by a property owner for the sole purpose of providing noncommercial pedestrian access to the beach. **[Amended 8-15-2014 by L.L. No. 16-2014]**
 - (d) No clearing, removing, uprooting, burying, or otherwise damaging any vegetation, or replacing same with lawn, sod, or turf. This section shall

not be deemed to include the planting of beach vegetation (i.e., beach grass) in a manner which does not disturb existing vegetation. **[Amended 8-15-2014 by L.L. No. 16-2014]**

- B. Along the southerly boundary of the Incorporated Village of East Hampton between the easterly side of Old Beach Lane and the easterly boundary of the Incorporated Village of East Hampton, the following restrictions shall apply:
- (1) Every building and structure shall be located a minimum of 25 feet northerly of the twenty-foot contour line which runs continuously between said easterly side of Old Beach Lane and the easterly boundary of the Incorporated Village of East Hampton.
 - (2) There shall be no disturbance of the area lying between the twenty-foot contour line and the Atlantic Ocean, including but not limited to:
 - (a) No clearing or grading of land.
 - (b) No digging, dredging, or excavating of land, or depositing fill or other material upon land, except for the placement of beach-compatible sand. **[Amended 8-15-2014 by L.L. No. 16-2014]**
 - (c) No building, constructing, erecting, reconstructing, enlarging, altering, or placing any structure or other improvement whatever in or upon land, except for elevated walkways constructed solely for pedestrian use and built by a property owner for the sole purpose of providing noncommercial pedestrian access to the beach. **[Amended 8-15-2014 by L.L. No. 16-2014]**
 - (d) No clearing, removing, uprooting, burying, or otherwise damaging any vegetation, or replacing same with lawn, sod, or turf. This section shall not be deemed to include the planting of beach vegetation (i.e., beach grass) in a manner which does not disturb existing vegetation. **[Amended 8-15-2014 by L.L. No. 16-2014]**

§ 124-2. Determination of contour crestline of dunes.

In any case where doubt exists as to the location of either the fifteen-foot contour crestline of the dune or the twenty-foot contour crestline of the dune, the Code Enforcement Officer or the property owner may apply to the Zoning Board of Appeals for its determination of the location of said line.

§ 124-3. Submission of contour map with application for oceanfront lot building permit.

Every application for a permit to build on a lot fronting on the Atlantic Ocean where, under the provisions of this chapter, the minimum required elevation is either 15 feet above mean high water or 20 feet above mean high water shall be accompanied by a two-foot-interval contour map of the lot involved.

§ 124-4. Overlapping jurisdictions.

Where a structure, activity or use is subject to one or more requirements under various provisions of this Code, it shall comply with each such applicable requirement.

§ 124-5. Variance provisions.

Where there are practical difficulties or unique hardships in the way of carrying out the strict letter of this chapter, the property owner may bring an application for a variance before the Zoning Board of Appeals pursuant to § 278-7 of the Code of the Village of East Hampton.

§ 124-6. Penalties for offenses.

- A. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$1,000 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.
- B. In addition, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken by the Village of East Hampton to prevent unlawful erection, construction, reconstruction, alteration, repair, or conversion of any structure or any disturbance to any lot or land or any activity in violation of this chapter being undertaken or carried out therein or thereon; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or lot; or to prevent any illegal act, conduct of business, trade or use in or about such premises.

Chapter 127**DUTCH ELM DISEASE****§ 127-1. Election to exercise statutory authority relating to Dutch elm disease.**

Pursuant to the provisions of Chapter 677 of the Laws of 1958,²⁵ this Board of Trustees does hereby elect on behalf of the Village of East Hampton to exercise and enjoy, through its appropriate officers and employees, the powers and immunities prescribed and granted in Sections 164, 165 and 167 of Article 14 of the Agriculture and Markets Law with respect and in regard to the Dutch Elm Disease within the limits of said Village.

25. Editor's Note: See § 169 of the Agriculture and Markets Law.

Chapter 130**ELECTRICAL INSPECTIONS****GENERAL REFERENCES**

Unsafe buildings and structures — See Ch. 87.

Home improvement contractors — See Ch. 107.

Code enforcement administration — See Ch. 104.

§ 130-1. Administration.

This chapter shall be administered and conducted under the supervision of the Building Department of the Village of East Hampton. The Village Building Inspector, however, shall at no time be required to conduct electrical inspections nor perform any of the duties hereinafter assigned to Electrical Inspectors.

§ 130-2. Designation of Electrical Inspectors.

- A. The Chief Inspector and each of the duly appointed Inspectors of the New York Board of Fire Underwriters are hereby designated as Electrical Inspectors of the Village of East Hampton and are authorized and deputized as agents of the Village of East Hampton to make inspections and reinspections of all electrical installations heretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Village of East Hampton. The Village Board may also designate, by resolution, the Chief Inspector and/or each of the duly appointed Inspectors of organizations other than the New York Board of Fire Underwriters as Electrical Inspectors and authorize and deputize them as agents of the Village of East Hampton to make inspections and reinspection of all electrical installations heretofore and hereinafter described and to approve or disapprove the same.
- B. All organizations applying for authorization pursuant to this chapter must meet the following minimum standards:
- (1) Inspectors shall have a minimum of 10 years of experience within the field.
 - (2) Inspectors shall hold a certification from the International Association of Electrical Inspectors for one- and two-family dwellings.
 - (3) Inspectors shall be familiar with the requirements of the National Electrical Code.
 - (4) Inspectors shall obtain a minimum of 12 continued education units in electrical and/or fire prevention within each five-year period.
 - (5) The inspection agency shall maintain a policy of insurance meeting or exceeding the following minimum coverage requirements and shall provide a certificate of insurance evidencing the same and naming the Village of East

Hampton as an additional insured:

- (a) General aggregate liability: \$2,000,000.
 - (b) Personal injury: \$1,000,000.
 - (c) Fire damage (any one fire): \$50,000.
 - (d) Medical expense (any one person): \$5,000.
- C. All organizations applying for authorization pursuant to this chapter shall file a written, signed and verified application with the Inspector on the form provided by the Village Clerk. All such applications shall include the following information:
- (1) The trade name and business address of the applicant.
 - (2) If the applicant is an individual, his name and residence address; if a corporation, the names and residence addresses of the officers thereof; if a firm, partnership or other unincorporated entity, the names and residence addresses of all members of the entity.
 - (3) Whether there are any outstanding liens or judgements against the applicant and, if so, the identification and nature of each.
 - (4) Such other and further information as the official village application form may require or as any member of the Village responsible for review of the application may require as reasonably necessary to verify the credentials of the applicant and to process the application, including but not limited to:
 - (a) The names and resident addresses of each inspector, stockholders and/or directors of each applicant.
 - (b) Whether or not the applicant or any member, partner, officer, stockholder or employee thereof now engages or ever has engaged in an electrical inspection business under another name or for another person or entity and, if so, reasonable information with respect thereto.
 - (c) Information relating to the financial responsibility and character of the applicant.

§ 130-3. Duties of Electrical Inspector.

- A. It shall be the duty of the Electrical Inspector to report in writing to the Building Inspector, whose duty it shall be to enforce all provisions of this chapter, all violations or deviations from or omissions of the electrical provisions of the Building Code applicable to the Village of East Hampton as referred to in this chapter insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Village of East Hampton upon the written request of a Building Inspector of the Village of East Hampton or as herein provided. The Inspector is authorized to make inspections and reinspections, leading to the issuance of certificate of compliance from an organization duly designated by the Village Board to issue the same, for electrical wiring, installations, devices, appliances and equipment in or on

properties within the Village of East Hampton where a building permit has been issued by the Building Department of the Village of East Hampton or where a property owner or electrical contractor requests such an inspection. Applications for such inspections are to be made directly to an organization duly designated to perform the same by the Village Board. In addition, application for a temporary certificate must be made directly to an organization duly designated by the Village Board herein to perform electrical inspections wherever there is a change in electrical service. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon oral request of an official or officer of the Village of East Hampton.

- B. It shall be the duty of the Inspector to furnish written reports, in a form approved by the Building Inspector, to the proper officials of the Village of East Hampton and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this chapter. He shall direct that a copy of the certificate of compliance be sent to the Village of East Hampton, to the attention of the Building Inspector. No certificate of occupancy may be issued by the Building Department until receipt of a copy of said certificate of compliance has been received.

§ 130-4. Offenses.

- A. It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties within the Village of East Hampton until an application for inspection has been filed with an organization duly appointed by the Village Board in conformance with the foregoing provisions of this chapter. It shall be a violation of this chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to issuance of a temporary certificate or a certificate of compliance by an organization duly appointed by the Village Board as heretofore required under the provisions of this chapter.
- B. Aluminum wire or wire utilizing aluminum may be used in combination with other materials where the principal metallic component of such wire is aluminum, e.g., nickel-clad, copper-clad, etc., American wire gauge No. 2 and larger, only when termination and splicing of such wire is by compression connectors that are approved by Underwriter's Laboratories, Inc. and treated with Burndy Penetrox A or equivalent.
- C. The use of aluminum wire or wire utilizing aluminum in combination with other materials where the principal metallic components of such wire is aluminum, e.g., nickel-clad, copper-clad, etc., American wire gauge No. 4 and smaller is prohibited.

§ 130-5. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

Chapter 133

ENVIRONMENTAL QUALITY REVIEW

GENERAL REFERENCES

Planning Board — See Ch. 42.

Flood damage prevention — See Ch. 160.

Amusements — See Ch. 65.

Freshwater wetlands — See Ch. 163.

Coastal erosion hazard areas — See Ch. 101.

Preservation of historic areas — See Ch. 176.

Design and site plan review — See Ch. 121.

Subdivision of land — See Ch. 252.

Preservation of dunes — See Ch. 124.

Zoning — See Ch. 278.

Flagpoles — See Ch. 157.

§ 133-1. Authority; purpose.

This chapter is adopted pursuant to the State Environmental Quality Review Act, Part 617 of Title 6 of the New York Codes, Rules and Regulations (NYCRR) and the statutory authority of the Environmental Conservation Law, § 8-0113. The purpose of this chapter is to implement the procedures and requirements of the State Environmental Quality Review Act.

§ 133-2. Definitions.

Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this chapter shall have the same meaning as those defined in § 8-0113 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations (NYCRR).

§ 133-3. Critical environmental areas.

- A. Critical environmental areas may be designated from time to time pursuant to a local law adopted by the Village Board of Trustees after a public hearing.
- B. The following have been designated as critical environmental areas:

§ 133-4. Type I actions.

- A. In addition to the actions listed as Type I actions in Part 617 of Title 6 of NYCRR, the Village Board of Trustees may from time to time by local law following a public hearing designate additional Type I actions.
- B. The following have been designated as additional Type I actions:

§ 133-5. Type II actions.

- A. For the purposes of this chapter, Type II actions include those listed in 6 NYCRR

§ 617.5. The Village Board of Trustees may from time to time by local law following a public hearing designate additional Type II actions.

B. The following have been designated as additional Type II actions:

§ 133-6. The State Environmental Quality Review Act.

In all cases, the Village acknowledges the State Environmental Quality Review Act, Part 617, which shall take precedence over this chapter of the Village Code with the exception of Type I and Type II lists of actions duly adopted by the Village and designated critical environmental areas.

§ 133-7. Fees.

When an action subject to this chapter involves an applicant, the lead agency may charge a fee to the applicant in order to recover the actual costs of either preparing or reviewing the draft and/or final EIS in accordance with 6 NYCRR § 617.13.

Chapter 139**EVENTS, SPECIAL****GENERAL REFERENCES**

Noise — See Ch. 196.

Streets and sidewalks — See Ch. 250.

Peace and good order — See Ch. 211.

§ 139-1. Purpose.

Assemblies or organized events which are anticipated to or are likely to attract a large number of people can adversely affect the well-being of Village residents. Large assemblies or events on public and private properties can disturb nearby residents in the peaceful enjoyment of their homes and property, interfere with the general public's normal use of highways and other municipal facilities, and can be harmful to the public safety and welfare. Large assemblages of people result in the need for some control over traffic and parking and can cause a strain on police services, particularly during the summer season. In an effort to provide for the well-being of the community, the Village Board establishes new procedures whereby the Village can be informed in advance of assemblies and special events and can assure that such assemblies and events, if appropriate under the Village Code and the Constitution of the State of New York, can be accommodated without unduly burdening the community or the resources of the Village of East Hampton or unreasonably impacting upon or restricting the use of Village resources by other Village residents.

§ 139-2. Definitions.

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

ASSEMBLY — A social occasion, an event, or an activity which involves the assembly of persons on public or private property in any zoning district, and which is intended or expected to take place in whole or in part outdoors, with or without an admission or invitation fee, a sponsorship, or a requested donation, and held on a one-time basis, including, but not limited to, weddings, family reunions, parties, fairs, bazaars, outdoor shows, horse shows or exhibitions, and concerts, and if held on a commercial premises as the same is defined herein, is not included within the approved uses of the property upon which the assembly is to take place, as evidenced by the site plan approval issued by the Village Design Review Board, the certificate of occupancy for the premises as issued by the Village Building Department, or as determined by the Village Code Enforcement Officers based upon the historic use of the subject premises as supported by credible evidence.

CHARITABLE ORGANIZATION — An organization as defined in New York State Executive Law § 171-a, including but not limited to not-for-profit entities. Such charitable organizations shall be recognized as exempt from federal taxation under Internal Revenue Code § 501(c)(3), shall be duly registered with the Charities Bureau of the Attorney General of the State of New York, and shall provide services or funds

that benefit residents of the Village of East Hampton. For purposes of this chapter, this category shall also be deemed to include established civic organizations which are formed for and do provide a public benefit and are not formed for and do not have as a primary purpose the accumulation of profits for their owners or members. Organizations such as Chambers of Commerce, veterans' organizations, fraternal organizations, political committees organized pursuant to Election Law, and similar organizations which provide benefits to members of the community qualify for this classification.

CIRCUS — A public entertainment consisting typically of a variety of performances by acrobats, clowns, and trained animals.

COMMERCIAL PREMISES — Property containing a legally nonconforming business use and any vacant or improved parcel in a commercial use district other than one upon which the principal use is one or more single-family residences.

DESIGNATED AGENT — A person residing within Suffolk County who is designated by the applicant for an assembly to accept service of process from the Village of East Hampton for any violation of this chapter or any other chapter set forth in the Code of the Incorporated Village of East Hampton which relates to or arises out of the assembly.

EXPRESSIVE ACTIVITY — An assembly or similar gathering held for the sole purpose of exercising free speech activity protected by either the First Amendment to the United States Constitution or Article I, Section 8, of the New York State Constitution, and for which no fee or donation is charged or required as a condition of participation in or attendance at such assembly.

PARADE/WALK-RUN — A type of assembly which involves a walk, run, march or similar assembly (including, but not limited to, a marathon or bicycle race) regardless of whether any fee or donation is charged or required as a condition of participation in or attendance at such assembly, where the activity occurs on any public highway, street, right-of-way, sidewalk or in any other public place rather than on a specific property, and which can or is likely to disrupt or interfere with normal traffic patterns, regulations or controls, as determined by the Chief of Police.

PUBLIC PROPERTY — Property of the Village or any other governmental entity.

SOCIAL OCCASION — An assembly for social, noncommercial purposes at which no goods, merchandise or services are offered or sold, or orders for the same solicited or taken.

SPECIAL EVENT — An assembly at a residence having 50 or more people in attendance, or if at a commercial premises, an event which is not one of the approved uses of the premises.

SPECIAL EVENT PERMIT — A permit for a special event as defined in this chapter. Special event permits shall be of four categories:

- A. **RESIDENTIAL SPECIAL EVENT PERMIT** — A permit for an assembly of 50 persons or more upon a property which is zoned for or actually used as a residence.
- B. **COMMERCIAL SPECIAL EVENT PERMIT** — A permit for an assembly upon a property which is either in a Limited Office, Core Commercial, Commercial or Manufacturing-Industrial District, or is in a Residential District, but actually used by a legally preexisting, nonconforming business, or for an assembly upon property zoned for and used for nonresidential purposes, and which assembly is not

consistent with the approved use(s) for the commercial property, in that it includes one or more of the following:

- (1) The sale of goods or merchandise, by fixed price or auction, upon a property not approved for retail sales, or if approved for the same, from a location on the property not approved for such use;
 - (2) The sale of food or beverages upon a property not approved for the sale of food or beverages, or if approved for the same, from a location on the property not approved for such use;
 - (3) A performance, speech, recital or other presentation by an entertainer or other artist, with or without the use of musical instruments or recorded music, for which a fee is charged, if such property is not approved for such use;
 - (4) The erection of a tent upon the premises;
 - (5) The parking of attendees' vehicles upon any public street, highway, right-of-way or other off-site location due to lack of availability of parking upon the premises hosting the assembly.
- C. PUBLIC PROPERTY SPECIAL EVENT PERMIT — A permit for an organized assembly of persons upon a property which is a public park, beach, or other property which is open to the public.
- D. PARADE/WALK-RUN SPECIAL EVENT PERMIT — A permit for a parade/walk-run as defined herein.

§ 139-3. Permit required.

- A. No owner, lessee or any other person claiming a right or interest in property located within the Village of East Hampton shall cause, permit or allow such property to be used for a special event as defined herein unless a written permit for the special event has been issued by the appropriate Village official(s).
- B. No person, group, entity or organization shall organize or conduct a parade/walk-run, as defined herein, upon any public street, sidewalk, right-of-way or public property within the Village of East Hampton without first having obtained a written special event permit from the appropriate Village official(s).

§ 139-4. Exemption from permit requirements.

The following shall be exempt from the requirements of a written special event permit:

- A. Events sponsored by the Village.
- B. Regular sporting events held at facilities which are approved for such purposes.
- C. A student assemblage at any school chartered by New York State.
- D. An assemblage for purposes of expressive activity, provided that the organizers furnish the Village Administrator with written notice at least 48 hours in advance if more than 50 persons are expected to attend. The name, address and contact information of the organizer, the proposed location or route, and the date and time

of the event shall be provided.

- E. Gatherings for religious purposes held at facilities which are approved for such purposes.
- F. A garage or yard sale, as defined in Chapter 167 and held upon the property of the person conducting the sale.

§ 139-5. Application for permit.

- A. Time for submission. The application form shall be submitted to the Village Administrator no less than 21 days before the date of the expected special event. If, given the nature and timing of the event, the submission of an application 21 days before the event is impracticable, the application shall be submitted upon as much notice to the Village Board and/or its designee as is practicable under the circumstances.
- B. Application form. An applicant may obtain an application form from the Village Administrator. The information requested on the application form shall include, without limitation, the following:
 - (1) The applicant's name, mailing address, e-mail address and telephone number, with a statement of the applicant's relationship to any sponsoring organization. If the applicant is a professional fundraiser as defined in § 171-a of the New York State Executive Law, that fact shall be disclosed.
 - (2) The proposed location, date, time and duration of the event.
 - (3) A name and contact number of a responsible person who will be available to Village officials at the time of the event.
 - (4) The name of the designated agent.
 - (5) A survey or sketch map of the event location. In the event of a parade/walk-run special event, a map depicting the route of the event must be provided.
 - (6) A description or sketch plan depicting the proposed location(s) for parking, outdoor areas proposed to be used, and the location of any tent(s) and additional sanitary facilities. A separate application shall be made for any tent to the Code Enforcement Department, and it shall indicate size and placement of the tent on the premises, and all tents shall meet all necessary Fire Code requirements.
 - (7) On-site sanitary facilities available to attendees.
 - (8) The number of anticipated attendees. This number must include invited guests in addition to any staff that will be there for the duration of the event.
 - (9) If food is to be served and the applicant or property owner or operator is not the supplier, the name and address of the proposed food vendor must be provided. Suffolk County Department of Health Services permit number(s) must be disclosed.
 - (10) If security is to be provided, the name and address of the security company,

security plan and contact person shall be provided on a separate application to the Police Department.

- (11) Proposed outdoor loudspeakers, music, live or recorded, and a description of the proposed use of loudspeakers and/or music, including the start time and duration.
- (12) Whether alcohol will be served at the premises. A special event license from the State Liquor Authority may be required.
- (13) The number of anticipated vehicles for attendees and staff; the location of any off-site parking areas and any restrictions or limitations upon such off-site parking, including restrictions and limitations contained in any deed or covenant or any natural feature, such as protected vegetation or wetlands. The Village shall have the right to require such additional information, such as a survey or inspection of off-site parking area(s) as Village officials deem appropriate to review the permit application. If a parking valet service is to be used, contact information for the service must be provided on the application, including name and telephone number.
- (14) If off-site parking is proposed, the traffic management plan for the parking of vehicles and transportation of cars or guests to and from the event site.

§ 139-6. Special events on multiple days.

Special events may take place over a period of more than one day. All days shall be clearly set forth, and the Village Board shall have the right to approve some dates and deny others.

§ 139-7. Requirement for additional information.

An application for a special event permit shall contain such other information as the Village Board and/or its designee(s) may reasonably require. Such additional information may include but not be limited to additional information regarding vehicular and pedestrian access to the gathering (including provisions for handicapped access), parking of vehicles, use of music (indoors or out), use of exterior lighting, use of generators, use of signs on or off the premises, erection of structures and disposal of refuse, and in the case of a gathering which benefits a charitable organization, as defined in this chapter, this additional information may include but shall not be limited to a statement of the anticipated portion of the sales price, anticipated percentage of the gross proceeds, anticipated dollar amount per purchase or other consideration or benefit which the charitable organization will receive.

§ 139-8. Fees and insurance requirements.

- A. Application fee. Application fees for special event permits shall be established and amended, from time to time, by resolution of the Village Board and shall be effective as stated in such resolution(s). Application fees are nonrefundable. The Village Board shall be free to establish differing fees for different types of special events and its designee has the discretion to waive such fee.
- B. Security deposits. Prior to the issuance of a public property special events permit or

a parade/walk-run special event permit only, the applicant shall furnish the Village Administrator with a letter of credit, bond or other suitable security instrument, in an amount to be determined by the Village Administrator upon consultation with the Chief of Police and the Department of Public Works, in order to secure compliance with the conditions in the permit and to ensure adequate cleanup of the property after the event. If the applicant fails to honor the permit conditions or to adequately clean up the property following the event, the Village may use such portion of the security as is required to remedy the situation.

- C. Liability insurance. Prior to the issuance of a public property special events permit or a parade/walk-run special event permit only, the applicant shall furnish the Village Administrator with a comprehensive liability insurance policy, insuring the applicant against liability for damage to persons or property, with limits of not less than \$1,000,000 per occurrence (bodily injury/property damage) and \$2,000,000 aggregate, which policy shall name the Village as an additional insured and shall not be cancelable without at least 30 days' prior written notice to the Village. Additional comprehensive liability insurance policies, naming the Villagers an additional insured, may be required.
- D. Cost reimbursement. Where the expected number of persons or the duration of the event or parade or gathering may impact the health, safety and welfare of the public, the Village Administrator may require the applicant to reimburse the Village for the costs of increased police protection, public safety oversight, and public works facilitation, including any additional equipment to adequately and safely control and protect the persons attending the event, the event area and traffic in and around the event area. Such costs shall include all necessary staffing needed to ensure protection of citizens at the event. After termination of the event, the applicant shall be provided actual costs for the event and shall remit the amount to the Village in a timely manner.

§ 139-9. Issuance of permit.

- A. A special event permit may be issued by the Village Board of Trustees or the Village Administrator as its designee.
- B. The permit shall be subject to reasonable conditions, which shall be stated in writing on the permit, related to traffic, parking, litter and garbage, noise and possible damage to public property. Whether or not so stated in the permit, the issuance of the permit obligates the applicant to obtain all other governmental permits, if any, which might be required.
- C. The permit must be kept available on the premises during the event, available for inspection by a police officer or other code enforcement officer of the Village of East Hampton upon request of such officer.
- D. The applicant shall ensure that the special event is held in conformance with the permit and shall be responsible for preventing those attending the gathering from trespassing on any adjoining premises.

§ 139-10. Denial of permit.

- A. The Village Board and/or its designees may deny a permit under this chapter for the following reasons:
- (1) Untimely receipt of completed application: failure of the applicant to submit a completed application in a timely manner as required herein.
 - (2) False information.
 - (a) The Village Board and/or its designees find that the application contains materially false information.
 - (b) The Village Board and/or its designees find that at any time within the preceding three years, an applicant for the permit or an owner of the premises on which the special event is to be held has provided false information on an assembly permit application.
 - (3) Violation of existing law or condition. The special event would result in a violation of any law of the Village of East Hampton, the County of Suffolk, the State of New York or the United States of America or a violation of any condition of site plan approval by the Design Review Board or any condition imposed by the Zoning Board of Appeals in connection with the granting of a special permit or variance relief or any condition imposed by the Planning Board in connection with a subdivision approval.
 - (4) Lack of indemnification or insurance. The applicant failed to supply the Village Board and/or its designee with a hold-harmless agreement or certificate of insurance, in a form acceptable to the Village Attorney, as required by the provisions hereof.
 - (5) Prohibited special event. The event is prohibited by the provisions hereof.
 - (6) The proposed site is unsuitable for the special event.
 - (7) The special event conflicts with other assemblies which might overtax police and emergency services.
 - (8) There are conflicts with other events which may cause vehicular or pedestrian congestion in a particular area of the Village on the date in question.
 - (9) The frequency of events proposed or approved for the premises is so great that the events constitute a persistent usage of the property incompatible with its character or with that of the surrounding area.
 - (10) In the case of special events on public property, the event conflicts with ordinary public use of the land or the facilities involved.
 - (11) The applicant or owner of the premises at which the special event is to be held has been convicted for failure to comply with the terms of any assembly or mass gathering, permit issued under the previous mass gathering law within the last three years. Such violations shall include, but shall not be limited to, the number of persons in attendance, failure to comply with the Village's noise and/or parking regulations, and failure to comply with Fire Code requirements.
 - (12) Inadequate provisions have been made for parking, noise abatement, sanitary

demands, refuse removal, security and fire safety and emergency preparedness.

- B. In the event an application for a permit is denied, the Village Board or its designee shall provide to the applicant a written statement setting forth the reason or reasons therefor.

§ 139-11. Terms and conditions of permit.

- A. The issuance of a permit hereunder shall be deemed to approve the application for which the permit is issued and to require the applicant to undertake all actions proposed in the application for the control of traffic, parking, noise, lighting, sanitary disposal and refuse disposal and the like. The special event shall be subject to any terms or conditions imposed in the permit in any resolution of the Village Board approving the permit or in any permit obtained from the Village's designated official. Failure to adhere to a term, condition or time limitation imposed in the resolution approving the permit or set forth in the permit shall be a violation of this chapter.
- B. A permitted special event shall comply with all provisions of the Village Code Chapter 196 (Noise) at all times during the event. Outdoor music may be permitted until 11:00 p.m. on any day as a condition of the permit.

§ 139-12. Notice to other Village agencies.

- A. Receipt of application. Upon receipt of a special event permit application, the Village Board and/or its designee(s) may immediately furnish a copy of said application to the Chief of Police, Chief Fire Marshal, Building Inspector, Code Enforcement Officers, the appropriate ambulance corps, and such other departments and agencies as the Village Administrator may deem appropriate.
- B. Issuance of permit. Upon issuance of a special event permit, the Village Board and/or its designee(s) shall immediately furnish a copy of said permit to the Village Administrator, the Chief of Police and the Chief Fire Marshal.

§ 139-13. No alterations to Village property.

The issuance of a special event permit shall not be deemed to authorize any physical alteration to land or property owned by the Village of East Hampton, including highways, unless such alteration is expressly allowed by the terms of the permit or by a Village Board resolution approving the issuance of such permit. For the purposes of this section, the term "alteration" shall include, but shall not be limited to, the grading, filling or clearing of land, the cutting, felling or removal of trees or other vegetation and a change in the physical characteristics of a building or structure or the component parts thereof.

§ 139-14. Issuance of summons.

Service of a notice of violation or summons may be made upon the property owner or designated agent, or upon any party at the special event representing or appearing after due investigation that such individual is in control of the assembly. In the event that a

notice of violation or summons is served upon anyone other than the owner or designated agent, a copy of the same shall be mailed to the owner as a courtesy.

§ 139-15. Prohibited special events.

The following gatherings are prohibited in the Village of East Hampton, and no permit shall be issued which would authorize these events:

- A. Circuses which include the use of any animals or animal acts.
- B. Outdoor sale of goods or services on property not owned by a not-for-profit corporation, if such sale of goods or services is inconsistent with the approved use of the premises, unless the special event is sponsored by a charitable organization as the same is defined herein and the Village Board has determined that the proceeds of the event will benefit the not-for-profit corporation and the community on a local level after deduction of reasonable expenses, and that no individual or entity not actually providing a service in furtherance of the event will profit from the same.
- C. Carnivals, festivals or similar events which include mechanical rides, unless the event is sponsored by a local charitable organization, as the same is defined herein, based within the boundaries of the Village, in which case one merry-go-round or carousel ride will be permitted, and such special event shall be deemed a gathering subject to all the provisions of this chapter.
- D. Special events to be held in whole or in part outdoors or in a tent on property containing a legally preexisting nonconforming business use in a residential district.

§ 139-16. Amendment, modification, rescission or termination of permit.

- A. Once a special event permit has been issued, any proposed amendment or modification to the application by the applicant shall be filed with the Village Administrator if any of the conditions have changed. Notice shall be given to the Village Administrator not less than 15 days prior to the event. Such changes may include, but are not limited to, the date of the event, the location of the event, the location or route of the parade/walk-run, the number of attendees, or the addition of tents, alcohol, or fireworks.
 - (1) All changes in conditions necessitating the amendment will be accompanied by the appropriate certificates or permits.
 - (2) The appropriate Village officials shall review the proposed amendment and shall have the discretion to rescind or modify the permit due to changed conditions.
- B. If, after a special event permit is issued, the Village determines that any of the representations and/or statements contained in the application or any of the conditions or requirements of the permit or this chapter have not been met, the Village Administrator may immediately rescind or modify such permit or terminate such assembly.
- C. In the event that a special event permit is rescinded prior to the scheduled event

date, the applicant may appeal such determination as provided for in this chapter.

- D. The Village may rescind a special event permit issued pursuant to this chapter at any time for the reasons set forth herein. The following constitute a basis for rescission of a permit:
- (1) False information. The application is found to contain materially false information.
 - (2) Violation of existing law. The special event is found to violate any law of the Village of East Hampton, the County of Suffolk, the State of New York or the United States of America.
 - (3) Violation of recorded conditions or limitations. The permit is found to be in violation of a restriction or limitation contained in a recorded covenant, deed or other document or a violation of any condition of site plan approval or any condition imposed by the Zoning Board of Appeals or Planning Board or Design Review Board in connection with the granting of a special permit or variance relief.
 - (4) Noncompliance with permit. The special event is being advertised to be held in violation of a condition of the permit issued therefor or is actually being held in violation of the permit.
 - (5) Substantive change in circumstances since permit was issued:
 - (a) The number of persons expected to attend the gathering is too great in relation to the size of the premises.
 - (b) Arrangements made to control traffic, parking, noise, lighting, sanitary disposal and refuse disposal are insufficient.
 - (c) The gathering will conflict with other events which might overtax police and emergency services.
 - (d) Because of conflicts with other events, the gathering will cause vehicular or pedestrian congestion in a particular area of the Village on the date in question.
 - (e) The frequency of gatherings proposed or approved for the premises is so great that the gatherings constitute a persistent usage of the property incompatible with its character or with that of the surrounding area.
 - (f) The gathering will conflict with ordinary public use of the land or facilities involved.

§ 139-17. Appeals from denial or application or rescission of permit.

A denial of an application or the rescission of a permit by the Village Administrator may be appealed to the Board of Trustees. All requests for an appeal shall be made in writing and filed with the Village Administrator. The Board of Trustees shall conduct a public hearing on the appeal following the giving of notice at least 10 days prior to the date of the hearing by publishing a notice in the official newspaper and by mailing written notice

of the date, time and place of the hearing, together with a copy of the application, to every property owner of parcels abutting and directly opposite (by extension of lot lines through a street or right-of-way) the property which is the subject of the application.

§ 139-18. Violations.

The following shall be deemed to constitute a violation of this chapter:

- A. Failure to obtain permit: the holding of a special event for which a permit is required hereunder without having obtained such permit or after such permit has been revoked.
- B. Failure to present permit: the failure to present a permit for inspection by an enforcement officer upon the request of such officer.
- C. Failure to comply with permit: the failure to undertake actions for the control of traffic, parking, noise, lighting, sanitary disposal and refuse disposal and the like, which are part of the application, or the failure to adhere to one or more terms or conditions of the permit.
- D. Illegal signs: the use of one or more signs which are not authorized by a permit.
- E. Prohibited assembly: the holding of a special event which is prohibited hereunder.
- F. Violation of chapter: the failure to comply with any other requirement or restriction imposed by this chapter.

§ 139-19. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of a violation and shall, upon conviction, be subject to the imposition of a fine in accordance with the following schedule for each violation. Each day that a violation continues shall be deemed a separate offense.

- A. For the first offense, a fine of not less than \$500 nor more than \$2,000 for each offense, plus any costs incurred by the Village as a result of the violation(s).
- B. For a second offense within a three-year period, a fine of not less than \$1,000 nor more than \$5,000 for each offense, plus any costs incurred by the Village as a result of the violation(s).
- C. For a third and subsequent offense within a three-year period, a fine of not less than \$2,500 nor more than \$15,000 for each offense, plus any costs incurred by the Village as a result of the violation(s).

Chapter 142**FILMING****§ 142-1. Permit required; application.**

- A. No person, persons, organization, corporation, group or other entity of any kind shall film or photograph a commercial, movie, documentary, television program or any other presentation upon the streets, sidewalks or any other property owned by the Village of East Hampton or located within the corporate boundaries thereof without first obtaining a permit for such activity.
- B. Any person, persons, organization, corporation or group desiring a permit for the aforesaid purpose shall make an application therefor on a form to be obtained from either the Clerk or the Chief of Police of the Village of East Hampton. Said application shall contain the name and address of the applicant; the name and address of the organization, group or corporation, if applicable; the proposed location of the filming; and the date(s) and time the permit is intended to cover.

§ 142-2. Insurance requirements.

Every application for a filming permit shall include proof of a public liability insurance policy, to be approved by the Village Attorney, covering the Village of East Hampton as an additional insured, in the amount of \$500,000 single limit, for the duration of the filming. The applicant shall also agree to assume all liability for and will indemnify and hold the Village of East Hampton harmless of and free from any and all damages that occur to persons or property by reason of said filming.

§ 142-3. Approval of Chief of Police; street closings; fees. [Amended 1-21-1994 by L.L. No. 2-1994; 9-19-2008 by L.L. No. 10-2008; 11-18-2016 by L.L. No. 16-2016]

- A. Every application for a filming permit must be approved by the Village Clerk of the Village of East Hampton, or their designee, and the Police Department shall be responsible for any street closing and/or temporary traffic regulations necessary during filming. Approval shall be conditioned upon the applicant's agreeing to reimburse the Village of East Hampton for the actual costs of providing such police officers or traffic control officers as the Chief of Police, or his designee, deems necessary for the protection of the citizens or for the control of traffic during said filming.
- B. The application shall be accompanied by a fee as set by resolution adopted by the Board of Trustees. In addition, in the event that the Chief of Police, or his designee, determines that police officers or traffic control officers will be required for the protection of the citizens or for the control of traffic, the applicants shall file an additional fee of \$1,000 to cover the actual cost to the Village of providing said police officers or traffic control officers. To the extent that the actual cost to the Village of providing police officers or traffic control officers is less than \$1,000, the balance shall be remitted to the applicant at the termination of his filming.

§ 142-4. Payment of fees.

Any fee collected under this chapter shall be paid either in cash or by check made payable to the Village of East Hampton.

§ 142-5. Issuance of permit; copies.

- A. Upon proper completion of the application by the applicant, said application shall be signed by the Village Clerk, and except as hereafter provided, a permit shall issue. **[Amended 11-18-2016 by L.L. No. 16-2016]**
- B. Said filming permit shall issue from and be signed by the Village Clerk and shall set forth the name of the filmer and the location, date and time for such filming.
- C. A copy of said permit shall be forwarded to the Chief of Police by the Village Clerk.
- D. A copy of said permit shall be available for inspection by the Village Clerk, or their designees, at the site of the filming and throughout the duration of said filming. **[Amended 11-18-2016 by L.L. No. 16-2016]**
- E. A permit may be denied if the Chief of Police, or his designee, determines that the proposed filming constitutes a threat to public safety, health or welfare by reason of time, location or duration of the filming or will unduly interfere with vehicular and/or pedestrian traffic.

§ 142-6. Penalties for offenses.

Any person, persons, organization, corporation or group not complying with any provision of this chapter shall be guilty of a violation punishable by a fine of \$250.

Chapter 145**FIREARMS, FIREWORKS AND HUNTING****GENERAL REFERENCES**

Fire regulations — See Ch. 150.

Peace and good order — See Ch. 211.

§ 145-1. Permit required for hunting or trapping; exceptions.

Hunting and trapping in any part of the Village are hereby prohibited except with the special permit by the Mayor and/or Board of Trustees, except in connection with the protection of a person's property by the owner or person in charge thereof or with the killing of animals such as deer, rabbits, rats, etc., which are destroying property on the premises. All persons using guns on their own property must, of course, have a proper license for same.

§ 145-2. Permit required for fireworks or bonfires.

No person shall discharge any fireworks, gunpowder or other explosives or make any bonfires in or upon the streets or the public property of the Village without first obtaining a written permit therefor from the Mayor or Board of Trustees of the Village.

§ 145-3. Penalties for offenses. [Amended 10-16-1970]

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

§ 145-4. Exceptions to application of chapter.

The provisions of this chapter shall not apply to an act in self-defense or in discharge of official duty, nor shall this chapter be construed to prohibit the discharge of a gun firing blank cartridges in celebration of Independence Day.

Chapter 150**FIRE REGULATIONS****GENERAL REFERENCES**

Alarm systems — See Ch. 62.

Fire zones — See Ch. 154.

Electrical inspections — See Ch. 130

Peace and good order — See Ch. 211.

Firearms, fireworks and hunting — See Ch. 145.

Garbage and rubbish — See Ch. 246, Art. I.

§ 150-1. Giving false alarm of fire. [Amended 10-16-1970]

No person shall willfully or designedly give or cause to be given a false alarm of fire or make or raise a false cry of fire in the Village.

§ 150-2. Insubordination or obstructing operations of Fire Department. [Amended 10-16-1970]

No person at the time of any fire in the Village shall be guilty of any insubordination or of any disorderly conduct or shall attempt to obstruct the operations of the Fire Department or shall willfully neglect or refuse to assist or obey, or attempt to prevent or obstruct the execution of the orders of, the Trustees or officers of the Fire Department within said Village of East Hampton.

§ 150-3. Fire apparatus to have right-of-way. [Amended 10-16-1970]

The officers and members of the Fire Department with the apparatus, when on duty, shall have the right-of-way at and proceeding to any fire, in any highway, over any and all vehicles, and no person shall refuse the right-of-way or in any way obstruct any fire apparatus or fireman.

§ 150-4. Obstructing fire hydrants. [Amended 10-16-1970]

No person shall obstruct any fire hydrant in said Village or allow any snow or ice or other material to be thrown or piled upon or around the same or allow to be placed any material in front thereof from the hydrant to the center of the street.

§ 150-5. Destruction of buildings to prevent spread of fire. [Amended 10-16-1970]

When it shall become necessary for the extinguishing of fires in the Village of East Hampton, to destroy or pull down any buildings to arrest the progress of such fires, the Chief of the Fire Department, or his Assistant performing the duties of Chief, shall give such orders to level or destroy such building or buildings, or if deemed necessary, upon the approval of the Chief of the Fire Department, the First and Second Assistant Chiefs, or such of them as are present at such fire, the use of explosives to arrest the spread of such fire may be allowed, and it may be lawful for them to enter and take possession of any building for such purpose. Any obstructions of said duty by the owner

or occupants of any such building or buildings shall subject such party or parties to the penalty imposed in § 150-11 hereof.

§ 150-6. Protection of property.

The Chief of the Fire Department, or Assistant or any other persons of the Department performing the duties of Chief, may appoint and designate certain persons to guard and protect the property involved during and after the fire. The persons so designated are to be known as "Call Men."

§ 150-7. Right of entry. [Amended 10-16-1970]

Any member of the Village Board, or the Chief of the Fire Department or his Assistants, shall have the power at any and all times to enter into and upon and examine all buildings and premises and ascertain if there is any improper or careless storage or accumulation of inflammable or combustible materials therein or thereon, and in case of neglect or refusal on the part of such owner or occupant to remove the same, the said owner or occupant shall be liable to pay a penalty as imposed by § 150-11 hereof.

§ 150-8. Burning of rubbish. [Amended 10-16-1970]

No person shall burn, cause to be burned or allow the burning of any rubbish, wastepaper or other inflammable materials within 50 feet of any building in the Village of East Hampton unless within an incinerator constructed of brick, concrete or hollow tile masonry, with iron doors and a chimney whose flue shall contain a screen of not less than No. 11 gauge wire and not more than three-fourths-inch mesh.

§ 150-9. Inspection of fire hydrants.

It shall be the duty of the Chief of the Fire Department, or his Assistants when so directed by him, to inspect the fire hydrants at least twice a year and take all proper measures to keep such hydrants from freezing and in proper use at all times.

§ 150-10. Fire lines. [Amended 10-16-1970]

The Chief of the Fire Department or any Assistant Chief or other officer of the Fire Department may, at any fire, establish fire lines and appoint such person or persons as may be necessary to maintain such fire lines. Within fire lines so established, all persons shall obey the orders of the Chief of the Fire Department, his Assistant or duly appointed representatives or officers of the Department who shall be in charge.

§ 150-11. Penalties for offenses. [Amended 10-16-1970]

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

Chapter 154**FIRE ZONES****GENERAL REFERENCES**

Unsafe buildings and structures — See Ch. 87.

Fire regulations — See Ch. 150.

Code enforcement administration — See Ch. 104.

Zoning — See Ch. 278.

Electrical inspections — See Ch. 130.

§ 154-1. Legislative finding.

The Board of Trustees of the Incorporated Village of East Hampton hereby finds and determines that it is necessary and desirable for the protection, safety and health of the inhabitants of the Village, and for the protection of their property, and for the prevention, retardation and extinguishment of fires in the Village, that fire zones be established in the Village and that building, construction, alterations and repairs within said fire zones be prohibited unless they are in compliance with the applicable Building Construction Code of the State of New York heretofore adopted by this Village as the Building Code²⁶ of this Village.

§ 154-2. Fire zones established. [Amended 7-28-1972]

The Incorporated Village of East Hampton shall have a classification entitled Fire Zone B, and all lands within the Village shall now be situated within the fire zone entitled "B," or else shall be lands unclassified as to fire zone. The term "fire zone" shall be deemed to have the same meaning as the term "fire limits" used in the Building Construction Code of the State of New York. Fire Zone B shall comprise the areas containing business or commercial occupancies, or areas in which such uses are developing, where the fire hazard is moderate.

§ 154-3. Requirements for future construction or repair.

No building or structure shall be hereafter erected, reconstructed, restored, constructed, repaired or structurally altered within such fire zones, nor shall a building permit be issued, unless there is full compliance with the provisions and requirements set forth in the applicable Building Construction Code of the State of New York applying to buildings or structures within such fire zones, or fire limits as the term is used in said code.

§ 154-4. Boundaries of fire zones. [Amended 7-28-1972]

- A. Fire Zone B shall consist of territory of the Village within the boundaries of the following districts (zones) established pursuant to Chapter 278, Zoning, of the Code of this Village and as shown on the Building Zone Map of the Village of East

26. Editor's Note: See Ch. 104, Code Enforcement Administration.

Hampton:

- (1) Commercial District (Zone).
- (2) Manufacturing District (Zone).
- (3) All lands in the Village not hereinbefore specified as being within Fire Zone B shall be considered unclassified as to fire zone for construction purposes.

§ 154-5. Enforcement; right of entry; inspections.

- A. It shall be the duty of the Building Inspector to enforce the provisions of this chapter.
- B. The Building Inspector or his duly authorized agent shall have the right to enter any building or enter upon any land at any reasonable hour as necessary in the execution of their duty, provided that the owner or occupant thereof shall be notified by the Building Inspector prior to the inspection, and provided that the owner or occupant shall have the right to be present during inspection.
- C. The Building Inspector shall make necessary inspections to determine whether or not this chapter has been violated, and shall issue and serve or cause to be served an order to remedy any violation, which shall describe the violation and set forth a time by which and the manner in which the violation shall be remedied. The order may be served personally or by mail on the occupant or the owner, as shown by the current assessment roll of the Village.

§ 154-6. Penalties for offenses.

- A. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.
- B. The owner, general agent or contractor of a building or structure or part thereof where a violation exists shall be deemed to violate this chapter.
- C. In addition to the remedies provided in Subsection A, the Village may institute appropriate legal action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.

Chapter 157**FLAGPOLES****§ 157-1. Definitions.**

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

FLAGPOLE — A pole to raise a flag on. In no event shall a flagpole be used or employed to raise or fly advertisements of any nature.

§ 157-2. Standards.

- A. A flagpole on private property shall not exceed 35 feet in height.
- B. A flagpole shall be constructed and installed in a safe and proper manner to ensure public safety.
- C. The top of a flagpole shall consist of either a finial not exceeding 12 inches in diameter or an eagle not exceeding 18 inches in either width, length or height.

§ 157-3. Removal of nonconforming structures.

Nonconforming flagpoles shall be made to conform or shall be removed no later than October 1, 1988.

§ 157-4. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

Chapter 160**FLOOD DAMAGE PREVENTION****GENERAL REFERENCES**

Coastal erosion hazard areas — See Ch. 101.

Freshwater wetlands — See Ch. 163.

Code enforcement administration — See Ch. 104.

Subdivision of land — See Ch. 252.

Preservation of dunes — See Ch. 124.

Zoning — See Ch. 278.

Environmental quality review — See Ch. 133.

§ 160-1. Findings.

The Board of Trustees of the Village of East Hampton finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of East Hampton and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 160-2. Purpose.

It is the purpose of this chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
- F. Qualify and maintain for participation in the National Flood Insurance Program.

§ 160-3. Objectives.

The objectives of this chapter are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Provide that developers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 160-4. Definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

APPEAL — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF MODERATE WAVE ACTION — The portion of the special flood hazard area (SFHA) landward of a V Zone or landward of an open coast without mapped V Zones, in which the principal sources of flooding are astronomical tides, storm surges, seiches, or tsunamis, not riverine sources. Areas of moderate wave action may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces and are treated as V Zones. The area of moderate wave action is an area within a Zone AE that is bounded by a line labeled "Limit of Moderate Wave Action." [Added 4-16-2010 by L.L. No. 3-2010]

AREA OF SHALLOW FLOODING — A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent-or-greater annual chance of flooding to an average annual depth of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE or V1-V30. It is also commonly referred to as the base floodplain or one-hundred-year floodplain. For purposes of this chapter, the term "special flood

hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING — See "structure."

CELLAR — The same meaning as "basement."

COASTAL HIGH-HAZARD AREA — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V1-V30, VE, VO or V. The "coastal high hazard area" shall also include areas on a FIRM within a Zone AE that is bounded by a line labeled "Limit of Moderate Wave Action."**[Amended 4-16-2010 by L.L. No. 3-2010]**

CRAWL SPACE — An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

CRITICAL FACILITIES —

- (1) Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (2) Hospitals, nursing homes and housing likely to contain occupants who may not be sufficiently mobile to avoid death and injury during a flood;
- (3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during and after a flood; and
- (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

CUMULATIVE SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50% of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging,

filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING — A nonbasement building built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, or in an area of moderate wave action, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards. **[Amended 4-16-2010 by L.L. No. 3-2010]**

FEDERAL EMERGENCY MANAGEMENT AGENCY — The federal agency that administers the National Flood Insurance Program.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY — An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — See "flood elevation study."

FLOOD or FLOODING —

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters;
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (2) Also, means the collapse or subsidence of land along the shore of a lake or

other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) above.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The same meaning as "regulatory floodway."

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR — The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is the Building Inspector or Code Enforcement Officer.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — For purpose of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME — The same meaning as "manufactured home."

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD — The same meaning as "base flood."

PRIMARY FRONTAL DUNE — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

PRINCIPALLY ABOVE GROUND — At least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated

height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 160-13B of this chapter.

SAND DUNE — Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION — The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. Substantial improvement also means cumulative substantial improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

§ 160-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of East Hampton, Suffolk County.

§ 160-6. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard for the Village of East Hampton, Community Number 360795, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
 - (1) Flood Insurance Rate Map Panel Numbers: 36103C0552H, 36103C0553H, 36103C0554H, 36103C0556H, 36103C0558H, 36103C0559H, 36103C0561H, 36103C0562H, whose effective date is September 25, 2009, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
 - (2) A scientific and engineering report entitled "Flood Insurance Study, Suffolk County, New York, All Jurisdictions" dated September 25, 2009.
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Village Offices, 86 Main Street, East Hampton, New York 11937.

§ 160-7. Interpretation; conflict with other laws.

- A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 160-8. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

§ 160-9. Penalties for noncompliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing

herein contained shall prevent the Village of East Hampton from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 160-15 and 160-16 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 160-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Village of East Hampton, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 160-11. Designation of local administrator.

The Code Enforcement Officer is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 160-12. Floodplain development permit.

- A. 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 § 160-6, 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.
- B. Application for permit. The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form. No fee is required in connection with this application.
 - (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 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 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 § 160-14B(3), Utilities.
- (5) A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 160-14E, Nonresidential structures.
- (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 § 160-6, 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 50 lots or five acres.
- (9) In Zones V1-V30 and VE, and also Zone V if base flood elevation data are available, or in an area of moderate wave action, 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. **[Amended 4-16-2010 by L.L. No. 3-2010]**
- (10) In Zones V1-V30 and VE, and also Zone V if base flood elevation data are available, or in an area of moderate wave action, 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 chapter. **[Amended 4-16-2010 by L.L. No. 3-2010]**

§ 160-13. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited to, the following:

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
- (1) Review all applications for completeness, particularly with the requirements of § 160-12B, Application for permit, and for compliance with the provisions and standards of this chapter.
 - (2) 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 § 160-14, Construction standards, and, in particular, § 160-14A(2), Subdivision proposals.
 - (3) 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 § 160-14, 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.
 - (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
- B. 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 § 160-12B(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.

- (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 chapter.
- C. Alteration of watercourses. The local administrator shall:
- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit 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.
- D. Construction stage. The local administrator shall:
- (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 the site for 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, or in an area of moderate wave action, 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 the 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). **[Amended 4-16-2010 by L.L. No. 3-2010]**
 - (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.
- E. 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.

F. 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 § 160-9 of this chapter.
- (2) 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 chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 160-9 of this chapter.

G. Certificate of compliance.

- (1) In areas of special flood hazard, as determined by documents enumerated in § 160-6, 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 chapter.
- (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 § 160-13E, 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.

H. 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 § 160-13D(1) and (2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to § 160-13D(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to §§ 160-15, Variances procedure, and 160-16, Conditions for variances; and
- (5) Notices required under § 160-13C, Alteration of watercourses.

§ 160-14. 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 § 160-6:

- (1) Coastal high-hazard areas. The following requirements apply within Zones V1-V30, VE and V or in an area of moderate wave action: **[Amended 4-16-2010 by L.L. No. 3-2010]**
 - (a) 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.
 - (b) The use of fill for structural support of buildings, manufactured homes or recreational vehicles on site 180 days or longer is prohibited.
 - (c) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- (2) 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):
 - (a) Proposals shall be consistent with the need to minimize flood damage;
 - (b) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
 - (c) Adequate drainage shall be provided to reduce exposure to flood damage.
- (3) Encroachments.
 - (a) 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:
 - [1] 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
 - [2] The Village of East Hampton agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, analyses and mapping and reimburses the Village of East Hampton 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 East Hampton for all costs related to the final map revision.
 - (b) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 160-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - [1] 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

[2] The Village of East Hampton 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 East Hampton 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 East Hampton for all costs related to the final map revisions.

(c) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

B. 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 the applicable state and local anchoring requirements for resisting wind forces.

(2) Construction materials and methods.

(a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

(b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(c) 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 floodwaters.

[1] 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 new 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.

[2] 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 not permitted.

(d) Within Zones V1-V30 and VE, and also within Zone V if base flood elevation data are available, or in an area of moderate wave action, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with nonsupporting 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. **[Amended 4-16-2010 by L.L. No. 3-2010]**

(3) Utilities.

(a) 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;

(b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(c) 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

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

C. Residential structures (except coastal high-hazard areas).

- (1) Elevation. The following standards apply to the new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 160-14A(2), Subdivision proposals, and § 160-14A(3), Encroachments, and § 160-14B, 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 § 160-6 (at least two feet if no depth number is specified).
 - (d) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- D. Residential structures (coastal high-hazard areas). The following standards, in addition to the standards in § 160-14A(1), Coastal high-hazard areas, § 160-14A(2), Subdivision proposals, and § 160-14B, 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, or in an area of moderate wave action, on the community's Flood Insurance Rate Map designated in § 160-6. **[Amended 4-16-2010 by L.L. No. 3-2010]**
 - (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 shall 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 man-made 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 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 five 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 eight inches for round timber piles and eight inches by eight inches for square timber piles. All wood piles must be treated in accordance with the requirements of EPEE-C3 to minimize decay and damage from fungus.
 - (e) Reinforced concrete piles shall be cast of concrete having a twenty-eight-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 two inches.

- (f) Piles shall be driven by means of a pile driver or drop hammer, jettied 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 two-inch by eight-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 two-by-eight lumber bolted to the sides of the pile/beam, or four-by-four or larger braces framed into the pile/beam. Bolting shall consist of two five-eighths-inch galvanized steel bolts (each end) for two-by-eight members, or one five-eighths-inch lag bolt (each end) for square members. Knee braces shall not extend more than three feet below the elevation of the base flood.
- (5) Column foundation design. 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. 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. 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, if precast, shall be securely connected by bolting and welding. If sills, beams, or girders are attached to the wood piling at a notch, a minimum of two five-eighths-inch galvanized steel bolts or two hot-dipped

galvanized straps 3/16 inch by four inches by 18 inches each bolted with two one-half-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. Pilings shall not be notched so that the cross section is reduced below 50%.

- (8) Floor and deck connections.
 - (a) Wood two-by-four-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 one- by three-inch members, placed eight 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. 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 two-by-four nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of one-half-inch diameter or galvanized steel straps not less than one-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 three inches shall be used at each end of the one-half-inch round rods. These anchors shall be installed no more than two feet from each corner rod, no more than four feet on center.
- (10) Ceiling joist/rafter connections.
 - (a) All ceiling joists or rafters shall be installed in such 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.
 - (b) Gable roofs shall be additionally stabilized by installing two-by-four blocking on two-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of eight feet toward the house interior from each gable end.
- (11) Projecting members. 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 two feet and joist overhangs to a maximum of one 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. 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 pounds per square foot 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 the breakaway walls will fail under water loads less than those that would occur during the base flood; and 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 nonstructural). Water loading values shall be those associated with the base flood. Wind loading values shall be those required by the building code.

- E. Nonresidential structures (except coastal high-hazard areas). 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 § 160-14A(2), Subdivision proposals, § 160-14A(3), Encroachments, and § 160-14B, Standards for all structures.
- (1) Within Zone 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:
 - (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 § 160-14B(3).
 - (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 § 160-14E(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 floodwaters 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.
- F. Nonresidential structures (coastal high-hazard areas). In Zones V1-V30, VE and also Zone V if base flood elevations are available, or in an area of moderate wave action, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall have the bottom of the 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. **[Amended 4-16-2010 by L.L. No. 3-2010]**

G. Manufactured homes and recreational vehicles. The following standards in addition to the standards in § 160-14A, General standards, and § 160-14B, 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.

(a) Recreational vehicles placed on sites within Zones A1-A30, AE, AH, V1-V30, V, and VE shall either:

[1] Be on site fewer than 180 consecutive days;

[2] Be fully licensed and ready for highway use; or

[3] Meet the requirements for manufactured homes in § 160-14G(2), (3) and (4).

(b) 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, 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 § 160-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

H. Critical facilities. In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any area of special flood hazard, or within any five-hundred-year flood zone shown as a B Zone or a Shaded X Zone on the Community's Flood Insurance Rate Maps.

§ 160-15. Variance procedure.

- A. The Zoning Board of Appeals as established by the Village of East Hampton shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (12) The costs of providing governmental services during and after flood conditions including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- E. Upon consideration of the factors of § 160-15D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of

variances as it deems necessary to further the purposes of this chapter.

- F. The local administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

§ 160-16. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items one through 12 in § 160-15D have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
- (1) The criteria of Subsections A, D, E, and F of this section are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
- (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a

community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Chapter 163**FRESHWATER WETLANDS****GENERAL REFERENCES**

Planning Board — See Ch. 42.

Flood damage prevention — See Ch. 160.

Preservation of dunes — See Ch. 124.

Subdivision of land — See Ch. 252.

Environmental quality review — See Ch. 133.

Zoning — See Ch. 278.

§ 163-1. Purpose; findings.

The Village Board of the Incorporated Village of East Hampton (hereafter "Village") declares it to be the public policy of the Village to preserve, protect and conserve the wetlands located within the corporate bounds, and the benefits derived therefrom, to prevent their despoliation and destruction, to regulate the use and development thereof and to secure the natural benefits of wetlands consistent with the general welfare and beneficial economic and social development of the Village. In this connection, the Village Board finds as follows:

- A. Rapid population growth, attended by housing, road and other construction, and increasing demands upon natural resources are found to be encroaching upon, despoiling, polluting or eliminating many of the Village's wetlands and other natural resources and processes associated therewith.
- B. The preservation and maintenance of wetlands, in an undisturbed and natural condition, constitute important physical, ecological, social, aesthetic, recreational and economic assets necessary to promote the health, safety and general welfare of present and future residents of the Village.
- C. It is the intent of this chapter to implement the Freshwater Wetlands Act of the State of New York as presently contained in Article 24 of the Environmental Conservation Law, as the same may be amended from time to time, to the extent that said Freshwater Wetlands Act applies to property within the Village of East Hampton, and to promote the public purposes identified therein and in this section by providing for the protection, preservation, proper maintenance and use of all of the Village's wetlands; by preventing or minimizing erosion due to flooding and stormwater runoff; by maintaining the natural groundwater supplies, preserving and protecting the purity, utility, water retention capability, ecological functions, recreational usefulness and natural beauty of all wetlands and other related features of the terrain; and by providing and protecting appropriate habitats for natural wildlife.

§ 163-2. Definitions.

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

APPLICANT — A person who files an application for a permit under this chapter and who is either the owner of the land on which the proposed regulated activity would be located, a contract vendee, a lessee of the land or the authorized agent of such person.

APPROVING AUTHORITY — The Zoning Board of Appeals of the Village.

AQUACULTURE — Cultivating and harvesting products, including fish and vegetation, that are produced naturally in wetlands and installing cribs, racks and other in-water structures for cultivating these products; or the construction of any buildings or any water-regulating structures, such as dams.

BOUNDARIES OF WETLANDS — The outer upland limit of the vegetation specified in Subsections A and B of the definition of wetlands below and of lands and water specified in Subsection C of such definition.

CONVENTIONAL SEPTIC SYSTEM — An on-site sanitary system consisting of a septic tank and any associated interconnected piping, a leaching pool(s) structure and any associated interconnected piping that does not have any active or mechanical means of treatment or any supplemental filtration components. **[Added 8-18-2017 by L.L. No. 13-2017]**

DEPOSIT — To fill, place, eject, discharge or dump any material, but not including stormwater.

FILLING — Depositing any soil, stones, sand, gravel, mud, rubbish or fill of any kind.

INNOVATIVE AND ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEM — An on-site decentralized wastewater treatment system that, at a minimum, is designed to reduce total nitrogen effluent to 19 mg/l. **[Added 8-18-2017 by L.L. No. 13-2017]**

MATERIAL — Soil, stones, sand, gravel, clay, bog, peat, mud, debris and refuse or any other organic or inorganic substance, whether liquid, solid or gaseous, or any combination thereof.

PERMIT — The written approval, issued by the approving authority, where required for conducting a regulated activity in a wetland area.

PERSON — Any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

POLLUTION — The presence in the environment of man-made or man-induced conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant or wildlife or other animal life or to property.

REGULATED ACTIVITY — Any form of draining, dredging, excavation or mining, either directly or indirectly; any form of dumping or filling, either directly or indirectly; erecting any building or structures, constructing roads, driving pilings or placing any obstructions, whether or not changing the ebb and flow of the water; any form of pollution, including but not limited to installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquefied wastes into or so as to drain into a wetland; or any other activity which substantially impairs any of the several functions or benefits of wetlands. These activities are subject to regulation, whether or not they occur upon the wetland itself, if they impinge upon or otherwise substantially affect the wetland and are located within the regulated area.

- A. The depositing or removal of the natural products of wetlands by recreational or commercial fishing, shell fishing, aquaculture, hunting or trapping is not regulated under this chapter.
- B. Public health activities, orders and regulations of the New York State Department of Health are not regulated under this chapter, provided that copies of all such orders or regulations affecting wetlands are filed with the approving authority in advance.
- C. The replacement of legally preexisting conventional septic systems on residential properties with a valid certificate of occupancy for a dwelling or residence with an innovative and alternative on-site wastewater treatment system that has received approval by the Suffolk County Department of Health Services and the New York State Department of Environmental Conservation is not regulated under this chapter. **[Added 8-18-2017 by L.L. No. 13-2017]**

REGULATED AREA**[Amended 7-31-1996 by L.L. No. 19-1996]** —

- A. The area within 150 feet of the boundary of a wetland for any structure or building; or the area within 200 feet of the boundary of a wetland for any septic or discharge system; or the area within 125 feet of a boundary of a wetland for any clearing of land, landscaping and use of fertilizers.
- B. With respect to the area within 125 feet of a boundary of a wetland, where trimming is required but not the elimination or destruction of vegetation in order that the functions and benefits of a wetland area are not significantly impaired, the applicant shall submit to the Building Inspector an application for approval for the proposed work.

SETBACKS — Except for coastal erosion structures (sea walls, revetments, bulkheads, gabions) and docks, the nominal standard of 150 feet for setting back structures and buildings from the landward edge of any wetland, and 200 feet for setting back any septic or discharge system from the landward edge of any wetland, and 125 feet for setting back any clearing of land, landscaping and fertilizing from the landward edge of any wetland.

VILLAGE BOARD — The Village Board of the Incorporated Village of East Hampton, New York.

VILLAGE MAP — The Wetlands Map showing the appropriate boundaries and types of all wetlands in the incorporated Village (scale: one inch equals 200 feet) prepared by Larry Penny and the Group for the South Fork and dated July 31, 1986.

WETLAND RESTORATION — The control of non-native invasive species within the wetlands through their removal and/or reduction by cutting utilizing nonpowered handheld tools or equipment, except as set forth herein, pulling, and/or hand digging by shovel, and the substitution of native vegetation into such areas. Any removal proposed to be done through the use of heavy machinery, being defined as equipment to assist in the removal and planting of species other than handheld, nonpower tools except string trimmers or other similar handheld tool with a four-cycle engine or less, shall not be considered wetland restoration. **[Added 12-18-2015 by L.L. No. 24-2015]**

WETLANDS — All lands and waters of the Village of East Hampton, which contain any or all of the following:

- A. Lands and submerged lands, commonly called marshes, swamps, sloughs, bogs and flats, supporting aquatic or semiaquatic vegetation of the following types:
- (1) Wetland trees which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other trees, including, among others, red maple (*Acer rubrum*), willows (*Salix* spp.), tupelo (*Nyssa sykvatuca*), swamp white oak (*Quercus bicolor*) and gray birch (*Betula populifolia*).
 - (2) Wetlands shrubs, which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other shrubs, including, among others, alder (*Alnus* spp.), buttonbush (*Cephalanthus occidentalis*), and leatherleaf (*Chamaedaphne calyculata*), sweet pepper (*Clethra alnifolia*), swamp azalea (*Rhododendron viscosum*) and Winterberry Holly (*Ilex verticillata*).
 - (3) Emergent vegetation, including, among others, cattails (*Typha* spp.), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* spp.), rushes (*Juncus* spp.), arrowheads (*Sagittaria* spp.), reed (*Phragmites communis*), wildrice (*Zizania aquatica*), bur reeds (*Sparganium* spp.), purple loosestrife (*Lythrum salicaria*), swamp loosestrife (*Decodon verticillatus*), smartweeds (*Polygonum* spp.), water plantain (*Alisma* spp.) and manna grasses (*Glyceria* spp.).
 - (4) Rooted, floating-leaved vegetation, including, among others, waterlily (*Nymphaea odorata*), starwort (*Callitriche* spp.), pondweeds (*Potamogeton* spp.), spatterdock (*Nuphar* spp.) and water cress (*Nasturtium officinale*).
 - (5) Free floating vegetation, including, among others, duckweed (*Lemna* spp.), big duckweed (*Spirodela polyrhiza*) and watermeal (*Wolffia* spp.).
 - (6) Wet meadow vegetation which depends upon seasonal or permanent flooding or sufficiently waterlogged soils to give it a competitive advantage over other open land vegetation, including, among others, ferns (*Osmunda* spp., *Thelypteris palustris* and *Woodwardia* spp.), bulrushes (*Scirpus* spp.), sedges (*Carex* spp.), rushes (*Juncus* spp.), cattails (*Typha* spp.), rice cut-grass (*Leersia oryzoides*), reed canary grass (*Phalaris arundinacea*), swamp loosestrife (*Decodon verticillatus*), spikerush (*Eleocharis* spp.), beakrush (*Rhynchospora* spp.), umbrella sedges (*Cyperus* spp.) and manna grasses (*Glyceria* spp.).
 - (7) Bog mat vegetation, including, among others, sphagnum mosses (*Sphagnum* spp.), sundews (*Drosera* spp.), leatherleaf (*Chamaedaphne calyculata*), bladderworts (*Utricularia* spp.), cranberries (*Vaccinium macrocarpon* and *Vaccinium oxycoccos*), pipewort (*Eriocaulon* spp.) and water pennyworts (*Hydrocotyle* spp.).
 - (8) Brackish marsh vegetation, containing elements of Subsection A(1) through (6) above, including common reeds, cattails, bulrushes, sedge, rushes, ferns, as well as switchgrass (*Panicum virgatum*), cordgrasses (*Spartina* spp.), silt marsh hay (*Spartina patens*) and Groundsel bush (*Baccharis halimifolia*).
 - (9) Submergent vegetation, including, among others, pondweeds (*Potamogeton*

spp.), naiads (*Najas* spp.), bladderworts (*Utricularia* spp.), wild celery (*Vallisneria americana*), coontail (*Ceratophyllum demersum*), water milfoils (*Myriophyllum* spp.), muskgrass (*Chara* spp.), stonewort (*Nitella* spp.), waterweeds (*Elodea* spp.) and water smartweed (*Polygonum amphibium*).

- B. Lands and submerged lands containing remnants of any vegetation that is not aquatic or semiaquatic that has died because of wet conditions over a sufficiently long period, provided that such wet conditions do not exceed a maximum seasonal water depth of six feet and provided further that such conditions can be expected to persist indefinitely, barring human intervention.
- C. Lands and water substantially enclosed by aquatic or semiaquatic vegetation as set forth in Subsection A or by dead vegetation as set forth in Subsection B, the regulation of which is necessary to protect and preserve the aquatic and semiaquatic vegetation.
- D. The waters overlying the areas set forth in Subsections A and B and the lands underlying Subsection C.
- E. Man-made ponds shall not be considered "wetlands" under this section. **[Added 7-31-1996 by L.L. No. 17-1996]**

ZONING BOARD — The Zoning Board of Appeals of the Incorporated Village of East Hampton.

§ 163-3. Permit required. [Amended 12-18-2015 by L.L. No. 24-2015]

Except as provided in § 163-4 hereof, it shall be unlawful to conduct, directly or indirectly, any regulated activity upon any wetland or within the regulated area unless a permit is obtained pursuant to § 163-5 or 163-6 hereof.

§ 163-4. Activities permitted by right.

The following activities are permitted by right within or adjoining any wetland, except where the approving authority submits written notification to the property owner that it is assuming jurisdiction over the activity for the purpose of assuring that the intent of this chapter is not violated:

- A. Outdoor recreation activities that do not materially alter the natural state of the land or require construction, including use of field trails for nature study, hiking or horseback riding, swimming, skin diving and boating, where otherwise legally permitted.
- B. The operation and maintenance of such dams, retaining walls, docks, terraces, sluices, culverts or other water-control structures or devices which legally existed on the effective date of this chapter.
- C. Any actual and ongoing emergency activity which is immediately necessary for the protection and preservation of life or property or the protection or preservation of natural resource values.

§ 163-5. Applications for permits; approving authority.

- A. Any person proposing to conduct or cause to be conducted a regulated activity specified herein upon any wetland or within a regulated area shall file an application on a form prescribed by the approving authority for a permit with the approving authority as hereinafter provided. Such application shall include the following:
- (1) The name and address of the applicant and the applicant's agent, if any, and whether the applicant is owner, lessee or contract vendee. If the applicant is not the owner, the written consent of the owner must be attached.
 - (2) The street address and tax map designation of the subject property.
 - (3) A detailed description of the specific purpose, nature and scope of the activity proposed.
 - (4) A current guaranteed survey, prepared by a licensed surveyor, showing the landward limits of all wetlands on the parcel(s) which may be affected.
 - (5) Any topographical and perimeter surveys, hydrological computations, engineering studies and other factual or scientific data and reports as deemed necessary by the approving authority to permit it to arrive at a proper determination.
 - (6) In the case of applications affecting water retention capability, water flow or other drainage characteristics of any wetland, the approving authority may require the inclusion of a statement of the area of upstream and downstream watersheds, impact analysis and information as to rainfall intensity in the vicinity for not less than a ten-year return frequency, together with approximate runoff coefficients to determine the capacity and size of any channel sections, pipes or waterway openings, together with plans for necessary bridges, culverts, stormwater or pipe drains that, in the opinion of the approving authority, are needed to arrive at a proper determination on the application, consistent with the purposes of this chapter.
 - (7) The fee prescribed by § 163-8.
 - (8) A stormwater pollution prevention plan (SWPPP), where required pursuant to Chapter 248, shall be required for approval of a freshwater wetlands permit. The SWPPP shall meet the performance and design criteria and standards of Chapter 248, and the freshwater wetlands permit shall be consistent with the provisions of Chapter 248 of the Code. **[Added 7-31-2014 by L.L. No. 11-2014]**
- B. One copy of any such application shall be filed with the Village Clerk of the Village of East Hampton and seven copies with the approving authority.
- C. The approving authority shall publish a notice of such application in two newspapers having a general circulation in the Village.
- D. Designation of approving authority. Completion of application.
- (1) The approving authority, with respect to all applications, shall be the Zoning Board, except as hereafter set forth:

- (a) The Planning Board shall be the approving authority with respect to any application which requires subdivision approval.
 - (b) The Design Review Board shall be the approving authority with respect to any application which requires site plan approval.
 - (c) The Building Inspector shall be the approving authority with respect to any request for approval for trimming but not elimination or destruction of vegetation. Approval shall be provided in a letter of permission by the Building Inspector. **[Added 7-31-1996 by L.L. No. 18-1996]**
- (2) No application shall be considered complete until the approving authority has made a negative declaration pursuant to the State Environmental Quality Review Act or, on applications about which a positive declaration has been made, until the approving authority accepts a draft environmental impact statement as complete for review.
- E. The approving authority, within 45 days of receipt of a complete application, shall hold a public hearing on any application submitted pursuant to this chapter. The approving authority shall cause notice of such hearing to be published in two newspapers having a general circulation in the Village at least 10 days prior to the date set for such hearing. All owners of record of adjacent land shall be notified of the hearing by the applicant by certified mail, return receipt requested, not less than 15 days prior to the date set for such hearing. The applicant shall be responsible for the mailing of such notices and shall file with the approving authority an affidavit of mailing at or prior to the public hearing. All applications and maps and documents relating thereto shall be open for public inspection at the Office of the Clerk of the Village of East Hampton. The hearing of said application shall be incorporated with any other hearing required to be held by the approving authority.
- F. Within 45 days of the date of completion of the public hearing on an application, the approving authority shall render a decision to approve, approve with modifications or disapprove the issuance of a permit for the proposed activity.

§ 163-6. Wetland restoration. [Added 12-18-2015 by L.L. No. 24-2015²⁷]

- A. Any person proposing to conduct or cause to be conducted a wetland restoration project as defined herein shall file an application on a form prescribed by the approving authority for a permit with the approving authority as hereinafter provided.
- B. Wetland restoration applications shall be controlled by this section, not § 163-5 of this Code.
- C. Wetland restoration for the purposes of this section shall be defined as set forth in § 163-2.
- D. An application for wetland restoration shall include the following:
 - (1) The name and address of the applicant and the applicant's agent, if any, and

27. Editor's Note: This local law also provided for the renumbering of former §§ 163-6 through 163-11 as §§ 163-7 through 163-12, respectively.

whether the applicant is owner, lessee or contract vendee. If the applicant is not the owner, the written consent of the owner must be attached.

- (2) The street address and Tax Map designation of the subject property.
- (3) A guaranteed survey, prepared by a licensed surveyor, which survey shall be no more than one-year old as of the date of submittal to the Village, and which shall depict:
 - (a) Lot area (in both acreage and square feet).
 - (b) All structures, including but not limited to buildings, drainage, parking areas, fences, retaining walls, pool, pool enclosure systems, areaways, air-conditioning condensers, generators, pool equipment.
 - (c) Any easements or covenants and restrictions of record.
 - (d) The edge of wetlands, as flagged by a qualified professional, subject to the review and verification by the Village wetland consultant (current to within one year from date of submittal of application).
 - (e) Lawn areas on the parcel(s) which may be affected.
 - (f) The twenty-foot contour line or coastal erosion hazard area line, if applicable.
 - (g) Topography drawn with a two-foot contour interval in the area of the wetland may be required by the authorizing authority.
- (4) A project plan, drawn to a scale of no smaller than one inch equals 30 feet, or for small projects, a scale sufficient to depict the project on a standard working drawing no smaller than 8.5 inches by 11 inches, shall be supplied, clearly setting forth:
 - (a) The area the work is to be performed, i.e., the project area.
 - (b) The scope of the proposed work and the manner in which it is to be performed.
 - (c) The invasive plant species and location of such species intended to be addressed.
 - (d) The native species and location of such species within the project area that are to be left untouched.
 - (e) The proper on-site temporary storage of material and disposal method, and location of the temporary storage.
 - (f) The proposed native plant species to be substituted for the non-native plant species, and their quantities.
 - (g) At least three color photographs clearly depicting the project area.
 - (h) Wetlands shall be flagged by a qualified professional, subject to the review and verification by the Village wetland consultant.

- (5) A properly completed Part One short environmental assessment form. In order to adequately review and evaluate the application, the Village may require that a completed Part One full environmental assessment form be submitted.
 - (6) Any topographical and perimeter surveys, hydrological computations, engineering studies and other factual and scientific data and reports as deemed necessary by the approving authority to permit it to arrive at a proper determination.
 - (7) The fee prescribed by § 163-9.
- E. Ten copies of any such application shall be filed with the approving authority.
- F. Designation of approving authority. Completion of application.
- (1) The initial approving authority, with respect to application under this section, shall be the Zoning Board of Appeals for the Incorporated Village of East Hampton.
 - (2) No application shall be considered complete until the approving authority has made a negative declaration pursuant to the State Environmental Quality Review Act.²⁸ If a positive declaration is made, such project shall not be eligible for a permit under this section and must comply with all requirements and procedures under § 163-5, which approving authority shall not be bound by any SEQRA determination made herein.
- G. The approving authority, within 45 days of receipt of a complete application, shall render a decision to approve, approve with modifications, or disapprove the issuance of a permit for the proposed activity. No public hearing shall be required for applications under this section.
- H. Permits under this subsection shall be issued for no more than a four-year period but may be issued for less time based upon the proposed project and scope of work. Every permit issued shall be subject to yearly review by the Code Enforcement Office of the Incorporated Village of East Hampton (hereinafter "reviewing authority"), as follows:
- (1) On or before 30 days prior to the anniversary date of the permit being issued hereunder, the applicant shall provide the reviewing authority an updated project plan setting forth the work accomplished to date, documented through photos, and the work proposed for the next year for which the permit has been issued. Such updated approval shall be accompanied by a fee of \$100.
 - (2) For any permit which is for more than two years in duration, for the project review for the approval of work for a time period covering more than 24 months from permit issuance, an updated survey of the wetland area must be submitted with the updated project plan. Only one updated survey shall be required for any permit reviews after the twenty-four-month time period (i.e., if an updated survey is submitted at the twenty-four-month review, a new survey will not be required at the thirty-six-month review).

28. Editor's Note: See the New York State Environmental Conservation Law, Article 8.

- (3) Any permit for which an updated project plan has not been submitted prior to the permit issuance anniversary date shall be suspended pending such submission and review under this subsection.
- (4) The reviewing authority shall review any updated project plan and confirm that work has been performed in conformance with previous plan and contemplated work still comports with applicable law and policy.
- (5) Upon review, the reviewing authority shall, by letter, continue such permit, modify such permit, or revoke such permit.
- (6) Nothing herein shall limit the approving and/or reviewing authority revoking any permit issued herein at any time for a violation of the permit or applicable laws.
- (7) Nothing herein shall prohibit the Village from inspecting the work being performed under the permit at any time.
- (8) Any removal proposed to be done through the use of heavy machinery, defined as equipment to assist in the removal and planting of species other than handheld, nonpower tools (except string trimmers or other similar handheld tool with a four-cycle engine or less), shall not be eligible for a permit under this section.
- (9) The applicant will be required to submit a survey showing the landward limits of all wetlands and lawn areas on the parcel(s) to close out the permit at the expiration of the permit issued herein. Failure to close out the permit in the manner required herein will prohibit the owner from obtaining any further permits for the premises and shall be a violation of this chapter.

§ 163-7. Standards for granting permits; acquisition of property.

- A. The applicant shall have the burden of demonstrating that the proposed activity will be in accord with the policies and provisions of this chapter and the provisions of § 278-7. [Amended 12-16-1988 by L.L. No. 17-1988; 4-17-1992 by L.L. No. 8-1992]
- B. In granting, denying or limiting a permit for a regulated activity in a regulated area, the standards for permit issuance contained in this chapter and in any other relevant section of the Village Code and in conjunction with the classification of the subject wetland as indicated by the Village Map must be applied. In applying these standards, the effects of the proposed activity must be considered regardless of political boundaries.
- C. In granting, denying or limiting a permit, in cases other than those defined in Subsection B of this section, the approving authority shall consider the effect of the proposed activity with reference to the public health and welfare, fishing, flood, hurricane and storm dangers and other protection or enhancement of the several functions of the wetlands and the benefits derived therefrom as set forth in this chapter, irrespective of political boundaries. No permit shall be granted which would have a substantial adverse impact on the public health and welfare or the protection or enhancement of the several functions of wetlands and the benefits

derived from them as set forth in this chapter, regardless of political boundaries.

- D. In addition to the other standards enumerated herein, the approving authority shall seek to achieve the maximum feasible setback from the wetlands for regulated activities which would ensure wetlands protection and meet all other standards of this chapter.
- E. In granting a permit, the approving authority may limit the same or impose conditions or limitations designed to carry out the public policy set forth in this chapter. The approving authority may require a bond, in an amount and with surety and conditions satisfactory to it, securing to the Village of East Hampton compliance with the conditions and limitations set forth in the permit. The approving authority may suspend the permit if the applicant fails to comply with the terms and conditions set forth in the application.
- F. The approving authority shall state, upon the record, findings and reasons for all actions taken pursuant to this section.
- G. Where a permit under § 163-5 has been denied by the approving authority, the approving authority may submit the matter to the Village Board to consider acquisition for conservation purposes. The Village Board shall determine whether the denial renders the property unsuitable for any reasonable income, productive or private use for which it is adapted and destroys its economic value or all but a bare residue of its value. Where the Village Board makes such a determination, the Village Board shall, by resolution, authorize acquisition of the subject property or return the matter to the approving authority for further consideration and the issuance of a permit. The Village Board shall adopt said resolution within 90 days of receipt of the matter from the approving authority. Nothing herein shall be construed as limiting the general authority of the Village to acquire interests in real property for conservation purposes. **[Amended 12-18-2015 by L.L. No. 24-2015]**

§ 163-8. Appeals.

- A. Review of the determination of the reviewing authority regarding the continuance of a permit, revoking such permit, or approving a permit with modifications under § 163-6 herein shall be pursuant to § 278-7B(1) of this Code in the same manner as a decision made by the Building Inspector. Any appeal from that determination shall be in accordance with Subsection B herein. **[Added 12-18-2015 by L.L. No. 24-2015²⁹]**
- B. Review of the determination of the approving authority under § 163-15 or 163-16 shall be pursuant to the provisions of Title 11 of Article 24 of the Environmental Conservation Law of the State of New York or pursuant to the provisions of Article 78 of the Civil Practice Law and Rules. **[Amended 12-18-2015 by L.L. No. 24-2015]**
- C. Any owner of the wetland affected and any resident or citizen of the Village of East Hampton shall be deemed to have requisite standing to seek review.

29. Editor's Note: This local law also provided for the renumbering of former Subsections A and B as Subsections B and C, respectively.

§ 163-9. Fees. [Amended 7-31-1998 by L.L. No. 11-1998; 12-18-2015 by L.L. No. 24-2015; 2-16-2018 by L.L. No. 2-2018]

The fees for applications for permits shall be fixed from time to time by resolution of the Board of Trustees.

§ 163-10. Exemptions; effect of other standards; applicability.

- A. This chapter shall not apply to any land uses, improvements or developments which have been exempted under § 24-1305 of the Environmental Conservation Law of the State of New York.
- B. Where this chapter is less or more protective of the environment than the Environmental Conservation Law of the State of New York or any law or ordinance of the County of Suffolk or the Village of East Hampton, the law or ordinance that is more protective of the environment shall prevail.
- C. This chapter shall apply to all lands within the Village of East Hampton.
- D. It is the purpose of this chapter to provide additional and cumulative remedies to preserve, protect and conserve the wetlands of the Village. Nothing in this chapter nor anything done by virtue of it shall abridge, repeal or alter private or civil rights of action and remedies nor reduce, transfer or abolish the powers or duties of the Village's elected and appointed officers, boards or agencies.
- E. This chapter shall not apply to any land uses, improvements or developments which were the subject of an application pending before the Planning Board, Zoning Board of Appeals or the Design Review Board on September 19, 1986. **[Added 11-21-1986 by L.L. No. 27-1986]**

§ 163-11. Penalties for offenses.

The following penalties shall apply:

- A. Any person who violates, disobeys or disregards any provision of this chapter shall be liable for a civil penalty not to exceed \$3,000 for every such violation. Before assessment of the civil penalty, the alleged violator shall be afforded a hearing or opportunity to be heard before the approving authority upon due notice and with rights to specification of the charges and representation by counsel.
- B. Any civil penalty or other issued by an approving authority shall be reviewed pursuant to Article 78 of the Civil Practice Law and Rules.
- C. Additional remedies.
 - (1) In addition to the above civil fine, any person who violates any provision of this chapter shall be guilty of a violation pursuant to the Penal Law, punishable by a fine of not less than \$500 nor more than \$1,000. For a second and each subsequent offense, the violator shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment of not less than 15 days nor more than six months, or both. Each offense shall be a separate and distinct offense.

- (2) Instead of these punishments, any offender may be punishable by being ordered by the court to restore the affected wetland to its condition prior to the offense, insofar as that is possible. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Village of East Hampton. Each offense shall be a separate and distinct offense and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.
- D. The approving authority shall have the right to seek equitable relief to restrain any violation or threatened violation of any provision of this chapter.

§ 163-12. When effective.

This chapter shall be effective September 1, 1986.

Chapter 167**GARAGE SALES****GENERAL REFERENCES**

Licensed occupations — See Ch. 185, Art. I.

Zoning — See Ch. 278.

Peddling and soliciting — See Ch. 214.

§ 167-1. License required.

It shall be unlawful for any person or persons to conduct a garage sale in the Incorporated Village of East Hampton without first obtaining a license and complying with the regulations set forth herein.

§ 167-2. Definitions.

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

GARAGE SALE — The casual sale of tangible personal property to the public by a person not normally in that business and includes, but is not necessarily limited to, garage sales, lawn sales, attic sales, tag sales, rummage sales and flea market sales.

PERSON — Includes individuals, partnerships, voluntary associations and corporations.

§ 167-3. Conduct of sales.

Garage sales in the Village of East Hampton shall be regulated in the following manner:

- A. **Merchandise.** Garage sales shall offer only used items of personal property owned by the resident of the property where the sale is held. No new merchandise shall be offered for sale nor may new merchandise from other sources be brought in and offered for sale.
- B. **Hours.** Garage sales shall not commence before 9:00 a.m. and must terminate by 6:00 p.m. **[Amended 12-15-2006 by L.L. No. 15-2006]**
- C. No person shall conduct more than one garage sale on his premises in any one calendar year. Such sale may not extend for a period of more than three days.
- D. **Signs.**
 - (1) Garage sales may be advertised through the newspaper or other news media. A sign, not greater in size than two feet by two feet may be installed on the property where the sale is being conducted.
 - (2) No sign shall be placed on the public right-of-way or on property other than where the sale is being conducted. No lighted sign shall be used.
 - (3) The sign shall be displayed only during the sale and shall be promptly removed

after the sale.

- E. Zoning. It is not the intention of this chapter to change or amend Chapter 278, Zoning, of the Code of the Village of East Hampton.
- F. License. Upon application, either in person or by mail, the Building Inspector is authorized to issue a license for the sale.

§ 167-4. Information to be filed with Building Inspector.

The information to be filed with the Village Building Inspector, pursuant to this chapter, shall be as follows:

- A. Name of person, firm, group, corporation, association or organization conducting said sale.
- B. Name of the owner of the property on which said sale is to be conducted and the consent of the owner if the applicant is other than the owner.
- C. Location at which sale is to be conducted.
- D. Number of days of sale.
- E. Date and nature of any past sale.
- F. Relationship or connection the applicant may have had with any other person, firm, group, organization, association or corporation conducting said sale and the date or dates of such sale.
- G. Whether or not the applicant has been issued any other vendor's license by any local, state or federal agency.
- H. Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.

§ 167-5. Penalties for offenses. [Amended 4-20-2015 by L.L. No. 4-2015]

- A. A violation of the provisions of § 167-3D of this chapter shall be punishable as follows:
 - (1) A person or entity charged with a violation of the section listed above shall be required to appear or answer within 15 days of the issuance of a ticket, and shall be subject to a minimum fine of \$150.
 - (2) Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.
 - (3) Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.
 - (4) Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.

- B. Any person, firm or corporation violating any of the other provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

Chapter 176**HISTORIC AREAS, PRESERVATION OF****GENERAL REFERENCES**

Design and site plan review — See Ch. 121.

Zoning — See Ch. 278.

§ 176-1. Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural, educational and general welfare of the public. Since the identity of a people is founded on its past and since the Incorporated Village of East Hampton, hereafter referred to as the "Village," has many significant historic, architectural and cultural resources which constitute its heritage, this chapter is intended to:

- A. Protect and enhance the landmarks and historic districts which represent distinctive elements of the Village's historic, architectural and cultural heritage.
- B. Foster civic pride in the accomplishments of the past.
- C. Protect and enhance the Village's attractiveness to visitors.
- D. Ensure the harmonious, orderly and efficient growth and development of the Village.

§ 176-2. Design Review Board.

- A. Except as provided in §§ 176-3 and 176-7, the Design Review Board shall administer this chapter.
- B. The powers of the Design Review Board shall include:
 - (1) Employment of staff and professional consultants as necessary to carry out its duties under this chapter.
 - (2) Adoption of criteria for the identification and protection of significant historic, architectural and cultural landmarks.
 - (3) The making of recommendations to the Village Board of Trustees concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this chapter.
 - (4) Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
 - (5) Making recommendations to the Village Board of Trustees concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Village.

- (6) Recommending acquisition of a landmark structure by the Village Board of Trustees where its preservation is essential to the purposes of this chapter and where private preservation is not feasible.
- (7) The approval or disapproval of applications for certificates of appropriateness pursuant to this chapter.
- (8) The making of recommendations to the Board of Trustees of changes in Chapter 278, Zoning, of the Code of the Village of East Hampton to support landmark and historic district preservation.
- (9) The conduct of surveys of significant historic landmarks and historic districts and recommendation thereafter to the Village Board of Trustees for designation as an historic landmark or historic district or removal therefrom.
- (10) Adoption of guidelines for applying the criteria for approval of a certificate of appropriateness provided in § 176-4 and for implementing procedures for certificate of appropriateness application and review provided in § 176-5. **[Added 2-1-1996 by L.L. No. 2-1996]**

§ 176-3. Designation of historic landmarks or districts.

The Village Board of Trustees shall designate historic landmarks and historic districts based on the following criteria after a public hearing:

- A. The Village Board of Trustees may designate an individual property as a landmark if it:
 - (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
 - (2) Is identified with historic personages;
 - (3) Embodies the distinguishing characteristics of an architectural style;
 - (4) Is the work of an architect, designer or builder of local or regional importance;
or
 - (5) Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.
- B. Historic districts.
 - (1) The Village Board of Trustees may designate a group of properties as an historic district if it:
 - (a) Contains properties which meet one or more of the criteria for designation of a landmark.
 - (b) By reason of possessing such qualities, constitutes a distinct geographic section or area of the Village.
 - (2) The properties in each historic district shall be shown on Historic District

Maps³⁰ and shall be described by Suffolk County Real Property Tax Map numbers, both of which shall be filed in the Village Clerk's office.

- C. Notice of a proposed designation of property as either an historic landmark or of its inclusion in an historic district shall be sent by mail to the owners of such property. The notice shall describe the property so proposed and shall announce a public hearing by the Village Board of Trustees to consider the designation. The Village Board of Trustees shall hold such a public hearing within 45 days of the adoption of a resolution of proposed designation.

§ 176-4. Certificate of appropriateness. [Amended 2-1-1996 by L.L. No. 3-1996; 1-18-2013 by L.L. No. 2-2013; 10-21-2016 by L.L. No. 12-2016]

No person, including any officer, department, authority or board of the Village of East Hampton, shall carry out any exterior alteration, restoration, removal of a member of a pre-1880 timber frame, reconstruction, demolition, new construction, or moving of either a designated landmark or of property within designated historic districts, nor shall any person, including any officer, department, authority or board of the Village of East Hampton, make any change, except normal maintenance as provided in § 176-9, in the appearance of any of the exterior elements of such a property without first obtaining a certificate of appropriateness from the Design Review Board.

A. Consideration of applications; compatibility.

- (1) The Design Review Board's consideration of applications for certificates of appropriateness shall be based upon the following criteria:
 - (a) Properties designated as landmarks or properties located within a designated historic district which contribute to the character of that historic district shall be retained, with their historic features, including the timber frames of pre-1880 buildings, altered as little as possible.
 - (b) Alterations of properties designated as landmarks or located within a designated historic district shall be compatible with the historic character of the property as well as the designated historic district.
 - (c) All new construction within a designated historic district shall be compatible with the existing improvement within said district.
 - (d) In reviewing an application for an accessory dwelling unit to be located on a property designated as a timber-frame landmark, the Design Review Board shall consider:
 - [1] The extent to which the proposal achieves the goal of maintaining or enhancing the integrity of the landmark building and its setting, particularly its setting when viewed from the street.
 - [2] The extent to which the proposal keeps the landmark building intact with no additions; or, when this option is not possible, keeps additions subordinate in size and scale to the landmark building.

30. Editor's Note: Copies of the Historic District and Landmarks Maps are included at the end of this chapter.

Wherever possible, the Board shall encourage applicants to maintain the integrity of the landmark building by avoiding additions, if a detached building is possible. However, when a landmark building is of a size or has significant additions that make it impractical for use as an accessory dwelling, further expansion of the landmark building and construction of a new accessory dwelling is consistent with these criteria.

- (2) In applying the principle of compatibility, the Design Review Board shall consider the following criteria:
 - (a) The general design, character and appropriateness to the property of the proposed alteration or new construction.
 - (b) The scale of proposed alteration or new construction in relation to the property itself and the historic district in which the property is located.
 - (c) Texture, materials and color and their relation to similar features of other properties in the historic district.
 - (d) Visual compatibility with other properties in the historic district and neighboring properties, including proportions of the property's front facade, proportion and arrangement of windows and other openings within the facade, slope of the roof and the rhythm of spacing of properties on streets, including setbacks.
 - (e) The importance of historic, architectural or other features to the significance of the property.

§ 176-5. Application procedure for certificate of appropriateness.

- A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Design Review Board. The application shall contain:
 - (1) The name, address and telephone number of the applicant.
 - (2) A survey of the property.
 - (3) Elevation drawings of proposed changes.
 - (4) Perspective drawings, including relationship to adjacent properties.
 - (5) Samples of color or materials to be used.
 - (6) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, the method of illumination and a plan showing the sign's location on the property.
 - (7) Any other information which the Design Review Board may deem necessary in order to visualize the proposed work and consider the application.
- B. No building permit shall be issued for such proposed work until a certificate of

appropriateness has first been issued by the Design Review Board. The certificate of appropriateness required by this chapter shall be in addition to and not in lieu of any building permit that may be required by any other ordinance or local law of the Village of East Hampton.

- C. The Design Review Board shall approve, deny or approve the permit with modifications within 60 days of receipt of a completed application. The Design Review Board may, in its sole discretion, hold a public hearing on any application.
- D. All decisions of the Design Review Board shall be in writing. A copy shall be sent to the applicant and a copy filed with the Village Clerk's Office. The Design Review Board's decision shall state the reasons for denying or modifying any application.
- E. Expedited review. [**Added 2-1-1996 by L.L. No. 4-1996**]
 - (1) Whenever the Chairman or, in the Chairman's absence, the Vice Chairman of the Board finds that a proposal meets the criteria of § 176-4 and also the conditions set forth below, he is hereby authorized to grant a certificate of appropriateness.
 - (a) The proposed work is specifically listed as eligible for expedited review by the Design Review Board or is an improvement that relates solely to improving access for persons with disabilities; and [**Amended 6-15-2012 by L.L. No. 11-2012**]
 - (b) The proposed work will have no effect on an historic feature of a contributing property; or
 - (c) The proposed work will have no effect on the setting of a contributing property; or
 - (d) The proposed work conforms to all relevant design guidelines adopted by the Design Review Board.
 - (2) All certificates of appropriateness granted by expedited review will be reported at the following regular meeting of the Design Review Board.

§ 176-6. Hardship exemption.

A property owner may apply to the Village Board of Trustees for relief from landmark designation or inclusion in an historic district on the grounds that the designation or inclusion imposes a hardship upon him. To support such an application, the applicant shall establish that:

- A. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.
- B. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
- C. Bona fide efforts to find a purchaser interested in acquiring the property and preserving it have failed.

§ 176-7. Hardship application procedure.

- A. After receiving written notification from the Design Review Board of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Village Board of Trustees makes a finding that a hardship exists.
- B. The Village Board of Trustees shall hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.
- C. All decisions of the Village Board of Trustees shall be in writing and shall state the reasons for granting or denying the hardship application.

§ 176-8. Enforcement; inspection; stop-work order.

All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to the requirements included therein. The Building Inspector shall periodically inspect such work to assure compliance. In the event that work is found that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Design Review Board, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work, except such work as is necessary to bring the project into compliance with the certificate of appropriateness, shall be undertaken on the project while the stop-work order is in effect.

§ 176-9. Maintenance and repair required.

Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural features of a designated landmark or property within a designated historic district which does not involve a change in design, material, color or exterior.

§ 176-10. Penalties for offenses.

- A. The Building Inspector shall not issue a building permit to a designated landmark or to a property within a designated historic district without the approval, in writing, of the Chairman or, in his absence, the Vice Chairman of the Design Review Board.
- B. The penalties for the construction, alteration of site or structure or demolition in violation of the provisions of this chapter shall be a fine not exceeding \$500 or imprisonment for not more than six months, or both, for any violation or offense, and each day that such violation or offense continues shall be deemed to constitute a separate offense. **[Amended 7-27-2007 by L.L. No. 15-2007]**

Chapter 185

LICENSED OCCUPATIONS AND ENTERTAINMENT

GENERAL REFERENCES

Home improvement contractors — See Ch. 107.

Garbage and rubbish — See Ch. 246, Art. I.

Noise — See Ch. 196.

Streets and sidewalks — See Ch. 250.

Peace and good order — See Ch. 211.

Vehicles and traffic — See Ch. 267.

Peddling and soliciting — See Ch. 214.

Zoning — See Ch. 278.

ARTICLE I

Licensed Occupations

[Adopted 3-31-1950 as Ord. No. VI of the General Village Ordinances (Ch. 34, Art. I, of the 1971 Code)]

§ 185-1. License required for certain occupations. [Amended 1-19-1968; 10-16-1970]

No person or corporation shall, within the Village of East Hampton, pursue, exercise or engage in any of the following occupations, trades, work or other business within said Village unless said person or corporation obtains a license therefor and pays the license fee as hereinafter set forth. This applies to the operation and conduct of all sound trucks, whether for political or other purposes, and the operation and running of public carriages, cabs, buses, hacks, carts, drays, garbage trucks, express wagons or other vehicles for the transportation within the Village of persons or property, garbage disposal, soliciting or running therefor, or for hotels or auctioneering.

§ 185-2. Duration of license.

All licenses granted pursuant to this article shall expire in accordance with the terms of said license, but not later than the last day of June next following the date of the granting thereof, unless sooner suspended or revoked for cause.

§ 185-3. Issuance or denial of license; revocation; fees. [Amended 1-19-1968; 10-16-1970]

- A. All licenses granted pursuant to this article shall, upon the payment of the prescribed fee therefor, as hereinafter provided, be issued by the Mayor to such persons as he shall deem fit and proper to carry on such trade or occupation, but no license shall be granted which shall, in the judgment of the Mayor, be likely to disturb the peace and order of the Village or be immoral or improper. All such licenses, when granted, shall be revocable, with or without notice, for any cause for which such license might have been originally refused.
- B. License fees.
- (1) The following uniform fees for licenses for the trades or occupations herein specified are hereby established:
 - (a) For collecting garbage, refuse and rubbish and for emptying and cleansing cesspools or anything pertaining to the public dray, livery or taxi business: fee for one year which shall, from time to time, be fixed by resolution of the Board of Trustees. **[Amended 1-21-1994 by L.L. No. 1-1994; 9-16-2016 by L.L. No. 11-2016]**
 - (b) For the operation of sound trucks, a license fee of \$25 for each and every day shall be charged.
 - (2) The aforesaid fees and licenses under Subsection B(1)(a) and (b) hereof shall be paid in advance annually or for the period for which such license shall have been granted or upon the commencement of any such business during the year,

and licenses may be canceled and revoked by the Mayor of said Village and the Board of Trustees for cause, after a hearing as provided by § 91 of the Village Law.³¹

§ 185-4. Display of rate card in vehicles for hire.

No vehicles for the transportation of passengers shall ply for hire upon the streets of the Village unless there shall be prominently displayed in the interior thereof a printed card which shall contain a schedule of charges for the usual and customary services to be rendered by said vehicle, which card shall separately specify the schedule of charges for transportation between fixed points within the Village and also a charge per hour of employment for such vehicle.

§ 185-5. Inspection of licensed vehicles. [Amended 11-15-1985 by L.L. No. 18-1985]

Any vehicle licensed pursuant to the provisions of this article shall be at all times subject to inspection by the Mayor or his duly appointed and properly accredited representatives, and no vehicle shall be so licensed or be permitted to retain a license previously granted unless such vehicle shall, in the judgment of the Mayor or the Board of Trustees, be suitable and safe for the purpose for which it is used.

§ 185-6. Penalties for offenses. [Amended 10-16-1970]

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

31. Editor's Note: Former § 91 of the Village Law was omitted from the 1972 recodification of the Village Law.

ARTICLE II

Licensed Entertainment**[Adopted 10-16-1970 (Ch. 34, Art. II, of the 1971 Code)]****§ 185-7. License required for certain entertainment; application; fee and deposit.**

- A. No person, firm or corporation shall conduct any children's ride, adult ride, circus, carnival, tent show, music festival, exhibition or performance, nor any shooting gallery or open-air exhibition or performance of any kind whatsoever within the Village of East Hampton without first having obtained a license therefor.
- B. Written application must be made to the Mayor upon forms to be obtained from the Village Clerk, and when fully and duly completed and executed, must be filed with said Village Clerk with a fee of \$25 for each day for which said license is applied for, and a further sum of \$500 to assure compliance with the terms upon which each license shall be deemed to have been issued.
- C. The application must be filed at least 14 days in advance of the earliest date for which the license is applied for.
- D. The application must be signed and verified by an adult who shall be responsible for the statements therein and for the conditions upon which each license is deemed issued. No license shall be issued to any person who has been convicted of a felony. A license issued shall be revoked forthwith for any violation of any of the terms or conditions herein set forth.
- E. The application shall clearly describe the premises to be used.

§ 185-8. Local sponsorship of performance.

A license shall be issued only if the proposed performance is sponsored by and is under the auspices of some local charitable, fraternal, civic or religious organization as shall have been approved by the Village Board, such approval being granted primarily on the basis of the aims and objectives of such organization and the assurance that its funds may not be diverted to the benefit of private individuals; such assurance shall be presumed as to those organizations which have been approved by the United States Internal Revenue Service as exempt from the requirements of federal income tax provisions.

§ 185-9. Parking and toilet facilities required.

Any applicant for a license shall be required to provide free automobile parking space adjacent to the premises to be used, to the extent of an area at least twice the size of the area to be used for the undertaking to which the license shall apply; and to provide and maintain sanitary latrines of a number and type approved by rules of the Suffolk County Department of Health for the use of persons engaged in conducting the undertaking to which the license shall apply and for the patrons of the said licensed undertaking, during the licensed period.

§ 185-10. Cleaning of site following performance; cost.

Upon the expiration or revocation of the license, the applicant shall leave the site

clean and free of all debris, and thereupon the deposit of \$500 shall be returned to the applicant. For a failure to clean up the premises or site, the same shall be done at the expense of the applicant. Of the \$500, so much thereof as may be necessary shall be expended by the Village to defray the cost thereof.

§ 185-11. Prevention of trespassing.

The applicant shall be required to prevent patrons, licensees and/or invitees of the undertaking for which the license is issued, or persons engaged in conducting the same, from trespassing upon any adjoining property or premises, and shall set forth in the application the details of how same shall be accomplished.

§ 185-12. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

ARTICLE III
Landscapers
[Adopted 7-31-2019 by L.L. No. 6-2019]

§ 185-13. Definitions.

For the purposes of this article, certain words and terms shall have the following meanings:

LANDSCAPER — Any person over the age of 18, corporation, partnership or business entity of any form who tends, plants, installs, maintains, or repairs lawns, gardens, hedges, flower beds, shrubbery, trees, or landscaping of any kind on real property which such person or business entity does not own or at which s/he does not reside pursuant to an oral or written agreement for compensation.

§ 185-14. Registration required; requirements; fee.

- A. No landscaper shall advertise, operate or provide services within the Village of East Hampton unless the landscaper is registered annually pursuant to this article.
- B. Registration requirements.
- (1) All landscapers shall submit a completed annual registration form provided by the Village Administrator and pay a nonrefundable annual registration fee of \$200 or such other amount as may hereafter be fixed by resolution of the Board of Trustees from time to time.
 - (2) The registration form, at a minimum, shall state that the landscaper has read, understands, and agrees to comply with the Village's noise law (Chapter 196) with respect to the dates and times for permitted property maintenance and landscaping, the use of gas-powered leaf blowers and all other relevant Village laws and policies. A business entity shall be responsible for all employees understanding the applicable rules and regulations and compliance with the requirements of this article and the Village Code.
 - (3) In addition, the landscaper shall submit proof of a valid and current Town of East Hampton home improvement license.
 - (4) In addition, if the landscaper uses or intends to use regulated chemicals or pesticides, proof of applicable New York State Department of Environmental Conservation certificate must be submitted.
 - (5) In addition, if the landscaper uses or intends to apply fertilizer product(s), proof of a certificate of completion of a Suffolk County Nitrogen Fertilizer Turf Management Course must be submitted.
- C. When the Village Administrator determines that all requirements have been met, s/he shall issue landscaper registration tags/stickers, which must be placed in a conspicuous location as determined by the Village Administrator on each vehicle the landscaper uses in the Village. The landscaper registration tag/sticker shall apply to the vehicle registered to the landscaper and is not transferable from one vehicle to another, nor to any other landscaper, person or entity. The landscaper

shall pay a nonrefundable fee of \$10.00 for each registration tag/sticker issued.

- D. Landscaper registration and the landscaper registration tags/stickers shall be granted pursuant to this article shall expire in accordance with the terms of said license, but not later than the last day in June next following the date of the granting thereof, unless sooner suspended or revoked for cause.

§ 185-15. Penalties for offenses.

- A. Any person or business entity committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation punishable by a fine of no less than \$250 and not more than \$500 for a first offense; no less than \$500 or more than \$2,500 for a second offense; and no less than \$2,500 or more than \$5,000 for a third or subsequent offense. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- B. In addition, the Board of Trustees may revoke the registration of any landscaper who violates any requirement of this article following written notice to the landscaper of any such violation with an opportunity to be heard at a public hearing.

ARTICLE IV

Caterers**[Adopted 7-30-2021 by L.L. No. 17-2021]****§ 185-16. Definitions.**

For the purposes of this article, certain words and terms shall have the following meanings:

CATERER — For the purposes of this article, a "caterer" is defined as a person, corporation, or other entity who provides food, supplies, and sometimes service at gatherings held on public property.

CATERING — The provision of food, supplies and sometimes service at social gatherings.

§ 185-17. License required for catering.

No person or corporation or other entity shall, within the Village of East Hampton, pursue, exercise or engage in catering on public property within said Village unless said person or corporation obtains a license therefor and pays the license fee as hereinafter set forth.

§ 185-18. Applications.

- A. Applicants for a license under this article must file with the Village Clerk a sworn application in writing (in duplicate) on a form to be furnished by the Village Clerk, which application shall include but not be limited to the following information:
- (1) Name, address and telephone number of the applicant.
 - (2) Whether or not the applicant or any employee of the applicant has ever been convicted of a felony, misdemeanor or violation of any municipal ordinance, except traffic violations, and, if so, the date, court, ordinance violated and sentence of the court.
 - (3) Whether the applicant has been previously licensed in any occupation and, if so, when, where and for what period and, if such previous license was ever revoked, or any discipline administered in connection therewith, the date of revocation or discipline and the reason therefor.
 - (4) The manner or means of conveyance in which the said business or trade or occupation shall be conducted.
 - (5) The applicant shall submit a valid permit issued by the Suffolk County Health Department indicating compliance with the provisions of the Suffolk County Public Health Ordinance.
 - (6) If the applicant requires the use of weighing and/or measuring devices, such application shall be accompanied by a certificate from the County Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

- (7) If the application involves the use of a vehicle, proof of a valid New York State motor vehicle registration and insurance for the vehicle to be used.
 - (8) If the application involves the use of a vehicle, proof that the applicant holds a valid New York State driver's license.
 - (9) Proof that the applicant holds a New York State sales tax identification number.
 - (10) In the event that any other license or permit shall be required by any other governmental agency in connection with the applicant's business, the same shall be produced by the applicant, including but not limited to New York State Liquor License and the Village Clerk shall duly note the same.
 - (11) Any additional information the Village Clerk shall deem necessary for the purpose of administering the provisions of this article.
 - (12) An acknowledgement that the applicant is familiar with the laws of the Incorporated Village of East Hampton, including event and mass gathering requirements, and shall abide by such regulations.
- B. Any change in circumstances with regard to the information provided in the application or on the license shall be reported to the Village Clerk within 30 days.
- C. The Village Clerk may refer the application to the Village Police Department for review with regard to the fitness or desirability of the applicant.

§ 185-19. Issuance or denial of license; revocation; fees.

- A. All licenses granted pursuant to this article shall, upon the payment of the prescribed fee therefor, as hereinafter provided, be issued by the Village Clerk to such persons as she/he shall deem fit and proper to carry on such trade or occupation, but no license shall be granted which shall, in the judgment of the Village Clerk, be likely to disturb the peace and order of the Village or be immoral or improper.
- B. If the application should disclose that the applicant has been convicted of a felony and/or misdemeanor, which felony and/or misdemeanor renders the applicant unfit or undesirable, the Village Clerk shall notify the applicant that his application is disapproved, and no license will be issued on said application.
- C. If the application should disclose that the applicant has violated duly enacted Village ordinances and has been convicted of same on more than one occasion, this shall render an applicant unsatisfactory or undesirable, and the Village Clerk shall refuse issuance of the license.
- D. Where the Village Clerk refuses a license, an applicant may appeal to the Village Board. After a public hearing, the Village Board may grant or refuse said license.
- E. The Village Clerk shall keep a record of all licenses issued.
- F. Licenses issued under the provisions of this article may be revoked by the Village Board of the Village of East Hampton after notice and public hearing for any of the

following causes, and for any cause for which such license might have been originally refused:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business.
 - (3) Any violation of this article.
 - (4) Conviction of a felony or a misdemeanor, which misdemeanor, in the judgment of the Village Board, renders the applicant unfit or undesirable.
 - (5) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
 - (6) Upon the recommendation of the Suffolk County Department of Health that the sale of food or food products or other edibles is being conducted under unsanitary conditions or that there is a violation of law, regulation, code or ordinance cited by the Suffolk County Department of Health.
- G. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing. Notwithstanding any other provision contained herein, the Village Clerk may immediately suspend any license issued hereunder upon a finding by the Village Clerk that the license holder has engaged in conduct which threatens the public health, welfare, or safety.
- H. License fees.
- (1) Uniform fees for licenses for catering shall be for one year and for which a fee shall be fixed by resolution of the Board of Trustees.

§ 185-20. Display of license.

Every person or entity holding a license under this article shall have its license in its immediate possession at all times when operating an activity where the license is required and shall display the same upon demand of any person.

§ 185-21. Nontransferability of license.

No license issued under the provisions of this article may be transferred from one person or entity to another person or entity.

§ 185-22. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$1,000 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

Chapter 188**LIGHTING, OUTDOOR****GENERAL REFERENCES**

Design and site review — See Ch. 121.

Zoning — See Ch. 278.

Subdivision — See Ch. 252.

§ 188-1. Purpose and intent.

- A. The general purpose of this chapter is to protect and promote the public health, safety and welfare, the quality of life, the Village's unique character, and the ability to view the night sky by establishing regulations and a process for review of exterior lighting.
- B. This chapter establishes standards for exterior lighting in order to accomplish the following:
- (1) To provide safe lighting on roadways for motorists, cyclists and pedestrians;
 - (2) To protect against direct glare and excessive lighting on private and public properties;
 - (3) To ensure that sufficient lighting can be provided where needed to promote safety and security;
 - (4) To prevent light trespass in all areas of the Village;
 - (5) To protect and reclaim the ability to view the night sky;
 - (6) To allow the flexibility in the style of lighting fixtures;
 - (7) To provide lighting guidelines;
 - (8) To provide assistance to property owners; institutions; and county, state, and utility facilities in bringing nonconforming lighting into conformance with this chapter.
 - (9) To use energy wisely and to conserve natural resources;
 - (10) To preserve the desired rural character of the Village; and
 - (11) To reduce excessive illumination which has been demonstrated to have a detrimental effect on the local flora and fauna that depend on the natural cycle of day and night.

§ 188-2. Definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be

interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

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

AREA LIGHT — A fixture designed for illumination of a broad area. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights over 1,800 lumens.

AVERAGE HORIZONTAL FOOTCANDLE — The average level of illuminance for a given situation measured at ground level with the light meter placed parallel to the ground. It can be also determined by the "Key" on a lighting plan as provided by a lighting manufacturer's application department.

CORRELATED COLOR TEMPERATURE (CCT) — The perceived color of the light emitted by a lamp, expressed in Kelvin (K) units. Generally, the lower the Kelvin rating the "warmer" the light; the higher the rating, the "cooler" or more blue the light. Incandescent bulbs emit approximately 2,300 Kelvin.

ESSENTIAL LIGHTING — Light that is used for a specified period of time, which is necessary for location identification or public circulation purposes.

EXCESSIVE LIGHTING — Illuminance levels beyond that which is required for safety, as recommended in IESNA Recommended Practices, or higher than five FC on any lit surface unless a higher level is indicated on the Table of Limits of Illumination Levels.

EXTERIOR LIGHTING — Temporary or permanent lighting equipment that is installed, located or used in such a manner with the intention to cause light rays to shine outdoors.

FIXTURE (ALSO CALLED "LUMINAIRE") — The bulb and the assembly that holds the bulb (or lamp) in a lighting system, including reflecting elements, shielding elements, cover glass or lenses, the ballast, and the housing. For purposes of determining total light output from a luminaire or light fixture, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

FLOODLIGHT — A lamp or fixture intended to light a large area, and which can produce light above the fixture. Such lamps (bulbs) may incorporate prismatic lenses that distribute the light in various directions.

FOOTCANDLE ("FC") — The basic unit of illuminance (the amount of light falling on a surface). Footcandle measurement is taken with a light meter. One footcandle is approximately equal to the illuminance produced by a light source of one candela in intensity, measured on a surface at a one-foot distance from the source. Horizontal footcandles measure the illumination striking a horizontal plane. Footcandle values can be measured directly with certain handheld incident light meters.

FULLY SHIELDED OR ZERO UPLIGHT — A fixture designed, constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected in a fixed direction below the horizontal. It can be identified without a manufacturer's photometric report. Also referred to as "zero upright."

GLARE — The sensation produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which can cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

HID LIGHTING — A family of bulb types that are known as "high-intensity discharge," including high-pressure sodium, mercury vapor, and metal halide. These types may require a warmup time, usually require a ballast, and have a higher lumen output per watt than incandescent (or halogen) lamps.

HOLIDAY LIGHTING — Temporary strings of small individual lamps.

IESNA — Illuminating Engineering Society of North America (IES or IESNA), a private-membership organization that establishes updated standards and illumination guidelines for the lighting industry.

IESNA RECOMMENDED PRACTICES — The most current publications of the IESNA setting forth illuminance levels for different task areas, e.g., walkways, streets, sportslights, etc.

ILLUMINANCE — The density of light falling on any point of a surface, usually measured in footcandles in the United States. See "footcandle."

KELVIN — The unit of measurement used to characterize the color of light emitted by a lamp. See also "correlated color temperature."

LAMP — The generic term for an artificial light source, to be distinguished from the whole assembly (see "fixture"); commonly referred to as the "light bulb."

LED — Light emitting diodes are assembled into a lamp to emit light. LEDs are energy efficient, directional, and have a long-life for maintenance purposes. Unfiltered LEDs are high in the blue spectrum (6,000+ Kelvin) and require colored filters to produce "white" light. Also referred to as "solid state lighting."

LIGHT — The form of radiant energy acting on the retina of the eye to make sight possible.

LIGHTING ASSEMBLY — Any or all parts of a fixture that function to produce light, including the bulb, assembly, ballast, mounting features and/or pole.

LIGHT LEVEL — The illuminance on a surface, as measured by a light meter or reported in photometric calculations. Light levels are indicated in footcandle measurements on a lighting plan and may also be expressed as uniformity ratios and as isofootcandle plots.

LIGHT POLLUTION — Any adverse effect of man-made light, including but not limited to glare, light trespass, skyglow, visual clutter, wasted energy due to excessive or unnecessary lighting, or any man-made light that unnecessarily diminishes the ability to view the night sky or is disruptive to flora and fauna.

LIGHT SOURCE — The light bulb and all reflecting and refracting parts of the fixture that transmit light.

LIGHT TRESPASS — Light projected onto the property of another or into the public right-of-way when it is not required or permitted to do so. For reference, full moonlight averages 0.01 footcandle.

LUMEN — A unit used to measure the actual amount of light that is produced by a bulb. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the wattage. For example, a 75-watt incandescent lamp can produce 1,000 lumens while a 70-watt high-pressure sodium lamp produces 6,000 lumens. Lumen output is listed by the manufacturer on the packaging or can be available from the manufacturer's website.

LUMINAIRE — A fixture.

LUMINANCE — The brightness of a source of light.

MAINTAINED ILLUMINANCE — The light levels that are produced by a lamp and in a fixture after a period of time, taking the normal losses due to lamp aging and fixture dirt accumulation into account.

MOUNTING HEIGHT — The distance from level ground to the lowest light-emitting part of the fixture.

NONESSENTIAL LIGHTING — Lighting for an intended purpose when that intended purpose is not taking place.

PARTIALLY SHIELDED — A fixture, which incorporates a partial shield around the lamp, concealing the lamp from view only in certain directions.

PHOTOMETRICS — Technical test reports that indicate light distribution and performance from a fixture. Photometric reports may include candlepower distribution data, cutoff classifications, isofootcandle charts, etc. These are generally available from the fixture manufacturers as IES files or isofootcandle plots.

SHIELD or SHIELDED — An opaque device that is attached to a light fixture to prevent light from being emitted in certain directions. Auxiliary "back" or "house-side" shielding added to an already fully shielded fixture can help limit trespass where a fixture is located near a property line.

SKYGLOW — The overhead glow from light emitted sideways and upwards, including light reflected upward from the ground or other surfaces. Skyglow is caused by the reflection and scattering of various forms of light by dust, water, and other particles suspended in the atmosphere. Among other effects, skyglow reduces one's ability to view the night sky. Different sources of light, in equal quantities, can contribute differently to sky glow.

TEMPORARY LIGHTING — Lighting that is intended to be used for a limited time and removed thereafter.

UL RATING — Refers to "Underwriters Laboratory," a commercial agency that certifies the maximum safe wattage for fixtures and other electrical devices. A UL label indicating the maximum safe wattage is affixed or imprinted on all electrical fixtures which are offered for sale.

UNIFORMITY RATIO (U RATIO) — A ratio that describes uniformity of illuminance across an area. The uniformity ratio may be a ratio of the maximum-to-minimum illuminance or the average-to-minimum illuminance. For example, if the Illuminating Engineering Society recommends an average-to-minimum ratio of 4:1 for a parking lot, the minimum illuminance should be no less than 1/4 of the average illuminance across the parking lot. Uniformity ratios meeting professional

recommendations will reduce adaptation problems and promote better nighttime vision.

§ 188-3. Applicability.

- A. All exterior light fixtures installed, replaced, or repaired after the effective date of this chapter shall conform to the standards established by this chapter.
- B. All existing residential, private commercial, institutional, and utility owned or operated exterior lighting lawfully installed prior to the effective date of this chapter shall not cause light trespass and shall protect adjacent properties and beyond from glare and excessive lighting.
- C. Existing lighting in conflict with this chapter shall be classified as "nonconforming." All lighting existing or installed prior to the date of the adoption of this chapter which does not conform with the provisions of this chapter shall be exempt under the following conditions:
 - (1) Lighting that violates the light trespass limits or creates a public nuisance or hazard can be ordered removed or altered at any time.
 - (2) On the effective date of this chapter, any lighting installation which would comply by re-aiming of the fixture shall be brought in compliance with the terms of this chapter without delay.
 - (3) Upon adoption of this chapter, with any repair or replacement of any nonconforming fixture, or relocation of such fixture, that fixture shall be brought into compliance with the terms of this chapter at the completion of the repair or replacement.
 - (4) Upon installation of any new fixture, the provisions of this chapter shall fully apply. For nonresidential lighting, an inventory of existing lighting submitted to the Design Review Board by the applicant will be required when the application for installing new fixture(s), is made.
 - (5) Residential lighting shall be required to conform to the light trespass and glare provisions upon enactment of this chapter.

§ 188-4. Outdoor lighting standards.

- A. General standards for nonresidential.
 - (1) All exterior lighting shall be designed, located, and lamped in order to prevent:
 - (a) Overlighting;
 - (b) Energy waste;
 - (c) Glare;
 - (d) Light trespass; and
 - (e) Unnecessary skyglow.

- (2) Canopy lights, such as service station lighting, shall be fully recessed or fully shielded and located to prevent glare and light trespass.
 - (3) Area lights. All area lights shall be fully shielded or zero uplight.
 - (4) Electrical utility companies, including their agents, shall not install, replace, re-lamp, nor repair any utility-pole-mounted fixtures after the effective date of this chapter without first receiving prior approval for such installation by the Design Review Board.
 - (a) No fixture shall exceed 3,000K.
 - (b) Every fixture shall be fully shielded, as designed and installed.
 - (c) Every fixture shall be fitted with middle-of-the-night shutoffs when the need for such lighting has been met.
 - (d) Light levels shall meet the provisions herein and shall not exceed five footcandles.
 - (5) Automatic teller machine (ATM) and other bank lighting shall be fully shielded and shall not cause glare or light trespass.
 - (6) Wall packs and floodlights that are not fully shielded are not permitted.
- B. Type of fixtures for all exterior lighting. All exterior lighting shall use fully shielded fixtures, as determined by a photometry test or certified, by the manufacturer, with the light source directed downward and with the lowest light-emitting part of the fixture level with the horizontal plane, with the following exceptions:
- (1) Unshielded residential fixtures mounted within five feet of a doorway, equal to the lumen output of one 60-watt incandescent light per fixture (900 lumens), regardless of the number of lamps in such fixtures, are allowed, provided the light trespass limitations and other provisions are met. Residential fixtures do not require photometric testing if UL rated no more than 60 watts aggregate.
 - (2) Residential floodlights that are UL rated at no more than 60 watts aggregate are permitted if angled downward and only if the fixture does not cause glare or light trespass, and beam spread does not extend beyond the intended target or across property lines. Photocells with operable timers that allow a light to go on at dusk and off by 11:00 p.m., as well as motion-sensor-activated lights for pedestrian safety and security concerns, are encouraged.
 - (3) Holiday lighting installed and lit between November 15 and January 15 of the following year.
 - (4) Residential sensor-activated fixtures, provided:
 - (a) The fixtures are operational and located in such a manner, or shielded, to prevent glare and light trespass;
 - (b) The fixtures are set to only go on when activated and to go off within five minutes after activation has ceased; and

- (c) The sensor shall not be triggered by activity off the property.
- (d) The fixture, regardless of the number of bulbs, is lamped no greater than 900 lumens (equivalent to 60 watts incandescent).
- (5) Vehicular lights and all temporary emergency lighting needed by the fire, ambulance, and police departments, or other emergency services are exempt.
- (6) Lighting of radio, communication and navigation towers is allowed, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter, and that the provisions of this chapter are otherwise met. Tower lighting shall not be permitted unless required by the FAA; in which case, required lighting shall be of the lowest allowed intensity, and red, unless specifically forbidden under FAA requirements.
- (7) Neon lights, searchlights, pulse and laser lights are prohibited. Blinking, tracing or flashing lights are prohibited.
- (8) Fixtures used for municipal playing fields may be exempt from the shielding requirements when fully shielded fixtures or shielding devices are not available for the intended purpose, and provided all other provisions of this chapter are met and the light is used only while the field is being used for permitted uses. There shall be no lighting of private sporting courts or playing fields, surfaces or areas within the Village.
- (9) In situations of lighted flags which are not illuminated with downward lighting, upward lighting may be used in the form of a narrow cone spotlight, which confines the illumination to the flag. Municipal flags are exempt from this requirement.
- (10) Sign lighting equipment, provided that the light falls entirely on the surface of the sign and no glare is visible from property lines or from public streets. Top-mounted sign lights are encouraged.

§ 188-5. Placement and height of fixtures for all exterior lighting.

- A. No fixtures shall be taller than 20 feet from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. (See Attachment 1.)
- B. Fixtures for municipal streetlights and playing fields shall be exempt from the height restriction, provided all other provisions of this chapter are met. Setbacks from the property line and back and side shielding are encouraged in the design process, to avoid light trespass and glare.
- C. All residential, private commercial, institutional, and utility existing and/or new exterior lighting shall be located and at a mounting height to prevent light trespass and shall protect adjacent properties from glare and excessive lighting.
- D. Privately owned or leased light fixtures located on public utility poles or located in the public right-of-way are prohibited.

§ 188-6. Illuminance and type of lamp for all nonresidential lighting.

- A. No fixture shall be located or concentrated so as to produce glare or direct illumination across the boundary property line, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. The maximum illuminance at or beyond the property line that adjoins a residential parcel or public right-of-way may not exceed 0.05 FC horizontal on the ground or 0.05 FC vertical measured at a five-foot height above the ground unless another applicable law supersedes. Maximum horizontal or vertical illuminance allowed between adjacent commercial properties is 0.1 FC.
- B. The average illuminance levels listed in the Illumination Levels for Various Common Tasks, as provided in the IESNA Recommended Practices, RP-33, Lighting for Exterior Environments, shall not be exceeded for nonresidential lighting unless otherwise specified or approved by the Design Review Board. The Village recognizes that not every situation will require lighting, and excessive or unnecessary light shall be avoided. Also, appropriate lighting levels are dependent upon the general nature of the surroundings and the Design Review Board may require more or less than those listed in the IESNA Recommended Practices Guidelines. Illuminance level measurements for parking lots, sidewalks, and other walkways shall include any light from nearby side-mounted building lights, freestanding sidewalk lights affected by side-mounted building lights, and streetlights. In no instance may any lighted surface, as installed, except for nonprofessional sports fields, exceed five footcandles, as measured horizontally or vertically by a light meter.
- C. No light source shall be permitted that exceeds 3,000 Kelvin.
- D. Streetlights shall be fully shielded and shall not be lamped to exceed 3,000 Kelvin. At ground level, footcandle measurements shall not exceed professional recommendations as set by IESNA Recommended Practices, RP 8, for Roadway Lighting. [Exception to "fully shielded": replacements of historic municipal streetlights; e.g., if the fixture is an historic or decorative fixture which is part of a continuous lighting design where the replacement of the fixture piecemeal with compliant fixtures would unacceptably alter the aesthetic characteristics of the existing lighting design.]

§ 188-7. Procedures for nonresidential lighting.

- A. Any change or alteration of nonresidential exterior lighting must be approved by the Design Review Board and verified, post installation, by the Code Enforcement Officer, to insure compliance with all the provisions of this chapter. Where new installations have been designed by an illuminating engineer/professional, he or she shall also conduct a post-installation inspection to verify and certify that the installed system operates as designed.
- B. All applications for design review or site plan review, special exception permits, or building permits shall include lighting plans, fixture and controls specifications and additional documentation, if any lighting is to be used, regardless of whether the lighting is preexisting or proposed, showing the following, if requested by the DRB, in order to verify that lighting conforms to the provisions of this chapter:

- (1) Location of each current and proposed outdoor lighting fixture indicated on a site plan.
- (2) Type of exterior lighting equipment, including cutoff characteristics, indicating manufacturer and model number.
- (3) Lamp source type, lumen output, and wattage.
- (4) Mounting height indicated, with distance noted to nearest property line, for each fixture.
- (5) Shielding and all mounting details, including pole foundation description.
- (6) Initial illuminance levels as expressed in footcandle measurements on a grid of the site showing footcandle readings in every five-foot grid. The grid shall include light contributions from all sources (i.e., pole-mounted lights, wall-mounted lights, and signs, including streetlights).
- (7) Statement of the proposed hours when each fixture will be operated.
- (8) Total exterior initial lamp lumens for proposed property.
- (9) Lighting manufacturer specifications (cut sheets) with photographs of the fixtures, indicating the cutoff characteristics of the fixture.
- (10) Detailed photometric layout, in five-foot grids, indicating footcandle measurements, with a "Key" on the lighting plan indicating the uniformity ratios as provided by the lighting manufacturer's Applications Department.
- (11) Types of timing devices used to control on/off.
- (12) If necessary, documentation by a lighting designer or engineer showing that the provisions can only be met with a design that does not comply with this chapter.
- (13) Exceptions may be made for additions or replacements to existing exterior lighting installations, when the total lumens for the fixtures does not exceed a total of 4,000 initial lumens. An application shall be submitted to the Design Review Board for a permit, and shall include:
 - (a) The manufacturer's cut sheet with a photograph of the fixture(s) to assure compliance to meet the definition of "fully shielded."
 - (b) Location of the fixture(s) on a diagram of the site or on a site plan indicating the height of the fixture and the distance in feet from level ground under the fixture(s) to the nearest property line.
 - (c) The initial lumen output of the fixture(s).
 - (d) Bulb (light source) type(s).
 - (e) The Kelvin rating of the light source(s).
 - (f) Hours of operation and lighting (timing) control device.

- (14) Upon any such application, the Design Review Board may require all preexisting lighting to be changed to conform to all the provisions of this chapter.
- C. No exterior lighting shall be altered, enlarged, moved, improved, or converted unless it conforms to a lighting plan approved by the Design Review Board.
- D. The following guidelines will be made available to applicants to facilitate compliance:
- (1) Diagrams of generally acceptable and generally unacceptable light fixtures.
 - (2) Diagrams of positioning of sign lights.
 - (3) Various wattage/lumen conversions.
 - (4) Latest version of Illumination Levels for Various Tasks, including uniformity ratios (from IESNA Recommended Practices, Lighting for Exterior Environments, RP 33).
 - (5) Diagram for setbacks for freestanding fixtures.
 - (6) Educational/support information for the public and the building trades.

§ 188-8. Violations; penalties for offenses.

- A. It shall be unlawful for any person, firm or corporation to install, alter, repair, move, equip, use or maintain any lighting in violation of any of the provisions of this chapter, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer.
- B. Any person who shall fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any person taking part or assisting in the installation, alteration, repair, equipping, use or maintenance of any lighting in violation of any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made hereunder, shall commit a violation of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

Chapter 196**NOISE****GENERAL REFERENCES**

Aircraft — See Ch. 59.

Firearms, fireworks and hunting — See Ch. 145.

Alarm systems — See Ch. 62.

Licensed occupations and entertainment — See Ch. 185.

Animals — See Ch. 68.

Peace and good order — See Ch. 211.

Mass assemblages — See Ch. 71.

§ 196-1. Prohibited noises; evidence of violation.

A. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

- (1) The using, operating or permitting to be played, used or operated of any radio-receiving set, television, hi-fi set, stereo set, phonograph or other machine or device for the producing or reproducing of sound, in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, hi-fi, stereo set, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, device or vehicle in which it is located shall be prima facie evidence of a violation of this section. Any person or persons who are voluntarily present at the place where said noise, as stated above, exists, may be deemed a violator of this chapter.
- (2) Yelling, shouting, hooting, whistling or singing on the public streets or in a vehicle, dwelling, motel, hotel or commercial establishment, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any other time or place so as to annoy or disturb the quiet, comfort or repose of a person or persons in any office or in any dwelling, hotel, motel or other type of residence, or of any person in the vicinity.
- (3) The keeping of any animal which, by causing frequent or long-continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- (4) The maintenance of a loud fan or air-conditioning unit or other cooling or heating device, which noise shall be frequent and which noise shall disturb the comfort and repose of any person in the vicinity.
- (5) The creation of a loud and excessive noise in connection with loading or

unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

- (6) Maintaining a commercial establishment from which loud noises emanate either as a result of mechanical or musical devices, live entertainment or patrons. It shall be prima facie evidence of a violation of this chapter if the noise is plainly audible 100 feet from the place where it emanates between the hours of 11:00 p.m. and 7:00 a.m.
- (7) The landing or taking off of helicopters, the noise of which shall disturb the comfort or repose of any persons in the vicinity.
- (8) Construction activity or garbage collection between the hours of 11:00 p.m. and 7:00 a.m., in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. **[Added 1-21-2005 by L.L. No. 1-2005]**
- (9) During the period from June 1 to September 15 of each year, excavation, demolition, construction, or exterior repair or alteration work in connection with any building, structure or improvement other than between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 3:00 p.m. on Saturday, and with regard to construction, repair or alteration work by a homeowner on his own dwelling or property, other than between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday and Sunday, and, at all times, the use by contractors or subcontractors or their employees of amplifiers, speakers or other machines or devices capable of reproducing amplified sound on the exterior of any premises. **[Added 7-1-2010 by L.L. No. 9-2010; amended 4-17-2014 by L.L. No. 3-2014]**
- (10) During the period from June 1 to the second Friday in December of each year, the use or operation of any gas- or diesel-powered lawn care equipment, leaf blower, lawn mower or trimmer by a homeowner or tenant on his or her own property other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, or between the hours of 8:00 a.m. and 3:00 p.m. on Saturday or between the hours of 9:00 a.m. and 3:00 p.m. on Sunday or any federal holiday; and, during the period from June 1 to the second Friday in December each year, the use or operation of any gas- or diesel-powered lawn care equipment, leaf blower, lawn mower or trimmer by any person other than a homeowner or tenant on his or her own property on Sundays and federal holidays and except between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 3:00 p.m. on Saturday. The provisions of this subsection shall not apply to the use of gas- or diesel-powered landscaping equipment by a municipality on municipal property or by a membership club on a golf course. **[Added 10-15-2010 by L.L. No. 12-2010; amended 4-17-2014 by L.L. No. 3-2014]**
- (11) During the period from June 1 to Labor Day of each year, the use or operation of any gas- or diesel-powered leaf blower by any landscaper, as that term is defined in § 185-13. Gas-powered leaf blowers may be used when responding to an emergency or clean-up after a major storm when the Mayor has declared a state of emergency. **[Added 7-31-2019 by L.L. No. 7-2019]**

- B. Any person or persons who are voluntarily present at or in a private or public place within the Village of East Hampton, New York, wherein a loud noise or loud talking emanates, with or without the use of a mechanical device, shall be deemed to have violated this chapter, and every person present at such gathering may be subject to prosecution as a violator of this chapter. It shall be prima facie evidence of a violation of this chapter if the noise is plainly audible at a distance of 50 feet from its point of emanation.

§ 196-2. Definitions and word usage.

For the purpose of this chapter and except as the context may otherwise require:

- A. The singular number includes the plural, and the plural, the singular.
- B. The present tense includes the past and future tenses, and the future, the present.
- C. The term "person" shall mean any corporation, firm, partnership, association, organization or other entity as well as an individual.

§ 196-3. Penalties for offenses. [Amended 4-20-2015 by L.L. No. 5-2015]

- A. A violation of the provisions of § 196-1A(1), § 196-1A(2), § 196-1A(8), or § 196-1A(9) of this chapter shall be punishable as follows:
- (1) A person or entity charged with a violation of any of the sections listed above shall be required to appear or answer within 15 days of the issuance of a ticket, and shall be subject to a minimum fine of \$150.
 - (2) Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.
 - (3) Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.
 - (4) Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.
- B. Any person, firm or corporation violating any of the other provisions of this chapter shall be guilty of a violation and shall, upon conviction, be subject to the imposition of a fine in accordance with the following schedule for each violation. Each day that a violation continues shall be deemed a separate offense. **[Amended 7-31-2019 by L.L. No. 7-2019]**
- (1) For the first offense, a fine of not less than \$250 nor more than \$1,000 for each offense, plus any costs incurred by the Village as a result of the violation(s).
 - (2) For a second offense within a two-year period, a fine of not less than \$500 nor more than \$2,500 for each offense.
 - (3) For a third and subsequent offense within a two-year period, a fine of not less than \$2,500 nor more than \$5,000 for each offense.

Chapter 199**NOTIFICATION OF DEFECTS****GENERAL REFERENCES**

Streets and sidewalks — See Ch. 250.

§ 199-1. Liability conditioned on prior notice of defect.

- A. No civil action shall be maintained against the Incorporated Village of East Hampton or the East Hampton Village Superintendent of Public Works for damages or injuries to person or property sustained by reason of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the East Hampton Village Administrator or the East Hampton Village Superintendent of Public Works and there was a failure or neglect, within a reasonable time after the giving of such notice, to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any street, highway, bridge, culvert, sidewalk or crosswalk unless written notice thereof, specifying the particular place, was actually given to the East Hampton Village Administrator or the East Hampton Village Superintendent of Public Works and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.
- B. No civil action shall be maintained against the Incorporated Village of East Hampton for damages or injuries to person or property sustained by reason of any defective parking field, parking area, beach area, marina, dock, mooring, swimming or wading pool or pool equipment, ball field, sporting field, playground or playground equipment, skating rink, park property or tree, no matter where situated, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of the defective, unsafe, dangerous or obstructed condition of the defective parking field, parking area, beach area, marina, dock, mooring, swimming or wading pool or pool equipment, ball field, sporting field, playground or playground equipment, skating rink, park property or tree was actually served upon the East Hampton Village Administrator and there was a failure or neglect, within a reasonable time after the giving of due notice, to repair or remove the defect, danger or obstruction complained of. Under no circumstances shall the Incorporated Village of East Hampton be liable for injuries or damages to person or property due to defective conditions of the aforesaid Village property in the absence of the defective condition causing said injuries or damages.
- C. No civil action shall be maintained against the Incorporated Village of East Hampton for injuries or damages to person or property sustained by reason of any

defect whatsoever in its traffic signs, highway signs, markings, lights, lightpoles, devices, sidewalks, walkways, steps, stairways, footpaths or bicycle pathways or for injuries or damages to person or property sustained by reason of any defect in its traffic signs, highway signs, markings, lights, lightpoles or devices, sidewalks, walkways, steps, stairways, footpaths or bicycle pathways in consequence of the existence of snow or ice upon any of its traffic signs, sidewalks, walkways, steps, stairways, footpaths or bicycle pathways unless said traffic signs, highway signs, markings, lights, lightpoles or devices, sidewalks, walkways, footpaths or bicycle pathways, no matter where situated, have been constructed or are maintained by the Village pursuant to statute and written notice of said defect causing the injuries or damages was actually given to the East Hampton Village Administrator, nor shall any action be maintained for injuries or damages to person or property sustained by reason of any defect or in consequence of the existence of snow or ice unless written notice thereof, specifying the particular place, location and condition was actually given to the East Hampton Village Administrator and there was a failure or neglect to cause the particular defect to be remedied or the snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of due notice.

§ 199-2. Supersession of state law.

This chapter shall supersede, in its application to the Incorporated Village of East Hampton, § 6-628 of the New York State Village Law.

Chapter 201**OUTDOOR DINING, SEASONAL****§ 201-1. Purpose and intent.**

The purpose of this chapter is to establish regulations to allow temporary (seasonal) outdoor dining and to permit same to encroach into the public right-of-way as an accessory component of an adjacent primary business which is located on private property. It is intended that such outdoor dining will not unduly restrict public access or detract from the character and appearance of the surrounding area.

§ 201-2. Definitions.

The following definitions shall apply in the interpretation of this chapter:

CHAIR or SEAT — Either a distinct piece of furniture designed to allow one person to sit upon the same, or when seating is provided on a bench or other similar structure, then every 20 inches of seating space shall be considered as the equivalent of one chair or seat for determining seating capacity.

OUTDOOR DINING — A temporary use of an adjacent, outside area by a restaurant or take-out food store as defined in Chapter 278 of the Village Code for the same eating and drinking activities that occur within the establishment. However, nothing herein shall be construed to preclude curbside delivery or contactless service. The outdoor dining area may be located in a public right-of-way pursuant to this chapter.

OUTDOOR EATING AREA — A designated area on the premises of a restaurant or take-out food store, but outside the principal building, and where patrons may sit at tables while consuming food and beverages served by a waiter or waitress or food and beverages purchased from the restaurant or take-out food store.

SIDEWALK CAFE AREA — A designated area of a public sidewalk or other Village property where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress or purchased from an adjacent restaurant or take-out food store.

§ 201-3. Permit provisions.

- A. No person shall operate an outdoor eating area or a sidewalk cafe area unless a permit has been obtained from the Village of East Hampton.
- B. Applicants shall apply for permit approval in accordance with the provisions of this chapter. All such applications shall be approved by the Building Inspector and shall be referred to the Chief of Police and the Fire Marshal, who shall provide the Building Inspector with written reports of their opinions and recommendations regarding the application.
- C. Outdoor dining permits issued pursuant to this chapter shall be valid during the period of April 15 to November 15 of each year, and all equipment used for outdoor dining shall be removed by November 20 of each year.
- D. Applicants shall meet all general ordinance requirements and all other laws, rules,

regulations and codes applicable to the proposed activity. Notwithstanding any of the provisions of this Code to the contrary, issuance of a temporary permit granted pursuant to this chapter shall not trigger the requirements of § 121-7.

- E. Notwithstanding the provisions of this Code, granting of this temporary outdoor dining permit does not provide any vested right in outdoor dining. Any permanent or year-round outdoor dining shall be subject to site plan review as required pursuant to the Village Code Chapter 121.

§ 201-4. Application; form and content.

- A. Form. All permits required by this chapter shall be applied for and obtained from the office of the Building Inspector during normal business hours. Applications for such permits shall be in a form approved by the Village Administrator and be accompanied by permit fees in the amounts established by this chapter.
- B. Content of application. Applicants proposing to establish an outdoor eating area or sidewalk cafe area must provide satisfactory proof to the Building Inspector of the following:
 - (1) A plan indicating an architectural barrier, such as floral arrangements, landscaping and/or decorative fencing designed to enclose the eating area and limit the ability of litter to blow off the premises. The Building Inspector shall also require such architectural barriers to litter in any other locations or situations where the Building Inspector finds that the litter would otherwise be likely to result from the temporary accessory use. All other outdoor eating areas and sidewalk cafe areas shall be delineated by a means approved by the Building Inspector.
 - (2) An applicant proposing to establish an outdoor eating area or sidewalk cafe area shall submit to the Building Department a layout of the proposed seating areas, which shall include, but not be limited to, a depiction of all aisles, routes of ingress and egress; clearances between tables and between the seating area at the curb; the landscape plan; an illustration, rendering and/or photograph of all proposed furniture, umbrellas, signage and other furniture proposed. No picnic-style tables are permitted.
 - (3) Physical design elements inclusive of, but not limited to, architectural barriers, tables, seating, planters and litter containers placed within the outdoor eating area or sidewalk cafe area, shall conform to design criteria established by the Building Department.
 - (4) The Building Inspector shall review each application to ensure that the proposed operation of the outdoor eating area or sidewalk cafe area will not interfere with pedestrian or vehicular traffic. Six feet of unobstructed sidewalk should be provided with the exact width being determined by the Building Inspector as he or she deems it to be appropriate to promote pedestrian or vehicular safety or the visual harmony of the neighborhood, however, in no event shall the unobstructed sidewalk be less than six feet.
 - (5) The Building Inspector shall require each applicant to submit a litter control plan which shall include, but not be limited to, a description of the number and

location of trash receptacles for the areas and the frequency with which the tables, surrounding area and adjacent public and private properties will be policed for litter. Failure to abide by an established litter control plan shall constitute a violation of the permit approval of which it was made a condition and shall subject the applicant to a fine in an amount not less than \$100 per violation.

- (6) The Building Inspector shall establish the hours of operation for each outdoor eating area or sidewalk cafe area which utilizes the right-of-way. In establishing the hours, the chief planning official shall take into consideration the nature of the restaurant or retail food establishment at issue, the character of the neighborhood adjacent to the premises, and the character and nature of other uses in the vicinity of the premises at varying times of day.
- (7) The seating contained in an outdoor eating area, outdoor dining area or sidewalk cafe area shall not be counted in determining any parking space requirement for a retail food establishment or restaurant use. The seating contained in an outdoor eating area, outdoor dining area, or sidewalk cafe shall be counted as part of the existing seating limitations for the subject parcel. In no event shall the seating contained in an outdoor eating area, outdoor dining area, or sidewalk cafe which utilizes public right-of-way areas result in increased overall seating with respect to the parcel or use.
- (8) All outdoor eating areas and sidewalk cafe areas must be properly maintained at all times, including complying with the litter control plan, complying with all applicable laws, rules, regulations and codes, properly securing and/or removing tables, chairs and other items during times of inclement weather and high wind; further, at no time shall chairs, tables or other items be stacked in the area.
- (9) Tents. Permits issued pursuant to this chapter may also grant permission to utilize tents or other temporary structures in connection with outdoor dining. Permittees may modify existing tents or erect new temporary tents or other structures, such as igloos, and include heating or cooling equipment. In such instances, the submission of an outdoor dining/tent permit application will include information sufficient for the Village to evaluate:
 - (a) The ability of structures to withstand the elements of weather, which may now include snow accumulations.
 - (b) Exits remain open at all times or are covered in a manner approved by the State Fire Code.
 - (c) The installation of lighted exit signs and the illumination of exit paths.
 - (d) All heating and/or cooling equipment needs to be listed for the use of heating tents and is installed in accordance with all New York State Uniform Fire and Building Codes.
 - (e) Propane tanks shall be separated from the tent and exits, and should be placed in a location that protects them from damage or tampering.

- (f) Carbon monoxide alarms shall be installed in all locations when using fuel-fired equipment. The provisions of this chapter shall supersede any other provisions of the Code of the Village of East Hampton with respect to the utilization of tents in connection with restaurant uses.
- C. Nothing herein shall be construed to prohibit holding special events outdoors nor limit the seating capacity for outdoor special events under tents or to limit the number of days of tented events on a parcel. Moreover, it is the express intent of this chapter to ensure that inns are eligible for the same number of tented events as all surrounding properties.

§ 201-5. Fees.

- A. The annual fee for each year for the operation of an outdoor eating area and/or sidewalk cafe shall be set by resolution by the Board of Trustees.
- B. No fees shall be prorated nor any part thereof refunded for any reason.

§ 201-6. Encroachment into public right-of-way.

- A. Outdoor dining shall be permitted to encroach into the public right-of-way pursuant to this chapter.
- B. Notwithstanding any provisions of this Code to the contrary, it is the express intent of this chapter to recognize that curbside delivery, off-site and on-site catering, and outdoor dining shall be treated as customary accessory uses for restaurants and food service establishments. Any structure containing any restaurant use that has an existing certificate of occupancy for such use shall be permitted to have outdoor dining and all accessory uses as set forth hereinabove. It is also the express intent of this chapter that bar and restaurant uses shall be treated as customary accessory uses for an inn.
- C. Location.
 - (1) Outdoor dining in the public right-of-way shall not extend beyond the boundaries of the primary business property to which such activity is subordinate.
 - (2) Outdoor dining may not encroach more than six feet into the public right-of-way.
 - (3) Notwithstanding that outdoor dining may extend into the public right-of-way, a clear pedestrian pathway shall be maintained the full width of the property. The pathway shall maintain a minimum unobstructed passageway of six feet as measured from the dining area to any obstruction, including, but not limited to, light standards, benches, street trees and garbage receptacles.
 - (4) All tables and chairs and other items used in conjunction with outdoor dining in the public right-of-way shall be removed from the public right-of-way one hour after the time outdoor dining must cease at that particular location.
 - (5) Insurance. The permittee shall maintain general liability insurance for the benefit of the Village of a type and amount as determined appropriate by the

Village Administrator or his/her designee. The permittee must also execute indemnification/defense/release/waiver of liability agreement in favor of the Village, such document to be in a form acceptable to the Village Attorney.

§ 201-7. General standards.

A. Development standards.

- (1) Facilities and equipment shall be of a quality and style that is consistent with any applicable design standards and policies. The design, quality, materials and colors used for chairs, tables, lighting and other fixtures shall complement the architectural style and colors used on the adjacent buildings.
- (2) Lighting will be required for outdoor dining areas where food will be eaten during the evening hours. All lighting shall be approved by the Building Inspector and shall be temporary in nature. The lighting fixtures must be decorative and complement the architectural character of the building and area. Lights shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway and should illuminate only the sidewalk area.
- (3) Portable umbrellas may be permitted, provided they do not obstruct the public right-of-way or walkway and do not contain advertising.

B. Operational standards.

- (1) The owner and/or tenant of the property is responsible for proper operation of the outdoor dining area. Outdoor dining shall be continuously supervised by management or employees. Any behavior that disturbs customers or passersby on the sidewalk or in the right-of-way will constitute grounds for revocation of any permit(s) to operate an outdoor dining area.
- (2) Establishments are required to maintain all outdoor dining areas and sidewalk cafe areas in a manner which is clean and free of litter and debris.
- (3) All plans and permits for the outdoor dining area approved by the Village must be kept on the premises for public inspection at all times during which the associated establishment is open for business.
- (4) Outdoor dining areas shall be operated in a manner that meets all requirements of the Health Department of Suffolk County and all other applicable laws, rules, regulations, ordinances and standards promulgated by the United States of America, State of New York, County of Suffolk, Village of East Hampton, or any body or agency thereof having jurisdiction over such matters. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State of New York.

§ 201-8. Review process.

- A. Review authority. The Building Inspector shall have administrative authority to review and approve permits issued under this chapter.
- B. Conditions of approval. The Building Inspector may impose reasonable conditions

of approval to ensure that outdoor dining areas operate in a manner that is not detrimental to the public health, safety and welfare, is consistent with all applicable codes, policies and guidelines, and enhances the image, appearance and vitality of the area in which the use is located. This includes, but is not limited to, authority to regulate the design, layout, materials, colors, quality and appearance of outside dining and display areas; to require security deposits, insurance and other reasonable financial guarantees and to prescribe operating terms which the permittee must follow.

C. Appeal.

- (1) The decision of the Building Inspector may be appealed to the Zoning Board of Appeals.
- (2) The decision of the Zoning Board of Appeals may be appealed to the Village Board of Trustees.
- (3) The above decisions must be appealed, in writing, to the Village Clerk's office within 10 days after the decision is made.

D. When filing an application for an outdoor dining or display permit or any related appeals, a uniform nonrefundable fee shall be paid for the purposes of defraying the costs incidental to the proceedings. The fees shall be determined by the Village Board of Trustees and adopted by resolution which may be amended from time to time.

§ 201-9. Permit required.

A permit must be obtained from the Village before any outdoor dining is permitted.

§ 201-10. Terms and renewal.

A permit for an outdoor dining area may be approved for the period of April 15 to November 15 of each year. The Village may temporarily suspend the permit upon seven days' notice because of anticipated or actual conflicts in the use of sidewalk areas due to street repairs, parades, festivals and other similar events. The Village may create a renewal application for outdoor dining permits, which shall be in a form approved by the Village Administrator and be accompanied by permit fees in the amounts established by this chapter.

§ 201-11. Penalties for offenses; revocation.

- A. Penalties. Each violation of the provisions of this chapter shall constitute a separate offense punishable by a fine not to exceed \$500 for the first offense and \$1,000 for each subsequent offense. In addition, the Village may seek civil remedies for any violation, including, but not limited to, injunctive relief and the recovery of reasonable costs for the enforcement and correction of the violation.
- B. Revocation. Violation of any of the standards in this code or any of the conditions imposed by the Building Inspector under shall be grounds for revocation of the permit to operate an outdoor dining area. Such revocation shall require a majority vote of the Zoning Board of Appeals at a regular meeting to which the permittee

has been given at least 10 calendar days' notice. The decision of the Zoning Board of Appeals may be appealed to the Village Board of Trustees.

Chapter 208

PARKS AND RECREATION

GENERAL REFERENCES

Beaches — See Ch. 77.

ARTICLE I
Herrick Park

[Adopted 8-19-1983 by L.L. No. 6-1983 (Ch. 30 of the 1971 Code)]

§ 208-1. Definitions.

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

FACILITIES OF HERRICK PARK — The tennis courts, the two softball fields and the football/soccer/rugby field, and any other part or portion of Herrick Park.

GROUP — Any two or more individuals assembled together to use one or more of the facilities of Herrick Park; or any firm, corporation, partnership or other entity, two or more of whose members or guests shall assemble together to use the facilities of Herrick Park.

HERRICK PARK — All that real property with equipment thereon conveyed to the Village of East Hampton by the Neighborhood Association by deed dated August 11, 1976.

LICENSING AUTHORITY — The Village Board of the Incorporated Village of East Hampton or its duly designated authority.

§ 208-2. Permit required.

No group shall use or employ any of the facilities of Herrick Park without obtaining a permit therefor from the licensing authority as herein provided.

§ 208-3. Exceptions to permit requirements.

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

- A. A group using the swings, slides and other apparatus located in the park for the use of children.
- B. East Hampton School District classes during regular school hours.

§ 208-4. Application for permit.

Applicants for permits shall file a written application therefor with the licensing authority. Applications shall set forth the following information:

- A. The name and address of the applicant.
- B. If the applicant is a corporation, the names and residence addresses of the officers thereof; and if the applicant is a firm, partnership or other entity, the name and residence address of the person applying on behalf thereof.
- C. The proposed times and dates of the use of the facility of Herrick Park and the type of use.

§ 208-5. Issuance of permit.

After the filing of an application for a permit, the licensing authority shall examine

the application and make such investigation as it deems necessary or advisable. Upon completion of the same, the licensing authority shall issue a permit unless it finds that the proposed use will conflict with the proposed use of a group to which a permit was previously issued or when it finds that the proposed use of Herrick Park is incompatible with the use of Herrick Park as a public park or playground, or unless the group has therefore violated the conditions of a permit or the rules and regulations governing the use of Herrick Park.

§ 208-6. Regulations for use of park. [Amended 11-20-1992]

Herrick Park is intended for the enjoyment and use of the entire East Hampton community. The following rules have been adopted to ensure the safety and welfare of all. Compliance and cooperation will be appreciated.

A. There shall be no:

- (1) Gambling.
- (2) Golfing.
- (3) Archery.
- (4) Camping.
- (5) Flying of model aircraft.
- (6) Fires or open burning of any kind.
- (7) Motor vehicles.
- (8) Bicycle riding.
- (9) Walking of pets.
- (10) Sleeping or loitering from 11:00 p.m. to 7:00 a.m.
- (11) Possession and/or consumption of alcoholic beverages.
- (12) Digging as a result of the use of metal detecting devices.
- (13) Rollerblading on tennis courts.³²

§ 208-7. Penalties for offenses.

Any person, group, organization, corporation, association or other entity who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both.

32. Editor's Note: Former Subsection B, Permits required, which immediately followed this subsection, was repealed 6-18-2021 by L.L. No. 16-2021.

Chapter 211**PEACE AND GOOD ORDER****GENERAL REFERENCES**

Aircraft — See Ch. 59.

Noise — See Ch. 196.

Beaches — See Ch. 77.

Peddling and soliciting — See Ch. 214.

Firearms, fireworks and hunting — See Ch. 145.

Abandoned shopping carts — See Ch. 235.

Fire regulations — See Ch. 150.

Streets and sidewalks — See Ch. 250.

Licensed occupations and entertainment — See Ch. 185.

§ 211-1. Disturbances and unlawful assemblies.

No person shall make, aid, countenance or assist in making any improper noise, riot or disturbance in the street or elsewhere, and no persons shall collect in crowds for unlawful or idle purposes, to the annoyance or disturbance of citizens or travelers.

§ 211-2. Unnecessary crowds; loitering; begging; tumultuous conduct.

Unnecessary crowds upon the streets or in doorways or in stairways adjacent thereto, or loitering about said places, or begging or disorderly, noisy, riotous or tumultuous conduct within the Village, disturbing the peace and quiet of the Village or of any meeting or assembly therein, are hereby prohibited.

§ 211-3. Playing games or throwing missiles on streets or public grounds.

Coasting, ball playing, throwing stones or snowballs or any act or amusement or practice endangering property or persons on the streets or public grounds of the Village is hereby prohibited.

§ 211-4. Keeping animals or fowl.

The harboring or maintenance of any animals, fowl, ducks, etc., within the Village, by reason of which the public peace and order of the Village or the public health therein is unduly affected, is hereby prohibited.

§ 211-5. Fireworks and noisemaking devices.

The discharge within the Village of any toy pistols, firecrackers, bombs or other noisemaking devices, or the operation of any noisemaking device, except upon the Fourth of July, is hereby prohibited. The Board of Trustees may, in its discretion and upon proper application therefor, suspend the operation of this section upon any other day in the year under such conditions and restrictions as it may deem proper to impose, but nothing herein contained shall be deemed to authorize, upon the fourth day of July or upon any day when the operation of this section shall be suspended, any conduct within

the Village which shall endanger life or property.³³

§ 211-6. Public attire. [Added 11-15-1985 by L.L. No. 11-1985; amended 1-15-1993 by L.L. No. 1-1993]

- A. No person shall walk, ride or remain in or upon any of the public streets, paths or highways within the boundaries of the Incorporated Village of East Hampton clothed in a bathing suit or bathing garment unless said bathing suit or bathing garment is covered by a coat or cloak extending from the shoulders to below said garment so that the bathing suit or bathing garment worn by said person is hidden from view.
- B. No person, while within the bounds of any public street, park, path or highway in said Village, shall disrobe for the purpose of putting on or removing any bathing suit or other garments.
- C. No person shall appear in a public street, park, path or highway in said Village clothed or costumed in such a manner that the portion of his or her breast below the top of the areola is not covered with a fully opaque covering.
- D. No person shall appear in a public street, park, path or highway in said Village unless his or her buttocks and the private or intimate parts of his or her body are covered with a fully opaque covering.

§ 211-7. Obscene writing or pictures; defacing property.

No person shall write, print, publish or post any obscene or indecent writing, picture or print in said Village, and no person shall deface any post, wall, fence, building, tree or other surface with any obscene or indecent mark, writing, picture or print.

§ 211-8. Public notices.

The defacement or destruction of any public notice or any notice or sign placed by or with the consent of the Board of Trustees is hereby prohibited.

§ 211-9. Indecent language.

No person or persons shall use any profane, obscene or indecent language in any street, avenue or highway or public place in the Village.

§ 211-10. Public intoxication.

It shall not be lawful for any person to appear on any of the streets, avenues, public halls or public places in the Village in a state of intoxication.

§ 211-11. Houses of prostitution or gambling houses.

- A. No person shall, within the Village of East Hampton, maintain any house of prostitution, gambling house or place where, by means of slot machines, faro bank,

33. Editor's Note: Original § 41-6, Bathing; apparel, amended 5-10-1956, which section immediately followed this section, was repealed 11-15-1985 by L.L. No. 19-1985.

dice or other implement of gambling, money, liquor, cigars or any other articles may or shall in any manner be placed for or be found within any such place.

B. Gambling houses. [Added 5-18-1979 by L.L. No. 18-1979]

(1) Findings. The Village Board of Trustees finds as follows:

- (a) Gambling houses constitute a threat to the peace and good order of the community.
- (b) The welfare of the citizens of the Village would be advanced by the prevention and suppression of the evils associated with gambling houses.
- (c) Gambling houses would bring a large influx of gamblers with an accompanying increase in crime, congestion and accidents, and any revenue which might be derived from gambling houses is likely to be offset by the cost of additional services required to be provided by the Village.
- (d) Gambling houses in the Village would be detrimental to the orderly economic development of the Village by increased land speculation and the attraction of illegitimate business.
- (e) Numerous community organizations and a substantial number of residents of the Village have communicated to the Village Board their opposition to gambling houses in the Village.

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

GAMBLING — A person engages in "gambling" when he stakes or risks something of value on the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he will receive something of value in the event of a certain outcome. "Gambling" does not include bingo and lotto as authorized by the State Constitution in Article 1, § 9.

GAMBLING DEVICE — Any device, machine, paraphernalia or equipment which is used or usable in the playing phases of any gambling activity, whether such activity consists of gambling between persons or gambling by a person involving the playing of a machine.

GAMBLING HOUSE — Any premises or establishment at which gambling is conducted as a trade or business for profit. A person "profits from gambling activity" when, other than as a player, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity. "Gambling house" does not include nonpublic or noncommercial premises at which casual betting or gaming are conducted for private amusement or recreation.

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

(3) Violations.

- (a) It shall be a violation of this Subsection B for any person to own, maintain, conduct or promote any gambling house in the Incorporated Village of East Hampton.
 - (b) It shall be a violation of this Subsection B for any person to possess any gambling device with the intent to use it in the conduct of a gambling house.
 - (c) This Subsection B shall in no way affect the right of citizens to vote in any referendum on gambling or gambling casinos which may be held pursuant to state law.
 - (d) This Subsection B is intended to be consistent with the State Penal Law and to be enforced in a manner that preserves the authority of state law.
- (4) Penalties.
- (a) Any person who shall own, maintain, conduct or promote a gambling house in the Village or who shall possess a gambling device therein shall be guilty of a violation of this Subsection B, punishable, upon conviction, by a fine not exceeding \$250 or by imprisonment up to 15 days, or both, for each and every violation.
 - (b) Each and every day in which a violation occurs shall be deemed a separate and distinct violation.
- (5) Enforcement.
- (a) The Village police shall be empowered to arrest any person upon probable cause that he or she has violated this Subsection B and to confiscate any gambling device or evidence relating thereto and to close down the premises or establishment.
 - (b) Nothing herein shall be construed to change the authority of the Village police to work with and assist state and county law enforcement agencies in the enforcement of this Subsection B and of the State Penal Law.

§ 211-12. Indecent acts.

No person or persons shall commit any lewd, wanton, indecent, immodest, obscene or filthy act, or be guilty of any lewd, wanton, indecent, immodest, obscene or filthy gesture or conduct in any street, avenue or public place in the Village of East Hampton.

§ 211-13. Parades. [Added 10-16-1970]

No parade shall be held without a permit therefor issued by the Chief of Police and approved by the Mayor, which permit may only be granted upon five days' prior written application therefor. No such permit shall issue for a parade which, in the judgment of the Mayor or Chief of Police, would unduly obstruct traffic or create any other hazardous condition or unduly disturb the peace and good order. The application shall show the proposed route of the parade, the duration and the number of participants and the type of vehicles, if any, involved.

§ 211-14. Penalties for offenses. [Amended 10-16-1970]

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

§ 211-15. Possession of open containers of alcoholic beverages. [Added 10-19-1979 by L.L. No. 24-1979]

- A. Prohibition. No person shall have in his possession any open container containing an alcoholic beverage on any public highway, street, parking lot, sidewalk or vacant land areas of the Incorporated Village of East Hampton.
- B. Definitions. For the purposes of this section, the term "alcoholic beverage" shall mean and include alcohol, spirits, liquor, wine or beer and every liquor or solid, patented or not, containing alcohol, spirits, wine or beer capable of being consumed by a human being. The term "container" shall mean any bottle, can or glass or other receptacle suitable for or used to hold any liquid.
- C. Application. This section, except as hereafter provided, shall apply to all persons on any public highway, street, parking lot, sidewalk or vacant land areas of the Village.
- D. Hazard declared. The possession of open containers of alcoholic beverages by persons on any public highway, street, parking lot, sidewalk or vacant land areas of the Incorporated Village of East Hampton is hereby deemed to constitute a hazard and a nuisance to the health, safety and welfare of the public.
- E. Exceptions; permit required; issuance. If any individual or organization desires to have, distribute or consume alcoholic beverages on public property in the Incorporated Village of East Hampton, said individual or organization must apply to the Chief of Police of the Village, or his duly authorized representatives, for a permit therefor, at least three days prior to the date scheduled for using such beverages. No fee shall be charged for the granting of said permit.
 - (1) A permit shall be issued only upon the following conditions:
 - (a) Such individual or organization by its duly authorized officer must agree, in writing, to assume full responsibility for supervising the conduct of the group or individuals benefiting from such permit and to properly clean up and restore the premises, after use, to its prior condition.
 - (b) Such individual or organization must further agree, in writing, that adequate precautions shall be taken to ensure that minors will not be served or allowed to consume alcoholic beverages at the permitted event or gathering.
 - (c) No alcoholic beverages shall be distributed or consumed other than on the specific premises described in the permit and only during the time stated therein.
 - (d) No permit shall be issued to any individual or organization who or which has previously been issued a permit and has failed to comply with the

provisions hereof.

- (2) In addition, this section shall not apply to any person who is drinking alcoholic beverages while operating a motor vehicle upon any public highway within the Village in violation of § 1227 of the Vehicle and Traffic Law of the State of New York.

F. Penalties. A breach of this section shall constitute a violation, and shall be punishable as follows: **[Amended 4-20-2015 by L.L. No. 6-2015]**

- (1) A person charged with a violation of § 211-15A shall be required to appear or answer within 15 days of the issuance of a ticket, and shall be subject to a minimum fine of \$150.
- (2) Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.
- (3) Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.
- (4) Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.

§ 211-16. Exposure of a person. [Added 6-18-1993 by L.L. No. 8-1993]

- A. No person shall appear in a public place, except as provided in § 211-6, in such a manner that the private or intimate parts of his or her body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola. This section shall not apply to the breastfeeding of infants.
- B. Any person violating the provisions of this section shall, upon conviction thereof, be subject to a fine not to exceed the sum of \$250 for each offense, and each day that a fine continues shall be deemed to constitute a separate offense.

§ 211-17. Smoking in public places. [Added 4-15-2011 by L.L. No. 4-2011; amended 9-21-2018 by L.L. No. 16-2018; 4-16-2021 by L.L. No. 9-2021]

No person shall smoke a cigarette, pipe, cigar or similar smoking substance or engage in any vaping activity at or within any public property of the Village of East Hampton (including but not limited to: any beach pavilion, parking lot, Herrick Park).

Chapter 214

PEDDLING AND SOLICITING

GENERAL REFERENCES

Licensed occupations and entertainment — See Ch. 185. Streets and sidewalks — See Ch. 250.

Noise — See Ch. 196.

ARTICLE I
Street Peddling

§ 214-1. Peddling on streets restricted to farm commodities.

All persons are forbidden from crying out, hawking or peddling or exposing for sale or for any other purposes any goods, wares or merchandise in any of the streets or public places of the Village of East Hampton, except farm produce, milk, meats, fish and fruit produced by farmers and persons who produce such commodities.

§ 214-2. Standing of vehicles restricted.

No person shall allow any vehicle from which he is peddling any article to remain standing for a longer period of time than is necessary for the sale and delivery of goods purchased by the occupant of premises in front of which such vehicle stands.

§ 214-3. Seasonal limitation.

No person shall occupy any part of a public highway within the Village in any manner for the purpose of selling or soliciting between June 1 through September 30 in any year.

ARTICLE II
Private Property

§ 214-4. Prohibited acts.

- A. No person shall enter any private residential property in the Village of East Hampton, Suffolk County, New York, for the purpose of vending, peddling or soliciting orders for any merchandise, device, book, periodical or printed matter whatsoever, nor for the purpose of soliciting alms or a subscription or a contribution to any church or charitable or public institution whatsoever, nor for the purpose of distributing any handbill, pamphlet, tract, notice or advertising matter, nor for the purpose of selling or distributing any ticket or chance whatsoever, without the previously expressed invitation of the owner or occupant of the premises.
- B. It shall be unlawful for any peddler or solicitor to enter or attempt to gain entry or admission to any premises posted with any sign, the purpose of which sign is to prevent, prohibit or avoid peddling or soliciting thereat.

§ 214-5. Exemptions; time limitations.

- A. This chapter shall not apply to charitable or other organizations or persons exempted from compliance with the provisions of Article 7-A of the Executive Law, nor to any political organization or any division, branch, part or representative thereof.
- B. It shall be unlawful for any person to enter upon private property for the purpose of soliciting before the hour of 9:00 a.m. prevailing time or after 1/2 hour after sunset or 7:00 p.m. prevailing time, whichever is later, on any day except upon the expressed invitation of the owner or occupant of the premises.

§ 214-6. Notice required by Police Department.

It shall be unlawful for any person soliciting pursuant to § 214-5 above to solicit, either directly or indirectly or by or through another person or employee, without having first given notice of such solicitation, information about the proposed solicitor and the purpose of the proposed solicitation to the East Hampton Village Police Department Said notice shall advise the Police Department of:

- A. The day on which the proposed solicitation will occur;
- B. The full name, address and social security number of the proposed solicitor;
- C. The full name and address of the organization, if any, with which the solicitor is associated; and
- D. A general description of the purpose of the proposed solicitation.

§ 214-7. Use of public ways; exclusive territory prohibited.

No peddler or solicitor shall have any exclusive right to any location in any street or on any public property, nor shall any peddler or solicitor be permitted to occupy any stationary location in any street or on any public property. No person may peddle or

solicit in any congested place or area when or where such activity may impede or inconvenience the public or add to the congestion of such place or area. For the purpose of this section, the judgment of any peace officer or police officer, exercised in good faith, shall be deemed conclusive as to the existence of congestion and as to whether the public is impeded or inconvenienced.

ARTICLE III
General Provisions

§ 214-8. Enforcement.

It shall be the duty of all duly authorized peace officers and of any police officer of the Village to enforce the provisions of this chapter, to make arrests or issue summonses or other legal process for violation of the provisions of this chapter and to provide to the Village Administrator, upon request, a record of all violations observed, whether or not any criminal prosecution is based thereon.

§ 214-9. Penalties for offenses. [Amended 4-20-2015 by L.L. No. 7-2015]

- A. A violation of the provisions of § 214-1 of this chapter shall be punishable as follows:
- (1) A person or entity charged with a violation of any of the sections listed above shall be required to appear or answer within 15 days of the issuance of a ticket, and shall be subject to a minimum fine of \$150.
 - (2) Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.
 - (3) Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.
 - (4) Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.
- B. Any person, firm or corporation violating any of the other provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

§ 214-9

POLICE

§ 214-9

Chapter 219

POLICE

ARTICLE I
Disciplinary Hearing Procedures
[Adopted 2-6-2014 by L.L. No. 1-2014]

§ 219-1. Legislative intent.

- A. Pursuant to § 8-804 of the New York State Village Law, the Village Board of the Village of East Hampton is empowered to adopt and make rules and regulations for the examination, hearing, investigation and determination of charges made or preferred against any member or members of the police force of the East Hampton Village Police Department (hereinafter "member").
- B. The purpose of this article is to provide rules and regulations for examination, hearing, investigation and determination of charges made or preferred against members of the police force of the East Hampton Village Police Department, in accordance with § 8-804 of the New York State Village Law.
- C. These rules and regulations are intended to comply with applicable provisions of law, including the Village Law of the State of New York. Except as expressly stated herein, and as stated in the rules and regulations of the East Hampton Village Police Department, as the Village may from time to time prescribe, the Village hereby adopts and incorporates by reference the procedures set forth in § 8-804 of the New York State Village Law for examination, hearing, investigation and determination of charges made or preferred against any member or members of the police force of the East Hampton Police Department.

§ 219-2. Disciplinary actions.

For purposes of these rules and regulations, subject to the provisions of § 8-804 of the New York State Village Law or other applicable law, the Village Board has the power to discipline any member or members of the police force of the East Hampton Police Department found guilty upon written charges, after eight days' notice and an opportunity to be heard in his or her defense, of neglect or dereliction in the performance of official duty, or violation of rules and regulations, or disobedience, or incompetency to perform official duty, or an act of delinquency seriously affecting his or her general character or fitness for office, by the following disciplinary actions:

- A. Fine.
- B. Reprimand.
- C. Suspension, without pay, not to exceed 20 days, provided that the Village Board shall have the power to suspend any member or members, without pay, for a period not exceeding 30 days pending trial of disciplinary charges.
- D. Removal from one's title and reduction into a lower title if one exists.
- E. Dismissal.

§ 219-3. Disciplinary charges.

- A. Except as otherwise provided, no member or members of the police force of the

East Hampton Police Department shall be fined, reprimanded, suspended, removed or dismissed until written charges shall have been examined, heard and investigated in such manner or procedure, practice, examination and investigation as the Village Board may by rules and regulations from time to time prescribe.

- B. Notwithstanding any other provision of law, no charges shall be commenced more than three years after the occurrence of the alleged neglect or dereliction in the performance of official duty, or violation of rules and regulations, or disobedience, or incompetency to perform official duty, or an act of delinquency seriously affecting his or her general character or fitness for office, complained of and described in the charges; provided, however, that such limitation shall not apply where the aforementioned conduct complained of and described in the charges would, if proven in a court of appropriate jurisdiction, constitute a crime.

§ 219-4. Request for hearing.

- A. Any member or members of the police force of the East Hampton Village Police Department served with charges shall have the right to request a hearing of such charges. The request for a hearing must be made in writing and received by the Village Administrator, or such other person designated by the Village Board to accept a request for a hearing on disciplinary charges, within eight days of the service of the charges.
- B. The Village Board shall have the power to suspend any member or members, without pay, for a period not exceeding 30 days pending trial of disciplinary charges. If any member so suspended shall not be convicted by the Village Board of any of the charges preferred, he or she shall be entitled to full pay from the date of suspension, notwithstanding such charges and suspension.

§ 219-5. Appointment of hearing officer.

Following receipt of a request for a hearing on the charges, the Village Board will appoint a hearing officer who will conduct the hearing.

§ 219-6. Conduct of hearing.

Except as otherwise provided herein, all hearings shall be conducted in accordance with the procedures contained in § 8-804 of the New York State Village Law. The hearing of the charges shall be private, unless the member specifically requests a public hearing in writing. The member shall have the right to be represented by counsel or representative at such hearing. Any and all witnesses shall testify under oath. Compliance with technical rules of evidence shall not be required in such hearing.

§ 219-7. Hearing officer's report and recommendations.

The hearing officer is to hear all testimony and review all evidence and shall issue a report, in writing, containing recommended findings of fact and a recommended disciplinary penalty, if applicable, to the Village Board.

§ 219-8. Village Board determination of charges.

After review, the Village Board may accept or reject, in whole or in part, the recommended findings of fact and/or the recommended disciplinary penalty, if applicable. The Village Board shall make a final determination of the charges alleged in the notice of discipline, and, where applicable, shall impose any penalty consistent with the New York State Village Law.

§ 219-9. Appeal.

In accordance with § 8-806 of the New York State Village Law, the conviction of such member or members shall be subject to review by the Supreme Court in the judicial district in which the Village is located, in the manner provided by Article 78 of the Civil Practice Law and Rules on the ground that said conviction is illegal, provided the proceeding is commenced within 60 days after the conviction.

§ 219-10. Severability.

If any part or provision of this article or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this article or the application thereof to any other persons or circumstances, and the Village Board of the Village of East Hampton hereby declares that it would have passed this article or the remainder thereof had such invalid application or provision been apparent at the time of enactment. The Village Board further hereby declares that should any part or provision of this article or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, that it is the intention of the Village Board that such part, provision or application be governed by the applicable provisions of the Village Law and/or the civil service provisions of § 8-806 of the New York State Village Law.

ARTICLE II
Constables
[Adopted 10-15-2021 by L.L. No. 26-2021]

§ 219-11. Positions established; powers and responsibilities.

The Village of East Hampton hereby establishes the position of Village constables, members of which shall be authorized to act in the capacity of peace officers pursuant to the provisions of Criminal Procedure Law § 2.10(1). Village constables shall have the powers and the responsibilities consistent and generally associated with peace officers in the State of New York, including but not necessarily limited to:

- A. Patrolling the Village by foot or vehicle, noting violations of New York State and local laws, codes, and ordinances within the Village;
- B. Answering calls for assistance within the Village in connection with automobile accidents, other accidents, emergency situations, and all other situations requiring action or intervention;
- C. Directing pedestrian and vehicular traffic at scenes of accident, fires, public assemblages and at busy thoroughfares and intersections within the Village;
- D. Answering questions for and directs the public;
- E. Making reports of activities as required;
- F. Investigating complaints and reports of violations of New York State laws and regulations, and Village and local laws and regulations, for investigation, and issuing summonses or appearance tickets to violators when sufficient evidence exists;
- G. Directing pedestrian and vehicular traffic at scenes of accident, fires, public assemblages and at busy thoroughfares and intersections;
- H. Patrolling parking areas and issues summonses for parking violations;
- I. Answering questions for and directs the public;
- J. Making reports of activities as required;
- K. Testifying in court or grand jury as required.

§ 219-12. Firearm training required.

No person holding the position of Village constable shall carry or otherwise possess a firearm in their capacity as a Village constable on Village property other than in conformity with state and federal law, and after having successfully completed such initial training and instruction, and any required in-service or follow-up training and instruction, required for a peace officer authorized to carry a firearm under the laws of the State of New York.

§ 219-13. Compensation.

The Village constables shall serve at whatever compensation that will be determined by the Village Board, if any, and compensation shall be fixed at a rate commensurate with the task assigned, as determined by the Village Board in their sole discretion.

§ 219-14. Equipment and training.

The Village shall purchase uniforms and equipment for constables and provide any and all necessary training as deemed necessary and required by the Village Board and the Village of East Hampton Chief of Police. There shall be a provision in the annual budget for the estimated expenditures incurred in providing uniforms, equipment and training.

§ 219-15. Waiver of residence requirement.

Pursuant to the laws of the State of New York and specifically Municipal Home Rule Law § 10, the Village of East Hampton will waive the residency requirements set forth in New York State Public Officers Law § 3 for constables of the Village of East Hampton.

§ 219-16. Waiver of qualification requirements.

Qualifying evaluations may be waived for candidates with current or prior status in a peace or police officer title who are in possession of current New York State MPTC certification as a peace or police officer within the following guidelines:

- A. Pursuant to § 2.30 of Criminal Procedure Law:
 - (1) Separated for less than two years after having served for less than two consecutive years as a peace officer in NYS; or
 - (2) Separated for less than four years after having served as a peace officer in NYS for more than two consecutive years.
- B. Pursuant to § 209-q1(b) of General Municipal Law:
 - (1) Separated for less than two years after having served for less than two consecutive years as a police officer in NYS; or
 - (2) Separated for less than four years after having served as a police officer in NYS for more than two consecutive years; or
 - (3) Up to 10 years after separation with an approved police officer refresher course.

§ 219-17. When effective.

This article shall take effect immediately upon filing with the New York State Secretary of State.

Chapter 225**PROPERTY MAINTENANCE AND NUISANCE ABATEMENT****§ 225-1. Definitions.**

- A. For the purposes of this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PREMISES — A building, structure or land used for any purpose other than for single-family or multifamily purposes, including premises used for retail purposes, business purposes or industrial purposes.

MULTIFAMILY PREMISES — Any building which is used as a home or residence, other than a single-family residence, together with any garage or other accessory buildings and the lot upon which such building or buildings are constructed.

SINGLE-FAMILY RESIDENCE — A building which is occupied exclusively as the home or residence of a single family, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

§ 225-2. Exterior maintenance.

- A. Surface and subsurface water shall be drained to prevent damage to buildings and structures and to prevent development of stagnant waters. Gutters, culverts, catch basins, drain inlets, screenwriter sewers and sanitary sewers or other satisfactory drainage systems shall be provided and utilized. In no case shall the water from any rain leader be allowed to flow over the sidewalk of adjoining property.
- B. Fences and retaining walls shall be maintained in a safe condition.
- C. In the case of multifamily premises and commercial premises, steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passages under normal use and weather conditions.
- D. In the case of multifamily premises and commercial premises, all driveways and parking spaces provided shall be covered with a dustless surface and shall be kept in good repair, and such driveways and parking spaces shall be regularly cleaned to avoid accumulation of dirt, paper and other debris. On commercial premises, all parking areas shall be covered with a dustless surface.
- E. No owner of land fronting or abutting on a street or road in the Village of East Hampton shall permit the growth of trees, hedges, shrubs, grass or weeds to overhang the property line.
- F. The owner shall keep all and every part of the premises which he owns and the steps, walks, driveways and parking areas located in the front, rear or side of said premises, from the building line to the nearest public street line, in a clean, sanitary and safe condition and free from litter, debris, paper, dirt, garbage and junk and, except for public improvements, in good repair.

- G. Use of outdoor premises for the storage of any unregistered vehicles, including automobiles, trucks, trailers and boats, shall be prohibited.

§ 225-3. Buildings and structures.

The owner shall keep all and every part of the building and accessory structures in an attractive condition and good repair.

§ 225-4. Control of infestation.

- A. In the case of multifamily premises and commercial premises, grounds, buildings and structures shall be maintained free of insects, vermin and rodents.
- B. In the case of multifamily premises and commercial premises, where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be screened with wire mesh or other suitable materials.

§ 225-5. Responsibilities of owners and occupants.

- A. Owners of premises and other persons, as defined in § 225-7B, shall be responsible for compliance with this chapter.
- B. In addition, tenants and occupants of multifamily and commercial premises shall be responsible for compliance with respect to the following:
- (1) Maintaining all and every part of the commercial premises which they rent, occupy or control and the steps, walks, driveways and parking areas located the front, rear or side of said premises, from the building line to the nearest public street curblin, in a clean, sanitary and safe condition and free from litter, debris, paper, dirt, garbage and junk.
 - (2) Keeping exits from that portion of the premises which they occupy clear and free from obstructions.
 - (3) Disposing in a clean and sanitary manner of all garbage, refuse and debris in the provided facilities.
 - (4) Exterminating insects, rodents or other pests within that part of the premises which they occupy.
 - (5) Any and all sidewalks composed or constructed of concrete, cement, brick or other hard surface shall be kept free from obstruction from snow and ice. In removing such snow or ice, no person shall put the same in the gutter or drain of the street or in any manner fill up or obstruct any such gutter or drain. In every case in which such snow or ice is not so removed or when the gutter is so obstructed, it shall be the duty of the Superintendent of Public Works to remove the same, and the expense of such removal shall thereupon become a lien upon such land, to be enforced as provided by law.
- C. The following regulations shall apply to all owners or occupants of property within the Village of East Hampton:
- (1) Prohibition on planting bamboo. No property owner or occupant or any other

person, corporation or other entity shall plant, install, or cause or permit the planting or installation of plant species upon any property, including one-family and two-family residences, located within the Village of East Hampton, commonly considered to be classified as "running bamboo," hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorph) rhizome (root) systems, including, but not limited to, the following plant genera: Arundinaria, Chimonobambusa, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.

- (2) Duty to remove bamboo. In the event any species commonly considered to be classified as "bamboo," either "running" or "clumping," hereinafter defined as any tropical or semi-tropical monopodial (leptomorph) or sympodial (pachymorph) grasses, including, but not limited to, Arundinaria, Bambusa, Chimonobambusa, Dendrocalamus, Fargesia, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria, is located upon any property, including one-family and two-family residences, within the Village of East Hampton, the owner or occupant of said property shall remove such species to prevent the encroachment, spread, invasion or intrusion of same onto any other property or right-of-way.
- (3) Notice. The Village shall notify anyone who is in violation of Subsection C(1) or (2) above. The notice shall be in writing and specify a time, not less than 15 days, to comply with the provisions herein. Said notice shall be served personally or by certified mail. Service shall be deemed complete on the day the delivery of mail is completed.
- (4) Presumption. In the event any species commonly considered to be classified as "bamboo" is found to have encroached, spread, invaded, or intruded upon any other property or right-of-way, said species shall be presumed to be classified as "running bamboo."
- (5) Joint and several liability. The property owner or occupant and the installer of the bamboo, if any, may be held jointly and severally liable as a result thereof.

§ 225-6. Enforcement.

- A. The Building Inspector and other duly appointed law enforcement officers of the Village of East Hampton shall be charged with the duty of administering and enforcing this chapter.
- B. It shall be the duty of the Building Inspector to issue a notice of violation or to order in writing the correction of all conditions found to exist in or on any premises which violate the provisions of this law.

§ 225-7. Penalties for offenses.

- A. Any person, upon conviction of a violation of this chapter, shall be fined a sum of money of not less than \$100 nor more than \$200 for the first offense and not less than \$150 nor more than \$250 for the second or any subsequent offense within a twelve-month period. In addition, such person shall be subject to an injunction prohibiting and otherwise preventing any further violations.

- B. The term "person" shall include the owner, tenant, occupant, mortgagee or vendee in possession, assignee of indirectly in control of any premises, building or part thereof.

§ 225-8. Service of notice of violation.

- A. A notice of violation issued by the Building Inspector relative to the premises shall be served either personally upon the person or by posting the violation notice in a conspicuous place upon the premises effected. If a notice of violation is served by posting it upon the premises, a copy thereof shall be mailed to the person to whom it is directed.
- B. A notice of violation shall state that unless, within 10 days from service of the notice, a written request is made for a hearing before the Building Inspector, such notice shall, at the expiration of such ten-day period, be deemed an order to cease and desist from and to abate the described violation; such notice shall prescribe a reasonable time within which such person shall be required to cease and desist from and abate such violation. The notice may also contain an outline of remedial action which, if taken, will affect compliance with this chapter.
- C. If a hearing is requested, it shall be commenced not later than 10 days after the request is made, provided that, for good cause, the Building Inspector may postpone such hearing for a reasonable time. If, after the hearing, the enforcement officer finds that no violation exists, or that such unusual, extraordinary or undue hardship shall occur as a result of the physical dimension and proportion of the property, he shall withdraw the notice. If he finds that a violation does exist, he shall forthwith issue an order requiring the abatement of the same within a prescribed reasonable time. The proceedings at such hearing, which shall be informal in all respects, shall be summarized in a report reduced to writing and entered as a matter of public record in the office of the Building Inspector.
- D. Any party aggrieved by the decision of the Building Inspector may, within five days of the decision of the Building Inspector, appeal said decision to the Zoning Board of Appeals of the Village of East Hampton by filing the appropriate form.
- E. The provisions of §§ 225-6B and 225-8A notwithstanding, it shall not be necessary for the Building Inspector to issue a notice of violation or to order in writing the correction of a condition in the instance of a second or any subsequent offense within a twelve-month period, and in the case of a second or subsequent offense, the person in violation may immediately be served with an appearance ticket or summons or such other legal process.

§ 225-9. Emergencies.

Whenever the Building Inspector or enforcement official finds that an emergency exists which requires immediate attention to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provisions of this chapter, such order shall take effect immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Building Inspector or court of competent

jurisdiction shall be afforded a hearing as soon as possible. After such hearing, the Building Inspector or court shall continue such order in effect or shall modify or withdraw it.

§ 225-10. Action upon noncompliance.

- A. Upon the failure, neglect or refusal of any owner, person or agent so notified to properly comply with this chapter within 20 days after the service of notice as provided herein, the Building Inspector is hereby authorized and empowered to pay for the correction of such violation, subject to the approval of the Board of Trustees of the Village of East Hampton after due notice to the said owner, person or agent of a hearing to be held and the holding of such hearing before the Board of Trustees of the Village of East Hampton.
- B. When the Village has effected the correction of the violation or has paid for its removal, the actual cost thereof, plus the accrued legal rate of interest per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to such owner by the Village, and such charge shall become due and payable by said owner or person at the time of the payment of such bill.
- C. Where the full amount due the Village is not paid by such owner within 20 days after the correction of such violation as provided in Subsections A and B above, then, and in that case, the Building Inspector shall cause to be filed in the office of the Village Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty at the rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes in the statement that the same is due and collectible as provided by law.

Chapter 227

PUBLIC PROPERTY

GENERAL REFERENCES

Planning Board — See Ch. 42.

Streets and sidewalks — See Ch. 250.

Preservation of historic areas — See Ch. 176.

Zoning — See Ch. 278.

ARTICLE I

Acquisition for Parking**[Adopted 5-15-1992 by L.L. No. 11-1992 (Ch. 49, Art. I, of the 1971 Code)]****§ 227-1. Statement of policy.**

East Hampton Village contains many properties of historic value. It is famed as one of America's most beautiful and uniquely situated Villages. East Hampton residents derive considerable peace of mind from their congenial physical surrounds. It is essential that the rural-residential qualities be maintained. The Board finds that new parking facilities, streets and service roads may have a substantial impact on these qualities. Inappropriate location of parking facilities or streets adversely affects the desirability of immediate, neighboring areas for residential purposes and, by so doing, impairs the benefits of occupancy of existing property, impairs the stability of values of both improved and unimproved real property and precludes the appropriate development of such areas. The construction of new streets, service roads and parking facilities requires careful planning and the input of the residents of the Village.

§ 227-2. Review by Planning Board; notification.

- A. When the Incorporated Village of East Hampton proposes to acquire by purchase real property for parking facilities or streets or service roads, which said real property is zoned for residential use or is used for park land, the Board of Trustees shall, prior to such acquisition, submit the proposal to the Planning Board for review.
- B. The Planning Board shall, prior to consideration of the proposed acquisition, notify all property owners within 300 feet of the proposed property to be acquired that it has received notice of the possible acquisition from the Village Board of Trustees and that it will, pursuant to this article, hold discussions thereon at a meeting open to the public.
- C. The Planning Board shall review and comment, in writing, on such proposal within 30 days of its receipt from the Board of Trustees.

§ 227-3. Public hearing required; notice.

After the proposed acquisition has been reviewed by the Planning Board, the Village Board of Trustees, prior to such acquisition, shall hold a public hearing on said proposed acquisition. Notice for said hearing shall be given by publication in the official newspaper of the Incorporated Village of East Hampton. Said public hearing will be held not less than 30 days after the publication of such notice.

§ 227-4. Disapproval by Planning Board; override.

If the Planning Board renders a report disapproving the proposed acquisition, the Board of Trustees may only proceed with the proposed acquisition upon the vote of a majority plus one of all the members of the Village Board of Trustees.

Chapter 231

**RETAIL CHECKOUT BAGS, POLYSTYRENE ITEMS, PLASTIC STRAWS,
AND BALLOONS**

GENERAL REFERENCES

Shopping carts — See Ch. 235.

Solid waste — See Ch. 246.

ARTICLE I
Retail Checkout Bags
[Adopted 7-29-2011 by L.L. No. 6-2011]

§ 231-1. Definitions.

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

CHECKOUT BAG — A carryout bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags or plastic bags measuring 28 inches by 36 inches or larger in size.

PLASTIC PRODUCE BAG — A flexible container made of very thin plastic material with a single opening that is used to transport produce, meats or other items selected by the customers to the point of sale.

RECYCLABLE PAPER BAG — A paper bag that should have the following characteristics:

- A. Contains no old-growth fiber;
- B. Is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; and
- C. Displays the word "Reusable" or "Recyclable" on the outside of the bag.

RETAIL SALES — The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by nonprofit organizations.

REUSABLE BAG — A bag with handles that is specifically designed and manufactured for multiple reuse and is:

- A. Made of cloth or other fabric; and/or
- B. Made of durable plastic that is at least 2.25 mils thick.

§ 231-2. Restriction on checkout bags.

- A. Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers. Persons engaged in retail sales are prohibited from providing checkout bags to customers.
- B. Nothing in this section shall preclude persons engaged in retail sales from making reusable bags available for sale to customers.

§ 231-3. Operative date.

The restriction set forth in § 231-2 shall become operative six months following the date of enactment of the local law adding this article, so as to allow retail establishments a period of time within which to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

§ 231-4. Penalties for offenses.

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE II
Polystyrene Items
[Adopted 4-20-2018 by L.L. No. 8-2018]

§ 231-5. Definitions.

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

EXPANDED POLYSTYRENE — Blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). Such term shall not include rigid polystyrene, but shall include polystyrene coolers.

FOOD SERVICE ESTABLISHMENT — A premises or part of a premises where food is provided directly to the consumer, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. Food service establishments shall include, but not be limited to, full-service restaurants, fast-food restaurants, coffee shops, bakeries, delicatessens, take-out food stores, food commissaries, vending trucks and grocery stores.

POLYSTYRENE LOOSE FILL PACKAGING — A void-filling packaging product made of expanded polystyrene that is used as a packaging fill, commonly known as "packing peanuts."

SINGLE SERVICE ARTICLES — Cups, containers, lids, closures, trays, plates, knives, spoons, stoppers, paddles, straws, place mats, napkins, doilies, wrapping materials, toothpicks and all similar articles that are intended by the manufacturer to be used once for eating or drinking or that are generally recognized by the public as items to be discarded after one use.

STORE — A retail or wholesale establishment other than a food service establishment.

§ 231-6. Use or sale restricted.

- A. No food service establishment, mobile food commissary, or store shall possess, sell, or offer for use single-service articles that consist of expanded polystyrene, including, but not limited to, providing food in single-service articles that consist of expanded polystyrene. This subsection shall not apply to i) expanded polystyrene containers used for prepackaged food that have been filled and sealed prior to receipt by the food service establishment or store or ii) expanded polystyrene containers used to store raw meat, pork, fish, seafood or poultry sold from a butcher case or similar retail appliance.
- B. No manufacturer or store shall sell or offer for sale polystyrene loose fill packaging or polystyrene coolers in the Village of East Hampton.

§ 231-7. Operative date.

The restriction set forth in § 231-6 shall become operative three months following the date of enactment of the local law adding this article to this chapter, so as to allow retail establishments a period of time within which to dispose of their existing inventory of

polystyrene items and convert to alternative packaging materials.

§ 231-8. Penalties for offenses.

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE III
Plastic Straws
[Adopted 9-21-2018 by L.L. No. 13-2018]

§ 231-9. Definitions.

The following terms, as used in this article, shall have the meanings indicated:

BEVERAGE PROVIDER — Any person, business, entity or event where ready-to-consume drinks are sold, provided, given or consumed.

CONSUMER — The individual consuming, ordering, buying or receiving the beverage.

PLASTIC STRAWS — Polypropylene drinking straws or straws made from other plastics, including bioplastic materials, that are provided individually for use with beverages being served by a beverage provider to a consumer, not including pre-packaged beverages that have a straw attached as part of the packaging for the beverage.

REQUEST — Without prompting from the business, entity, server, staff or owners of the establishment providing beverages, the consumer specifically asks for a plastic straw.

§ 231-10. Plastic straw restricted.

No beverage provider shall distribute a plastic straw to a consumer, unless the consumer specifically requests one.

§ 231-11. Penalties for offenses.

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

ARTICLE IV

Balloons**[Adopted 4-18-2019 by L.L. No. 3-2019]****§ 231-12. Definitions.**

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

BALLOON — A flexible nonporous bag made from materials such as rubber, latex, polychloroprene, Mylar or nylon fabric that can be inflated or filled with a gas, such as helium, hydrogen, nitrous oxide, oxygen, air or water, and then sealed at the neck, usually as a toy or decoration.

§ 231-13. Restriction on intentional release of balloons.

- A. No person shall intentionally release or dispose of any balloon, except in public receptacles or in authorized private receptacles.
- B. No person, firm, corporation or other entity shall organize the release of, condone the release of, or intentionally cause to be released any balloon.

§ 231-14. Exceptions.

These restrictions shall not apply to:

- A. Balloons that are being used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure by a person on behalf of a governmental agency or pursuant to a government contract for scientific or meteorological purposes;
- B. Hot air balloons that are recovered after launching;
- C. Balloons released indoors.

§ 231-15. Penalties for offenses.

Any person committing an offense against any provision of this article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Chapter 233**SANITARY SYSTEMS****§ 233-1. Definitions.**

As used in this chapter, the following terms shall have the following meanings unless the context indicates otherwise:

CESSPOOL — Any in-ground wastewater disposal system which incorporates or operates as a combined septic tank/drain field process without a separate and distinct septic tank as defined herein.

CODE ENFORCEMENT OFFICE — The Department of Code Enforcement as per Chapter 104 of the Code of the Village of East Hampton.

INNOVATIVE AND ALTERNATIVE ON-SITE WASTEWATER TREATMENT SYSTEM — An on-site decentralized wastewater treatment system that, at a minimum, is designed to reduce total nitrogen effluent to 19 mg/l, sometimes referred to as an "I/A system."

ON-SITE WASTEWATER DISPOSAL SANITARY SYSTEM — Any in-ground cesspool, septic tank or drain field or any combination of such structures, used for the disposal of sanitary sewage and normal domestic wastes generated on or near the property on which the system is located, and sometimes referred to as a "disposal system" or simply a "system."

PERSON — Any individual, firm, partnership, association, corporation, company, organization or other recognized legal entity of any kind, including municipal corporations or other governmental agencies or subdivisions thereof, excluding only the Village of East Hampton.

RECONSTRUCTION — The removal and replacement, whether or not if it's in place and in kind, of all or a substantial part of a preexisting building or structure. The rebuilding, whether or not in place and in kind of all or a substantial part of a building or structure which has been damaged or destroyed, shall be included in this definition. If the cost of the work in question exceeds 50% of the full replacement cost of the structure as estimated by the Building Inspector, it shall be deemed to involve a substantial part of the building or structure. Appeals of the Building Inspector's percentage determination of replacement cost may be made to the Zoning Board of Appeals. The word "reconstruct" in its various modes and tenses and its participle form refers to the undertaking of a reconstruction. **[Added 7-30-2021 by L.L. No. 18-2021]**

SEPTIC TANK — Any buried watertight receptacle designed and constructed to receive wastewater from a home, business enterprise or other source, to separate solids from liquid, to provide limited digestion of organic matter, to store solids and to allow the clarified liquid to then pass on to other structures for percolation into the ground.

§ 233-2. Septic permit requirements.

- A. All construction of sanitary systems shall conform to standards for sewage and waste disposal systems, as then established by the Suffolk County Department of Health Services, to all applicable wetland setbacks of the New York State

Department of Environmental Conservation and of the Village of East Hampton and all other applicable local, county and state regulations concerning the siting of such structures and systems. No building permit of any such work shall be issued until all applicable provisions of the Village Code, including Chapter 278, Zoning, have been complied with.

- B. In addition to the conditions provided for in Subsection A, in all the following circumstances the sanitary systems installed must be, or the current sanitary system must be upgraded to, an innovative and alternative on-site wastewater treatment (I/A) system:
- (1) All construction and/or reconstruction of new single-family or multiple family residences or buildings capable of being used as a residence;
 - (2) All reconstruction, as defined herein, of a single-family or multiple family residence or buildings capable of being used as a residence; **[Added 7-30-2021 by L.L. No. 18-2021³⁴]**
 - (3) Any replacement or expansion, whether either is voluntary or involuntary, of an existing sanitary system servicing single-family or multiple family residences or any buildings capable of being used as a residence; **[Added 7-30-2021 by L.L. No. 18-2021]**
 - (4) Any construction that increases the gross floor area (as defined pursuant to Chapter 278, Zoning) of an existing single-family or multiple-family residence or other building capable of being used as residence by 25%;
 - (5) Any construction that increases the number of bedrooms in a single-family or multiple -family residence or other building capable of being used as a residence beyond the number of bedrooms authorized by a permit previously issued by the Suffolk County Department of Health Services;
- C. Whenever the installation of an I/A system is required pursuant to the provisions of this chapter or any other chapter of the Code of the Village of East Hampton, the property owner shall be required to obtain a building permit from the Code Enforcement Office. The Zoning Board of Appeals may grant a variance from the provisions of this section upon a showing of good cause. Good cause must be based upon a showing that compliance is impossible due to physical limitations and lack of an approved I/A system to address and accommodate such limitations. It is not good cause if a I/A system exists that would accommodate such limitations, but does not accommodate an applicant's proposal to increase occupancy or use. In determining whether to grant such a variance, the Zoning Board of Appeals should consider, in addition to such limitations, whether a covenant applicable to heirs, successors and assigns should be required to be recorded in the Suffolk County Clerk's office providing that the applicant will upgrade the system if a low-nitrogen system is approved, provisionally or otherwise, by the Suffolk County Department of Health Services that can accommodate the physical limitations of the property or upon availability of a community sanitary system that the subject property can be hooked up to. **[Amended 7-30-2021 by L.L. No. 18-2021]**

34. Editor's Note: This local law also redesignated former Subsection B(2) and (3) as Subsection B(4) and (5).

§ 233-3. Installation and maintenance requirements

- A. The fee charged for building permits obtained under this chapter shall be in such amount as shall be from time to time prescribed by resolution of the Village Board. Different fee schedules for residential and commercial properties, or for different types or sizes of on-site disposal systems may be established.
- B. Every owner of an I/A system as defined in this chapter must maintain such system in accordance with the manufacturer's recommendations and monitor the effectiveness of such system to assure that it continues to function in the manner it was designed to function in its efficiency in removing nitrogen. The Code Enforcement Office may, at any time, require a monitoring report, engineer's report, and/or performance and maintenance report demonstrating that the proposed system complies with the Suffolk County Department of Health Services requirements.
- C. Whenever the Code Enforcement Office has reasonable grounds to believe that operations are being conducted in violation of the provisions of this chapter or are not in compliance with a permit or other license issued hereunder, it may notify the owner of the property, the owner's agent or the person performing such operations to modify or suspend all or part of such operations, and any such person shall forthwith comply with such notice of violation until the same has been rescinded. To the extent that any notice of violation issued hereunder requires immediate suspension, modification or cessation of any operation(s), it shall be deemed to be a stop-work order. A notice of violation shall be in writing, shall specify the violations and shall state the conditions which must be complied with and the time within which compliance must be completed. If suspension of operations has been required, the notice shall so state with clarity and shall describe under what conditions, if any, said suspended operations will be permitted to be resumed. A notice of violation shall be served upon the person to whom it is directed by delivering it to him or her personally or by posting the same in a conspicuous place on the premises where operations are conducted and by mailing a copy thereof to such person by certified mail to his or her last known address.
 - (1) The Code Enforcement Office may extend the time for compliance specified in any notice of violation where there exists evidence of intent to comply within the time period specified, conditions exist which prevent complete compliance within such originally specified time period and it has determined that there will be no threat to public health, safety or property from the additional period of continued noncompliance.

§ 233-4. Penalties.

- A. Effect of failure to comply. In the event that the person upon whom a notice of violation has been served shall fail to comply with the same within the time period specified, or any extended time period later granted by the Code Enforcement Office, any and all permits, licenses, authorization or permissions issued to the person pursuant to this chapter shall be deemed revoked.
- B. No effect on other remedies. Nothing in this section concerning the nature and effect of notices of violations shall be construed as limiting the authority of the

Code Enforcement Office to pursue any necessary and appropriate legal means to properly and effectively administer and enforce the provisions of this chapter and to obtain compliance therewith. In addition to any other legal remedies available to him or her, the Code Enforcement Office may, after consultation with the Village Attorney, file criminal informations and commence court proceedings on behalf of the Village to compel such compliance.

- C. In addition to enforcement by the Sanitation Inspector, the provisions of this chapter may be enforced by the Village Code Enforcement Office, whether or not it is serving as Sanitation Inspector. For such enforcement purposes only, each such officer shall be deemed to have the same authority as is given in this chapter to the Sanitation Inspector to enforce this chapter.
- D. Any owner, occupant, builder, architect, contractor, agent or other person who commits, takes part in or assists in a violation of this chapter shall be liable upon conviction for a fine not to exceed \$500 (or any lesser amount which may be specified herein for a particular violation) or imprisonment for a period not to exceed 15 days, or both. Each day on which such violation shall occur or be maintained shall constitute a separate additional offense.

Chapter 235**SHOPPING CARTS****§ 235-1. Declaration of policy.**

The Village Board of the Village of East Hampton hereby finds and declares that the unlawful taking, the misuse and the abandonment of shopping carts and similar conveyances is a threat to the protection and preservation of the property of the Village and its inhabitants, constitutes a hazard to the health, safety and general welfare of the populace of the Village and adversely affects the legitimate conduct of trade and business in the Village of East Hampton and constitutes a nuisance detrimental to the neighborhood and the community at large.

§ 235-2. Definitions.

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

ABANDON — The leaving, discarding, dumping or placing of shopping carts and similar conveyances in a public place.

PERSON — An individual, corporation, partnership, association, society or other legal entity.

PUBLIC PLACE — Every class of road, sidewalk, parking lot and other areas publicly owned or operated or privately owned and open to the use of the public or a segment thereof, excluding the interior of any building where a shopping cart was obtained.

SHOPPING CART — A basket, container or other device made of wire, metal or other material, mounted on wheels or handcarried, manually or otherwise operated, such as is generally provided by merchants for picking up merchandise in food stores and supermarkets.

VILLAGE — All areas within the Village of East Hampton.

§ 235-3. Abandonment prohibited.

No person who makes available to the public, in connection with the conduct of business or trade, any shopping cart shall leave it or suffer or permit it to be left, by himself, his agent or other person to whom temporary possession has been permitted by said person, upon any street, sidewalk, parking field or other public place, as defined herein, or on private property other than in the interior of the building of the person who makes the shopping cart(s) available to the public.

§ 235-4. Identification required.

Every person who owns or makes available to the public, in connection with the conduct of business and trade, any shopping cart shall mark it or cause the same to be marked and identified conspicuously with his name and address and the specific store location at which said cart is used.

§ 235-5. Disposition of abandoned carts.

- A. The Superintendent of Public Works or such other person whom the Village Board by resolution may appoint may, without notice, remove or cause to be removed, from time to time, any cart found in any public place and shall take custody of same and shall hold it until redeemed, sold or otherwise disposed of as hereinafter provided.
- B. Whenever the Village shall remove any cart bearing identification of ownership, the Superintendent of Public Works or such person whom the Village Board by resolution may appoint shall mail a notice to the owner if ownership can be ascertained. Such notice shall advise that such cart or carts may be redeemed upon payment of the sum of which shall, from time to time, be fixed by resolution of the Board of Trustees, for each cart so redeemed and shall set forth the place for the redemption of such cart or carts or where possession of same may be obtained. Payment for redemption shall be made and a receipt shall be given therefor, which receipt shall entitle such owner to redeem, at the place of storage thereof, one or more carts, as provided for in said receipt, upon surrender of such receipt at the place of storage for such cart or carts. No cart shall be delivered to a person seeking to redeem the same unless proof is submitted establishing, to the satisfaction of the Village, such person's ownership or right to possession. Any delivery to a person apparently entitled thereto shall be a good defense to the Village against any other person claiming to be entitled thereto, but if the person to whom the delivery is made is not in fact entitled thereto, the person to whom the same should have been delivered may recover the same with interest and cost from the person to whom the same shall have been delivered. **[Amended 6-20-2014 by L.L. No. 7-2014]**
- C. If, after 15 days following the mailing of the notice provided for in Subsection B hereof or 15 days following the removal of a cart bearing no identification of ownership, no person has presented to the Superintendent of Public Works, or such person as may be designated by resolution of the Village Board, proof establishing to his satisfaction such person's ownership, the Village shall sell such carts at public auction. Notice of such public auction shall be given by publication in the official newspaper of the Village, by publication to be not less than 10 days prior to the date of public auction, and shall set forth the time and place of holding such public auction and shall also advise that said carts will be sold at public auction. Such sale at public auction shall be conducted by the Superintendent of Public Works or such person as may be designated by resolution of the Village Board.
- D. In the event that said property shall remain unsold at such public auction, the Superintendent of Public Works, or such person as may be designated by resolution of the Village Board, may reoffer said property for sale at a subsequent public auction held pursuant to this chapter or he may dismantle, destroy or otherwise dispose of this property. Any such sale or other disposition of such property pursuant to this chapter shall be without any liability on the part of the Village to the owner of such property or other person lawfully entitled thereto or having any interest therein.

§ 235-6. Disposition of proceeds.

Upon the redemption or sale of a cart, the proceeds shall be deposited in the general funds of the Village.

§ 235-7. Exception.

This chapter shall not apply to any cart or personal property which may come into the possession or custody of any department of the Village pursuant to any other ordinance, law or regulation.

§ 235-8. Penalties for offenses.

Any person who shall violate any of the provisions of this chapter shall, for each and every offense, be deemed guilty of a violation and shall, upon conviction thereof, be punishable by a fine not exceeding \$250.

Chapter 246

SOLID WASTE

GENERAL REFERENCES

Brush, grass, weeds and rubbish — See Ch. 84.

ARTICLE I

Garbage and Rubbish**[Adopted 7-31-1992 by L.L. No. 18-1992 (Ch. 29 of the 1971 Code)]****§ 246-1. Definitions. [Amended 10-4-2018 by L.L. No. 15-2018]**

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

GARBAGE — Putrescible animal and vegetable waste resulting from either the handling, preparation, cooking or consumption of food.

HANDBILL — Any item, sample, device or material that is printed, written or copied, magazines, catalogs, flyers, circulars, pamphlets, newspapers, booklets or any other principal matter of reading, photography or publication regardless of its intention or purpose.

LITTER — Trees, brush, leaves, lawn clippings and other items resulting from the cleanup and maintenance of the grounds of private property; garbage, refuse, handbills, and rubbish, as such are defined; and all other waste materials which, if thrown or deposited as herein prohibited, tend to create a danger to public health, safety and welfare or render the streets, private grounds or public places unsightly, including household waste and construction and demolition debris.

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

PRIVATE PREMISES — Any dwelling, house, building or other structure designated or used, either wholly or in part, for private residential purposes, whether inhabited or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps or vestibule belonging or appurtenant to such dwelling house, building or other structure.

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

QUASI-PUBLIC PROPERTY — Any area on or adjacent to a private premise that is visible from outside of the premises. This includes doorways, porches, decks, steps, stairs, stoops, flagging, curbstones, outdoor dining areas, parking lots, alleys and sidewalks. This area extends to the curb, curblines or road.

REFUSE — All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, dismantled automobiles and parts thereof, scrap metal, junk, machinery and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, including but not limited to papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, building materials and similar materials.

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

§ 246-2. Deposit in public places prohibited; exceptions.

- A. No person shall throw or deposit litter, garbage, refuse, or rubbish in or upon any street, sidewalk, quasi-public place or public property within the Village except in public receptacles or in authorized private receptacles for collection; provided, however, that said public receptacles shall not be used by persons for the deposit of domestic, commercial and industrial litter arising from the conduct of their daily activities. **[Amended 5-16-2014 by L.L. No. 6-2014; 10-4-2018 by L.L. No. 15-2018; 8-21-2020 by L.L. No. 5-2020]**
- B. Notwithstanding the above, the owner or persons in control of private property may deposit leaves in the grassed area of the right-of-way and not in any paved portion of a street, road, lane or gutter for pickup by the Village from the second Monday in October through the second Friday in December **[Amended 12-19-2008 by L.L. No. 13-2008]**
- C. No person shall discard, throw, toss, place, scatter or stack or cause or allow any handbills to be discarded, thrown, tossed, placed, scattered or stacked within the Village of East Hampton, except as follows: **[Added 10-4-2018 by L.L. No. 15-2018]**
- (1) Handbills may be distributed on public property only if they are personally and individually handed to members of the public who are willing to accept them.
 - (2) Handbills may be made available for distribution on quasi-public property only when (i) a person at the adjacent private premises requests or agrees to properly display handbills; and (ii) the handbills are hand-delivered to a person of authority on the private property; and (iii) the handbills are secured in a way that prevents them from creating litter or becoming hazardous to the public.
- D. Notwithstanding the above, no person shall deposit in any public receptacle any accumulated domestic litter, garbage, refuse, trash, or rubbish, and/or commercial/industrial litter, garbage, refuse, or rubbish. **[Added 8-21-2020 by L.L. No. 5-2020]**
- E. All litter, garbage, refuse, or rubbish deposited in any public receptacle or authorized private receptacle shall be deposited in such a manner as to prevent it from being scattered, carried or deposited upon any street, sidewalk or other public or private property. **[Added 8-21-2020 by L.L. No. 5-2020]**
- F. Where public receptacles are not provided or are already full in any public place, all litter, garbage, refuse, or rubbish shall be carried from said place by the person responsible for its presence and shall be properly disposed of elsewhere. **[Added 8-21-2020 by L.L. No. 5-2020]**

§ 246-3. Litter from 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 Village.

§ 246-4. Deposit in parks prohibited.

No person shall throw or deposit litter in any park except in public receptacles and in such manner as to prevent such litter 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 litter shall be carried from the park by the person responsible for its presence and shall be properly disposed of elsewhere.

§ 246-5. Deposit in bodies of water prohibited.

No person shall throw or deposit litter in any lake, pond, stream or any other body of water.

§ 246-6. Deposit on private property prohibited.

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

§ 246-7. Maintenance of private property. [Amended 9-18-2015 by L.L. No. 19-2015]

The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not be construed to prohibit the storage of litter in private receptacles for collection or the creation and maintenance of a home composting facility for the production of compost from natural material to be used on and about the private premises. All receptacles for garbage, litter, refuse or rubbish shall be covered at night with covers that are sufficiently secure to prevent their contents from blowing out of the receptacle.

§ 246-8. Deposit in vacant lots prohibited.

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

§ 246-9. Responsibilities of owner or lessee.

The owner, agent, lessee, tenant, occupant or other person who manages or controls a building or lot shall be jointly and/or severally responsible for keeping the sidewalk, flagging and curbstone and the air shafts, backyards, courts, parking lots and alleys free from litter.

§ 246-10. Receptacles for commercial premises. [Amended 3-18-2016 by L.L. No. 4-2016]

Any garbage, waste or rubbish placed outside commercial premises, visible to the public, shall be contained in a covered container sufficiently secure so as to prevent animals from gaining access to the contents thereof. Any container greater than 1.5 cubic yards shall be screened.

§ 246-11. Enforcement. [Amended 8-21-2020 by L.L. No. 5-2020]

The Building Inspector of the Village of East Hampton, Code Enforcement, Traffic Control Officers or any police agency is hereby empowered and authorized to exercise

such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article.

§ 246-12. Presumptive evidence. [Added 8-21-2020 by L.L. No. 5-2020³⁵]

A lack of eyewitness testimony shall not bar prosecution under this article, and it shall be presumptive evidence, rebuttable by competent evidence, that the identity of the person accused of a violation of this article may be established if litter found deposited on public or private property in violation of the provisions of this article contains substantial evidence of that person's identity.

§ 246-13. Penalties for offenses.

A. Civil penalties shall be as follows:

- (1) For the first offense, \$500 or twice the cost to the Village of clearing away the offending materials, whichever is greater.
- (2) For a second offense, \$750 or twice the cost to the Village of clearing away the offending materials, whichever is greater.
- (3) For a third offense, \$1,000 or twice the cost to the Village of clearing away the offending materials, whichever is greater.

B. A violation of the provisions of § 246-2A and § 246-3 of this chapter shall be punishable as follows: **[Amended 4-20-2015 by L.L. No. 8-2015]**

- (1) A person or entity charged with a violation of the sections listed above shall be required to appear or answer within 15 days of the issuance of a ticket, and shall be subject to a minimum fine of \$150.
- (2) Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.
- (3) Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.
- (4) Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.

C. Any person or persons, association, firm or corporation violating any of the other provisions of this article, as the same may be from time to time amended, shall be guilty of a misdemeanor punishable by a fine of not more than \$2,500 or imprisonment for a period not to exceed 30 days, or both, and shall be subject to further civil penalties above. **[Added 4-20-2015 by L.L. No. 8-2015; amended 8-21-2020 by L.L. No. 5-2020]**

35. Editor's Note: This local law also renumbered former § 246-12, Penalties for offenses, as § 246-13.

Chapter 247**STORM SEWERS****GENERAL REFERENCES**

Coastal erosion hazard areas — See Ch. 101.

Flood damage prevention — See Ch. 160.

Freshwater wetlands — See Ch. 163.

Stormwater management and erosion and sediment control — See Ch. 248.

Subdivision of land — See Ch. 252.

Zoning — See Ch. 278.

§ 247-1. Legislative purpose and intent.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Village of East Hampton through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this chapter are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-0-10-002;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter;
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 247-2. Definitions.

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms will have the meanings set forth below:

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating

procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES Permit for Stormwater Discharges From Construction Activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation.

DISCHARGER — Any person who owns or is in control of real or personal property that discharges, directly or indirectly, any material into the MS4.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 247-6 of this chapter.

ILLICIT CONNECTION — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY — Activities subject to NPDES Industrial Permits as defined in 40 CFR § 122.26(b)(14).

MS4 — Municipal separate storm sewer system.

MUNICIPALITY — The Village of East Hampton.

MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned by the Village of East Hampton;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and

D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT — Anything which causes or contributes to pollution. Pollutants may include paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; filter backwash; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPDES (STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM) — A permit issued by the NYSDEC that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER POLLUTION PREVENTION PLAN — A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER — Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

§ 247-3. Applicability.

This chapter shall apply to all water entering any storm drain generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 247-4. Responsibility for administration.

The Department of Public Works (authorized enforcement agency) shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Superintendent or Deputy Superintendent of Public Works to persons or entities acting in the beneficial interest of or in the employ of the agency.

§ 247-5. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter are the minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized

discharge of pollutants.

§ 247-6. Discharge prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) Waterline flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air-conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated-typically less than one PPM chlorine), fire-fighting activities, and any other water source not containing pollutants.
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (3) Dye testing, if prior verbal notification is given to the authorized enforcement agency.
- (4) Nonstormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, 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 storm drain system.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system 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 chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

§ 247-7. Suspension of MS4 access.

A. Suspension due to illicit discharges in emergency situations. The authorized enforcement agency 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, or to the health or welfare of persons, or to the MS4 or waters of the United States.

If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

- B. Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
- C. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the authorized enforcement agency.

§ 247-8. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES 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 authorized enforcement agency prior to the allowing of discharges to the MS4.

§ 247-9. Monitoring of discharges.

- A. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- B. Access to facilities.
 - (1) The authorized enforcement agency 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 representatives of the authorized enforcement agency.
 - (2) Facility operators shall allow the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The authorized enforcement agency has the right to require the discharger to install monitoring equipment as necessary. 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) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the authorized enforcement agency access to a permitted facility is a violation of a stormwater discharge permit and of this chapter. A person who is the operator of a facility with an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.
- (7) If the authorized enforcement agency 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, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

§ 247-10. Prevention, control and reduction of stormwater pollutants by use of best management practices.

The authorized enforcement agency will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

§ 247-11. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner

or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§ 247-12. 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 are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and clean up 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 authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency within three business days of the phone 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.

§ 247-13. Enforcement.

- A. Notice of violation. Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit connections or discharges;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (5) Payment of a fine to cover administrative and remediation costs; and
 - (6) The implementation of source control or treatment BMPs.
- B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

§ 247-14. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received by the Village Administrator within 15 days from the date of the notice of violation. Hearing on the appeal before the Board of Trustees of the Village of East Hampton shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

§ 247-15. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

§ 247-16. Cost of abatement of violation.

- A. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- B. Any person violating any of the provisions of this chapter shall become liable to the Village by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 9% per annum shall be assessed on the balance beginning on the 30th day following discovery of the violation.

§ 247-17. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 247-18. Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

§ 247-19. Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 247-20. Criminal prosecution.

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$1,000 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$2,500 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$2,500 nor more than \$5,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed unclassified misdemeanors, and, for such purposes only, all provisions of law relating to misdemeanors shall apply to such violations. Each day's continuing violation shall constitute a separate additional violation.

§ 247-21. Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Chapter 248

**STORMWATER MANAGEMENT AND EROSION AND SEDIMENT
CONTROL**

GENERAL REFERENCES

Coastal erosion hazard areas — See Ch. 101.

Freshwater wetlands — See Ch. 163.

Design and site plan review — See Ch. 121.

Subdivision of land — See Ch. 252.

Preservation of dunes — See Ch. 124.

Zoning — See Ch. 278.

Flood damage prevention — See Ch. 160.

ARTICLE I
General Provisions

§ 248-1. Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitats;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- F. Substantial economic loss can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety; and
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 248-2. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 248-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit

for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02, or as amended or revised;

- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, GP-02-01, or as amended or revised;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 248-3. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Village Board of Trustees has the authority to enact laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Village of East Hampton and for the protection and enhancement of its physical environment. The Village Board of Trustees may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§ 248-4. Applicability.

- A. This chapter shall be applicable to all land development activities as defined in this chapter;
- B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may: 1) review the plans; 2) upon approval by the Village Board of Trustees of the Village of East Hampton, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or 3) accept the certification of a licensed professional that the plans conform to the requirements of this chapter;
- C. All land development activities subject to review and approval by the applicable board of the Village of East Hampton under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter; and

- D. All land development activities not subject to review as stated in § 248-4C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter.

§ 248-5. Exemptions.

- A. Agricultural activity as defined in this chapter;
- B. Silvicultural activity except that landing areas and log haul roads are subject to this chapter;
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of this facility;
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer;
- E. Any part of a subdivision if a plat for the subdivision has been approved by the Village of East Hampton on or before the effective date of this chapter;
- F. Land development activities for which a building permit has been approved on or before the effective date of this chapter;
- G. Cemetery graves;
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- I. Emergency activity immediately necessary to protect life, property or natural resources;
- J. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family; and
- K. Landscaping and horticultural activities in connection with an existing structure.

ARTICLE II
Stormwater Control

§ 248-6. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meanings as set forth in this section.

AGRICULTURAL ACTIVITY — The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT — A property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING — Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL — A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING — Any activity that removes the vegetative surface cover.

DEDICATION — The deliberate appropriation of property by its owner for general public use.

DEPARTMENT — The New York State Department of Environmental Conservation.

DESIGN MANUAL — The New York State Stormwater Management Design Manual, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER — A person who undertakes land development activities.

EROSION CONTROL MANUAL — The most recent version of the New York Standards and Specifications for Erosion and Sediment Control Manual, commonly known as the "Blue Book."

GRADING — Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER — Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT — A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION — The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY — Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER — The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT — A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION — Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING — Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN — Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT — Land development activity.

RECHARGE — The replenishment of underground water reserves.

SEDIMENT CONTROL — Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS — Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, or habitats for threatened, endangered or special-concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION — The use of practices that prevent exposed soil from eroding.

STOP-WORK ORDER — An order issued which requires that all construction activity on a site be stopped.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT — A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT — The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY — One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs) — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF — Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE — A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY — A channel that directs surface runoff to a watercourse or to the public storm drain.

§ 248-7. 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 materials, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s);
 - (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 preservation measures that will be used to control litter, construction chemicals and construction and 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, materials 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 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 sediment control practices;
 - (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.
- (2) Land development activities as defined in § 248-6 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 § 248-7B(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.
 - (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 § 248-9; and
 - (j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or profession 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. 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.

§ 248-8. Performance and design criteria for stormwater management and erosion and sediment control.

All land development activities shall be subject to the following performance 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 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 § 248-8A, above, 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.

§ 248-9. 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 her 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 § 248-6 and meeting Conditions A, B and C in § 248-7B(2), the applicant shall have a qualified professional conduct site inspections within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site logbook.
- B. The applicant or developer or his or her 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.
- C. 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 East Hampton 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 East Hampton.
- D. 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 preventative/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 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 § 248-8C.

ARTICLE III
Administration Enforcement

§ 248-10. Construction inspection.

A. Erosion and sediment control inspection.

(1) The Village of East Hampton 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 inspection, the applicant shall notify the Village of East Hampton 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) Completion of the construction season.
- (g) Completion of final landscaping.
- (h) 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 Village of East Hampton 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 the 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 East Hampton 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 East Hampton the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

§ 248-11. 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 Village of East Hampton in its approval of the stormwater pollution prevention plan, the Village of East Hampton 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 Village of East Hampton as the beneficiary. The security shall be in an amount to be determined by the Village of East Hampton, 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 Village, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facilities have 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 Village of East Hampton. 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 Village of East Hampton 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 and sediment control facilities; the Village of East Hampton may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. Recordkeeping. The Village of East Hampton may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 248-12. Enforcement; penalties for offenses.

- A. Notice of violation. When the Village of East Hampton determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- (1) The name and address of the landowner, developer or applicant;
 - (2) The address when available or a description of the building, structure or land upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
 - (5) A statement of the penalty that shall or may be assessed against the person to whom the notice of violation is directed; and
 - (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.
- B. Stop-work orders. The Village of East Hampton may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village of East Hampton confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of East Hampton may take necessary corrective action, the cost of which shall become a lien upon property until paid.
- G. Fees for services. Any person undertaking land development activities regulated by this chapter shall pay an application and review fee as is set forth from time to time by resolution of the Village of East Hampton Board of Trustees. **[Amended 7-31-2014 by L.L. No. 10-2014; 2-19-2021 by L.L. No. 4-2021³⁶]**

36. Editor's Note: Section V of this local law also provided that it shall "apply retroactively to any SWPPP application submitted to the Village of East Hampton from and including November 20, 2020, until the effective date of this local law."

Chapter 250**STREETS AND SIDEWALKS****GENERAL REFERENCES**

Peace and good order — See Ch. 211.

Garbage and rubbish — See Ch. 246, Art. I.

Peddling and soliciting — See Ch. 214.

Vehicles and traffic — See Ch. 267.

§ 250-1. Permit required for excavation and construction. [Added 7-31-1974³⁷; amended 5-21-2021 by L.L. No. 11-2021]

No person, firm or corporation, including public service and utility companies and municipal districts, shall make any excavation in any Village street, highway, sidewalk or right-of-way or construct any sidewalk or curb or make any curb cut along any such street, highway or right-of-way in the Incorporated Village of East Hampton for any purpose without first obtaining a permit therefor from the Superintendent of Highways of the Incorporated Village of East Hampton.

§ 250-2. Application for permit; bond. [Added 7-31-1974³⁸]

- A. An application, in writing, along with a fee of \$250, shall be filed with the Superintendent of Public Works on forms which he may provide or in such other manner as he shall prescribe, which application shall state, among other things, the nature, location, extent and purpose of the proposed excavation or construction and the estimated days or parts thereof to complete the proposed excavation or construction. Any excavation started prior to a permit being issued will be subject to a fine of \$250 and the \$250 permit fee. [Amended 10-2-1991 by L.L. No. 13-1991; 9-18-1998 by L.L. No. 17-1998; 5-20-2005 by L.L. No. 11-2005; 12-19-2008 by L.L. No. 14-2008; 5-21-2021 by L.L. No. 11-2021]
- B. An application to excavate shall contain or shall be accompanied by an agreement on the part of the applicant, in form acceptable to the Superintendent of Highways of the Incorporated Village of East Hampton, to replace the street, highway or sidewalk, pavement, curb, gutter or right-of-way in proper condition, and such application shall be accompanied by a surety bond in such form and of such surety company as may be approved by the Superintendent of Highways and in an amount determined by said Superintendent of Highways as a guarantee to the Incorporated Village of East Hampton of the performance of the aforementioned agreement by the applicant. In lieu of such surety bond, the applicant may deposit with the Superintendent of Highways a sum of money which shall be deemed by said Superintendent to be adequate to pay all of the expenses to which the Village may be put to replace the street, highway or sidewalk, pavement, curb, gutter or right-

37. Editor's Note: This ordinance repealed original § 48-1, Permit required for changing grade of street, gutter or sidewalk, amended 10-16-1970.

38. Editor's Note: This ordinance repealed original § 48-2, Excavations, in highways requiring removal of concrete.

of-way, in proper condition, but in no case less than \$500. Upon completion of the work to the satisfaction of the Superintendent of Highways and in accordance with the applicant's agreement, the aforementioned bond or money deposited thereof shall be returned to the applicant. In the event of failure of the applicant or the bonding company to replace or repair such street, highway or sidewalk, pavement, curb, gutter or right-of-way within the time provided in the application, the same shall be replaced or caused to be replaced by the Highway Department of the Incorporated Village of East Hampton, and the cost thereof paid out of the sum so deposited or charged against the bond, as the case may be. **[Amended 5-21-2021 by L.L. No. 11-2021]**

- C. Public service and utility companies and municipal districts may, at their option, file with the Village Clerk a surety bond in form acceptable to the Superintendent of Highways of the Incorporated Village of East Hampton in the amount of \$20,000 to cover all applications for excavations made within the term of the bond. **[Amended 2-20-1981 by L.L. No. 1-1981; 12-19-2008 by L.L. No. 14-2008]**
- D. The applicant shall provide to the Superintendent of Highways of the Incorporated Village of East Hampton, in addendum to any curb cut application, a stamped and sealed survey identifying the location and extent of the proposed driveway, demonstrating adequate line of sight along said driveway, as well as identifying the location of any power lines, trees, and signs within the Village right-of-way abutting the subject property. **[Added 4-17-2009 by L.L. No. 5-2009]**
- E. No permit shall be issued for an opening on any roadway which has been resurfaced by the Village of East Hampton during a period within three calendar years prior to the date of an application for such excavation or which has been newly constructed or reconstructed within the five calendar years prior to the date of an application for such excavation, subject to the following exceptions: **[Added 4-18-2019 by L.L. No. 4-2019³⁹]**
- (1) In the event that any pipe, main, conduit or other utility installation in or under any roadway shall burst, break or otherwise be in such a condition as to seriously endanger persons or property, the owner of such sewer, main, conduit or other installation shall immediately contact the Superintendent of Highways describing the location of the break, extent of repairs and any emergency measures required to reroute traffic. Upon approval of the Superintendent of Highways, the owner shall immediately remedy such trouble and shall immediately take all such necessary steps to make said location safe and secure. Such owner shall not, however, begin making any permanent repairs to such roadway until he or she shall have secured a permit. Such permit shall be applied for within 48 hours after such break or serious trouble shall have developed, and the necessary permanent repairs to the road shall be made as directed by the Superintendent of Highways and shall be completed as soon as practicable after receipt of the permit
 - (2) Permits may be issued for road excavations on newly resurfaced or constructed or reconstructed roads where the excavation is directly related to the construction of a new building or full reconstruction of a building devoted to

39. Editor's Note: This local law also redesignated former Subsection E as Subsection G.

the primary use of the premises, but not in connection with new accessory buildings or structures.

- F. If an application for a permit is denied, the Superintendent of Highways shall send the applicant a written notification of the denial and shall state the reason for the denial. **[Added 4-18-2019 by L.L. No. 4-2019]**
- G. The Superintendent of Highways of the Incorporated Village of East Hampton may, at his discretion, require the applicant to schedule a preconstruction meeting with the Department of Public Works to coordinate or resolve any notification, design, construction, demolition, excavation, traffic control, and/or other technical or logistical issues relating to proposed work in the public right-of-way. The applicant shall coordinate as necessary with the Department of Public Works of the Incorporated Village of East Hampton and the Police Department of the Incorporated Village of East Hampton regarding traffic control. **[Added 4-17-2009 by L.L. No. 5-2009]**

§ 250-3. Notice to public utilities. [Added 7-31-1974;⁴⁰ amended 5-21-2021 by L.L. No. 11-2021]

Any person making any excavation, pursuant to a permit granted hereunder, must give notice to all public service and utility companies or municipal districts having lines, mains or other property in the highway right-of-way and file a copy of said notification with the Superintendent of Highways before any work shall commence.

§ 250-4. Guarding of excavations. [Added 7-31-1974;⁴¹ amended 5-21-2021 by L.L. No. 11-2021]

Any person making an excavation or doing any construction work within the terms of this chapter shall erect and maintain suitable barriers or guards around the excavation or construction site for the protection of persons using the streets, sidewalks or rights-of-way, shall set and maintain during the hours of darkness sufficient lights or flares to properly illumine the area and shall take all other necessary precautions for the protection of the Village and the property of others. Barriers or guards shall have displayed, for police convenience, the address and telephone number of a responsible person available 24 hours to reestablish the same in case of emergency.

§ 250-5. Provision of rights-of-way. [Added 7-31-1974⁴²]

Any person doing any construction covered by this chapter shall provide a right-of-way for pedestrians and vehicular traffic so as not to unduly impede the flow of such traffic.

§ 250-6. Insurance requirements for excavations. [Added 10-16-1970]

Each applicant, upon the receipt of a permit for a street excavation, shall provide the Village with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage

40. Editor's Note: This ordinance repealed original § 48-3, Excavations in sidewalks requiring removal of concrete.

41. Editor's Note: This ordinance repealed original § 48-4, Excavations in highways which are not concreted.

42. Editor's Note: This ordinance repealed original § 48-5, Permit and bond required for excavations, amended 10-16-1960.

which may arise from or out of the performance of the work. Such insurance shall cover any and all possible hazards of whatsoever kind or nature, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Building Inspector in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than \$250,000 for each person and \$500,000 for each accident, and for property damages, an amount not less than \$50,000 with an aggregate of \$100,000 for all accidents. Public utilities and authorities may be permitted to file a certificate of insurance annually.

§ 250-7. General excavation and construction provisions. [Added 7-31-1974⁴³]

- A. Openings in concrete pavement or asphalt on concrete shall be ten feet by ten feet or to the nearest joint if within five feet. Mix shall be of "High Early." Asphalt not on concrete base shall be a minimum of four feet by four feet or at least 18 inches on either side of undisturbed subgrade. Concrete shall be saw cut and asphalt shall be cut with a cutter wheel or with such other equipment as approved by the Superintendent of Highways.
- B. A minimum depth of two inches of stone mix shall be placed as a temporary surface in any pavement crossing, which in turn shall be placed upon a well-stabilized base, and shall be maintained to the same grade as adjacent pavement.
- C. Sleeves shall be driven for all highway crossings and no tunneling will be allowed. The need for pavement openings shall be substantiated by the permittee.
- D. All trench openings shall be fully compacted either by jetting or power tampers. Jetting shall consist of at least four feet on center of both sides of the trench and power tampering lifts shall not exceed 12 inches.
- E. Final courses.
 - (1) Final surfacing shall consist of a base course of five inches of stone screenings compacted with a five-ton roller or pneumatic type of compactor.
 - (2) Wearing courses shall consist of a total of four inches of Type 1A, Item 51 asphalt and edges of repair shall be painted with suitable material to seal and join existing pavement.
- F. No trees shall be cut or trimmed, either above or below ground, without the permission of the Superintendent of Highways of the Incorporated Village of East Hampton. The applicant or permittee shall pay for any trees damaged without permission of or as directed by the Superintendent of Highways.
- G. Drainage along rights-of-way shall not be obstructed.
- H. Topsoil, fertilizer and grass seed shall be applied to all shoulder areas disturbed by excavation or construction.
- I. All work shall be done to the satisfaction of the Superintendent of Highways of the

43. Editor's Note: This ordinance repealed original § 48-7, Depositing building or other materials on streets or highways, amended 10-16-1970.

Incorporated Village of East Hampton.

- J. Permits will not be issued during the months of December, January, February or March except to a public utility, service company or a municipal district where a case of emergency exists.

§ 250-8. Removal of stone or earth from streets or highways. [Amended 10-16-1970]

It shall not be lawful for any person or corporation to dig, remove, carry away or cause the same to be done, any stone, earth or gravel from any public street, highway, sidewalk or public place in the Village of East Hampton without written permission from the Mayor or the Board of Trustees.

§ 250-9. Posting of signs, handbills or notices on public property or placed on poles, trees, posts or structures; writing on streets and sidewalks. [Amended 10-16-1970; 10-19-1990 by L.L. No. 9-1990; 7-30-1993 by L.L. No. 14-1993]

- A. Except when otherwise permitted, it shall not be lawful for any person to post or hang or cause to be posted, hung or exhibited in any manner any handbill, notice or placard or sign upon any post, telegraph, telephone or electric light pole, tree or fence, bridge or wall of a building or other object in any street or on any road or roadway right-of-way, any public place or public property whether in commercial or residential neighborhoods within the Village of East Hampton. Only the following signs shall be permitted on public property:
- (1) Legal notices.
 - (2) House number of the residence in conformance with § 8-12E.
 - (3) Names of the residents. For each residence, one sign may be erected not exceeding four square feet listing the names of the residents occupying the residence.
 - (4) One sign per property announcing that the property on which the sign is posted is protected by a security system, provided that said sign does not exceed one square foot in size.
- B. Except for public utilities and law enforcement officials, it shall not be lawful for any person to write or paint on or otherwise mark or deface any street, sidewalk or other public place in the Village of East Hampton and it shall not be lawful for any person to apply crayons, chalk, paint or similar substance to any street, sidewalk or other public place in the Village of East Hampton.

§ 250-10. Obstructing streets, highways or rights-of-way. [Amended 1-17-1986 by L.L. No. 2-1986⁴⁴]

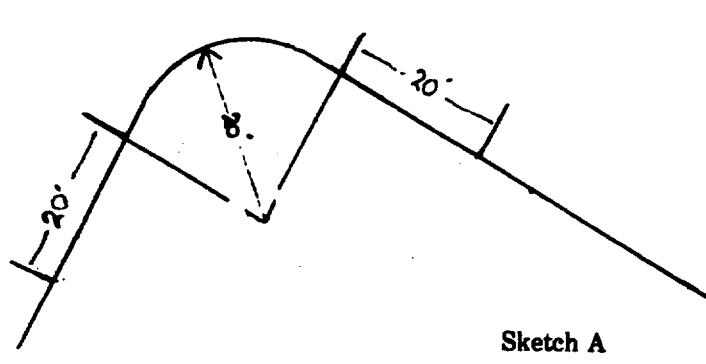
- A. It shall not be lawful for any person or corporation to encumber or obstruct any street, highway or sidewalk of the Village so as to hinder, impede or delay free

44. Editor's Note: original § 48-10, Obstructing streets or highways, amended 10-16-1970, was repealed 1-17-1986 by L.L. No. 1, 1986.

travel along the same for a longer time than five minutes during any hour without written permission from the Mayor or the Board of Trustees, but nothing contained in this section shall prohibit persons from placing goods, merchandise and household furniture on the sidewalks for the purpose of loading or unloading same, provided that it is done without unreasonable delay.

- B. The Board of the Village of East Hampton hereby finds that road obstructions, such as shrubbery, hedges, trees, vegetation, rock walls and fences, create highway hazards by interfering with vision and proper sight distance on streets and highways, at corners and intersections of streets and highways. It is the aim of the Village Board to reduce such road hazards caused by the above and similar objects which are responsible for causing property damage, personal injury and fatalities due to vehicular accidents.
- C. Visual obstructions on streets, highways and rights-of-way prohibited. **[Amended 5-21-2021 by L.L. No. 11-2021]**

- (1) No shrubbery, hedge or other natural growth or fence (except a transparent fence, such as chicken wire, in which the solid area is not more than 5% of the total area of the fence) or wall over three feet higher than the apex at the center line of the street shall be located within the triangular area shown shaded in Sketch A, at the intersection of two roads.



- (2) No limbs or foliage on any tree shall obstruct vision or be permitted to grow nearer to the ground than eight feet, where such limbs or foliage overhang the street or highway or are over or upon land within the triangular area as shown in Sketch A.
- (3) No shrubbery, hedges, trees, vegetation, rock walls and fences shall be located on private property or shall be permitted to grow on private property so as to hinder, impede or delay free travel along any street, highway or sidewalk so as to interfere with the proper vision or use thereof.
- (4) No person shall install any shrubbery, hedges, trees, vegetation, rock walls or fences within the Village rights-of-way.
- D. Enforcement. This chapter shall be administered and enforced by the Department of Public Works of the Village of East Hampton with the assistance of the Police Department and Code Enforcement Officers of the Village of East Hampton, as set forth below: **[Amended 6-3-2010 by L.L. No. 5-2010]**

- (1) Upon the determination of the Department of Public Works that a violation exists, pursuant to the provisions of § 250-10B or 250-10C hereof, it shall send a written notice specifying the violations and requiring compliance within 10 days thereafter. Such notice shall be served upon a person of suitable discretion in charge of the subject premises and by mailing a copy thereof, addressed to the owner of record of such land, if he is other than the person served at the address shown on the last preceding assessment roll. If said land is vacant and there is no one available to be served on said property, then a certified mailing of such violation notice to the owner of record shall be sufficient.
- (2) In the event that the notice specified in Subsection A of this section is not complied with after a period of 10 days from date of service, then the Police Department or a Code Enforcement Officer may issue and serve an appearance ticket to the owner of record of such land and/or the person or company responsible for maintaining the obstruction.
- (3) In addition to any other penalty provided under the law for noncompliance, the Village Board may, in its discretion, authorize the Department of Public Works to remove the visual obstruction.
- (4) The expenses incurred by the Department of Public Works, pursuant to Subsection D(3) of this section, shall be paid by the owner or occupant of the premises or by the person who caused or maintained such obstruction. The Department of Public Works shall file among his records an affidavit stating, with fairness and accuracy, the items of expense incurred in removing said obstruction. The Village Board may institute a suit to recover such expenses against any person liable for such expenses or may cause such expenses to be charged against the property as a lien.

§ 250-11. Permit required for erection of poles or wires. [Amended 5-14-1954; 10-16-1970; 11-21-2014 by L.L. No. 20-2014; 12-19-2014 by L.L. No. 24-2014]

- A. No person or corporation shall erect or cause to be erected in or upon any street, lane, alley or public place or private lot, any pole, post or bracket or any similar structure for the purpose of stringing or placing thereon telephone, telegraph or electric light wires or string any such wires in, over or upon any streets or public places or private lots within such Village without the approval of the Board of Trustees. Applications for the erection of new poles shall be subject to a public hearing prior to the issuance of any permit, unless the application qualifies as a Type II action pursuant to Chapter 133 of the Code of the Village of East Hampton. Notice of the public hearing shall be given by publication of such notice in the official newspaper of the Incorporated Village of East Hampton and by posting said notice in the Village Hall and the Emergency Services Building at least 10 days prior to such hearing.
- B. The Board of Trustees may, in granting permission for the erection of poles, posts or brackets or any similar structures, specify the type of construction and location thereof which shall be deemed appropriate to the building district (zone) within which the erection is proposed and best suited to secure public safety and welfare.

- C. Any person or corporation violating any of the provisions of this section shall be liable for the cost of removing the cause of said violation, provided that the same is not removed within five days after said person or corporation has had notice of such violation.

§ 250-12. Animals or fowl at large to be impounded and sold. [Amended 10-16-1970]

No person shall cause, authorize or permit any horses, cattle, sheep, swine, goats or fowl, ducks or geese to run at large upon the streets or public grounds, and in case any police officer of this Village shall find any such animal or animals running at large, said police officer is hereby authorized to impound the same animal or animals and sell them at public auction to the highest bidder after reasonable notice, and, out of the proceeds, to pay the cost of keeping and sale and the penalty enforced by this chapter, and the remainder, if any, to be returned to the owner of such animal or animals.

§ 250-13. Signs or other projections over streets or sidewalks.

- A. No person shall erect any signs, shed, roof or projection (except awnings; see Chapter 278-4G and Chapter 278 definitions) from or opposite any building in or over or upon any of the streets or sidewalks of the Village without written permission from the Trustees. **[Amended 10-16-1970; 12-15-1995 by L.L. No. 34-1995]**
- B. Any such sign, shed, roof or projection now erected or existing or which shall hereafter be erected shall be removed by the owner or occupant of the adjoining property within 10 days after notice from the Trustees to remove the same or, in default thereof, said Trustees shall cause the same to be removed at the expense of the owner or occupant of the premises.

§ 250-14. Barbwire fences.

No person shall use or maintain fences of barbwire or similar construction along the boundary of any streets or grounds of or within the Village unless by special permit of the Mayor or the Board of Trustees.

§ 250-15. Permit and bond or deposit required for moving buildings over streets. [Amended 10-16-1970; 1-21-1994 by L.L. No. 3-1994; 3-21-1997 by L.L. No. 6-1997]

- A. No person or corporation shall move any building or structure or object of similar bulk or weight which requires similar operation for moving upon, into, in or across any public street or public place in the Village of East Hampton unless a permit has previously been granted by the Mayor or Board of Trustees and said person or corporation has paid to the Village Treasurer or his deputy the sum of \$100 for a license, received a license to do said moving and filed with the Village Clerk \$2,500 cash or bond with sufficient surety, approved by the Mayor or Board of Trustees, in the sum of \$2,500, conditioned for the payment of all costs, expenses and damages sustained by the Village or any person or persons by reason of the moving of the object or structure for which the license is sought and granted.

- B. The license herein provided for shall be issued by the Clerk upon presentation of a written application thereof, the bond herein required endorsed and a liability insurance certificate in the amount of \$1,000,000 naming the Village as an additional insured.

§ 250-16. Tying animals to trees along streets; tethering animals.

No person shall tie or hitch any horse, team of horses or animal or animals to any tree along any street or sidewalk of said Village or allow any cows or other animals on his premises to be so tied or chained that they will not be within the confines of the owner's property and not within the limits of any highway adjoining or adjacent to said property.

§ 250-17. Injuring or removing shade trees along streets or highways.

No person shall in anywise mutilate, cut down, remove, injure or destroy shade trees planted along public highways, streets or sidewalks without a permit from the Mayor or Board of Trustees, and this shall apply to all hedgerows and ditches lying within the boundaries of said public highway in said Village.

§ 250-18. Distributing handbills or advertisements on streets, in yards or on porches.

No person, firm or corporation shall distribute, deposit or place or cause to be distributed, deposited or placed any handbills, circulars or other advertising matter in any street, in any yard or upon any porch or any vehicle in the Village of East Hampton.

§ 250-19. Construction of curbs and gutters. [Amended 5-21-2021 by L.L. No. 12-2021]

All curbing and gutters hereinafter constructed in the Village of East Hampton shall be poured concrete construction and shall conform to the following dimensions and construction methods:

- A. The dimensions and details shall conform to Drawing 1.⁴⁵ The selection of curb type shall be approved by the Superintendent of Public Works prior to construction.
- B. The curb shall be conventionally formed to the size and shape shown on the details or as directed by the Superintendent of Public Works.
- C. Curbs shall be constructed using the following methods:
- (1) Casting segments. Curb shall be cast in segments having a uniform length of approximately 20 feet.
 - (2) Expansion joints. Expansion joints 3/4 inch in width shall be formed with premolded bituminous joint filler, Section 705-07, placed at twenty-foot intervals as shown on the plans and specified by the Engineer. The filler material shall be cut 1/4 inch below top of the curb.
 - (3) Forms. Forms shall be steel or wood, straight, free from warp, and of such

45. Editor's Note: Drawing 1 is on file on the Village offices.

construction that there will be no interference to inspection for grade or alignment. All forms shall extend for the full curb depth and shall be braced and secured adequately so that no displacement from alignment will occur during placing of concrete.

- (4) Concrete placing and vibrating. Concrete shall be placed in the forms in accordance with the applicable requirements of Section 555-3.04 and shall be compacted with an approved, immersion-type mechanical vibrator. The vibrator shall be of the size and weight capable of thoroughly vibrating the entire mass without damaging or misaligning the forms and shall be approved by the Engineer. Forms shall be left in place for 24 hours or until the concrete has sufficiently hardened, as determined by the Engineer, so that they can be removed without injury to the curb. Upon removal of the forms, the exposed faces of the curb shall be immediately rubbed to a uniform surface. Rubbing shall be accomplished by competent finishers. No plastering will be permitted.
 - (5) Concrete curing. At the contractor's option, either M39 waterproof paper blankets, M40 quilted covers, M40A polyethylene-coated burlap blankets or M40B polyethylene curing covers shall be used in curing concrete. Cold-weather concreting is not permitted without special written authorization by the Superintendent of Public Works.
- D. Protection. The contractor shall keep the curb clean, aligned and protected from damage until final acceptance of the work. Any curb damaged prior to the final acceptance of the work shall be repaired or replaced at the contractor's expense.
- E. The concrete shall have a minimum compressive strength of 3,500 psi at 28 days.

§ 250-20. Penalties for offenses. [Amended 10-16-1970; 4-20-2015 by L.L. No. 9-2015]

- A. A violation of the provisions of § 250-9A and § 250-18 of this chapter shall be punishable as follows:
- (1) A person or entity charged with a violation of the sections listed above shall be required to appear or answer within 15 days of the issuance of a ticket, and shall be subject to a minimum fine of \$150.
 - (2) Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.
 - (3) Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.
 - (4) Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.
- B. Any person, firm or corporation violating any of the other provisions of this chapter, shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

§ 250-21. Irrigation and sprinkler systems. [Added 6-19-1992 by L.L. No. 13-1992]

All irrigation and sprinkler systems shall be installed on the property they service, shall not drain onto any public street, roadway or any neighboring property and shall be provided with such facilities to ensure that they do not drain onto any public street, highway or neighboring properties.

§ 250-22. Parking along grassed shoulders or rights-of-way. [Added 2-17-2006 by L.L. No. 2-2006]

All vehicles and trailers and equipment shall be parked, whenever possible, on the property of the private premises that are being visited. No vehicle, equipment or trailer shall be parked upon or driven across any Village-owned grassed shoulder or right-of-way in a manner that causes damage to such ground, grass, or sidewalk. The operator of a vehicle, trailer, or equipments shall place temporary protective measures on the ground in order to avoid damage to a grassed road shoulder when parking on the shoulder cannot be avoided. No person or entity may park any vehicle, trailer or equipment upon the paved portion of any Village roadway in any manner which restricts, encumbers or obstructs such roadway.

§ 250-23. Residential driveways. [Added 4-17-2009 by L.L. No. 5-2009]

A. Definitions. For the purpose of this section, certain words and terms shall have the following meanings:

CORNER ANGLE — The angle formed by the projected intersection of the driveway center line and the roadway center line.

DRIVEWAY OPENING — The width of the driveway along the roadway edge of pavement, including any tapers or radii.

DRIVEWAY WIDTH — The width of the driveway, not including any tapers or radii.

INTERSECTION — A place or area where two public roads meet, whose limits are defined by its stop line.

B. Requirements. The following requirements shall apply to any driveways accessing the Village right-of-way:

(1) No person shall construct a driveway within the Village right-of-way and/or alter Village improvements for such a purpose (including any sidewalk or curb) without the approval of the Superintendent of Highways of the Incorporated Village of East Hampton, as specified in § 250-2.

(2) No driveway serving one lot shall have a driveway width greater than 14 feet within the Village right-of-way.

(3) All driveway openings shall use a radius-type transition.

(4) All driveway corner angles shall be between 60° and 120° (arc degree).

(5) No driveway shall be located within 25 feet of any road intersection, except

where no alternative location is available along the frontage of the subject property, in which case the driveway location shall be located in such a way as to minimize any risk to public safety, subject to evaluation by the Department of Public Works.

- (6) No residential property shall be allowed more than two curb cuts along any one side of frontage or a total of more than three curb cuts.
- (7) No residential property shall be allowed more than one curb cut along any one side of frontage upon which there is situated a building or structure which does not conform to minimum front yard setback requirements, as specified in § 278-3.
- (8) No residential property shall be allowed more than one curb cut along any one side of frontage whose length is less than 160 feet.
- (9) All driveways within the Village right-of-way shall be constructed with a minimum of six inches of stabilized soil subbase and four inches of compacted aggregate.
- (10) Upon completion of demolition, excavation, and construction in the Village right-of-way, the applicant shall restore to the satisfaction of the Department of Public Works any road asphalt, curbs, sidewalks, vegetation, signage, and/or other public property damaged during the course of work. For this purpose, the Superintendent of Highways for the Incorporated Village of East Hampton may, at his discretion, prepare standard specifications detailing these and any additional technical requirements to the applicant.
- (11) No driveway shall extend beyond any side yard property line.
- (12) No driveway shall be constructed to facilitate the parking of vehicles within the Village right-of-way.
- (13) No driveway shall pitch any pavement area within the subject property towards the Village right-of-way, except where the applicant provides stormwater drainage structures for said pavement area in compliance with the requirements specified in § 121-9D.
- (14) All driveways shall be located away from any trees in the Village right-of-way, in accordance with the minimum distances specified in Figure 250-23B(14), following.

Figure 250-23B(14)

Minimum Tree Setback

Tree Diameter Range

^dDBH(diameter at breast height in inches)

^d DBH < 4"

4" < ^d DBH <12"

Minimum Setback Formula

DS(inches)

^d S = 60"

^d S = 15" X ^d DBH

Figure 250-23B(14)

Minimum Tree Setback

Tree Diameter Range

^dDBH(diameter at breast height in inches)	Minimum Setback Formula DS(inches)
^d DBH >12"	^d S = 9" x d DBH

(15) The Superintendent of Highways shall have the discretion to waive any of the requirements set forth in this section, except the requirement for the prior approval of the Superintendent of Highways, in those cases where the Superintendent of Highways finds that unique physical conditions on a particular site or the safety of pedestrians or vehicles on the adjacent street or roadway warrant a waiver of one or more of the requirements set forth herein. In reviewing requests for waivers from the requirements set forth in this section, the Superintendent of Highways shall consider the following:

- (a) Whether the applicant has demonstrated that the waiver requested is the minimum necessary in terms of the number and extent of requirements waived;
- (b) Whether the applicant has demonstrated that the proposed driveway is in compliance with the requirements of Chapter 267, Vehicles and Traffic;
- (c) Whether the applicant has demonstrated that the waiver requested will have a positive impact on public safety, traffic, vehicle circulation, egress, and/or the environment.

C. Appeals.

- (1) The Village of East Hampton Zoning Board of Appeals shall hear and decide appeals and requests for waivers from the requirements of this section.
- (2) In reviewing such applications, the Zoning Board of Appeals shall, as part of the standard criteria, consider the following:
 - (a) Whether there will be any adverse impact on public safety;
 - (b) Whether there will be any adverse impact on traffic;
 - (c) Whether there will be any adverse impact on the environment;
 - (d) Whether there will be any adverse impact on the ability of the Village to maintain and improve the public right-of-way;
 - (e) Whether there will be any adverse impact on future development in the area;
 - (f) Whether the grant will be in the best interest of the local community.
- (3) The applicant should make a reasonable effort to conform to the requirements of this section and to demonstrate that the appeal request is the minimum

necessary in terms of the number and extent of requirements waived.

- (4) Upon consideration of the factors of Subsection C and the purposes of this section, the Zoning Board of Appeals may attach such conditions to the granting of waivers as it deems necessary to further the purposes of this section.

D. Penalties for offenses.

- (1) For any violation of the provisions of this section, the owner or general agent of premises where such violation has been committed or shall exist, and any design professional, contractor, subcontractor, or any other person taking part in or assisting in any such violation, shall be liable to a fine or penalty of not more than \$250 for each and every week that a violation continues or 10 days in jail, or both, for each violation.
- (2) Any person, including but not limited to any owner, design professional, contractor, or subcontractor, who fails to comply with a written order of the Office of Code Enforcement or Department of Public Works within the time fixed for compliance therewith, or who knowingly violates any of the applicable provisions of this chapter or any order, notice, directive, permit, or certificate of the Office of Code Enforcement or Department of Public Works, shall be liable to a fine or penalty not more than \$250 or 10 days in jail, or both, for each violation.

Chapter 252

SUBDIVISION OF LAND

GENERAL REFERENCES

Planning Board — See Ch. 42.

Fire zones — See Ch. 154.

Code enforcement administration — See Ch. 104.

Streets and sidewalks — See Ch. 252.

Electrical inspections — See Ch. 130.

Zoning — See Ch. 278.

ARTICLE I

Regulations

[Amended 12-21-1973; 7-31-1974; 7-29-1977 by L.L. No. 6-1977; 4-16-1982 by L.L. No. 1-1982; 6-17-1983 by L.L. No. 2-1983; 7-31-1989 by L.L. No. 18-1989; 7-31-1989 by L.L. No. 19-1989; 10-2-1991 by L.L. No. 14-1991; 2-17-2006 by L.L. No. 8-2006; 4-20-2007 by L.L. No. 3-2007⁴⁶; 7-21-2007 by L.L. No. 13-2007]

§ 252-1. Definitions.

For the purpose of these regulations, certain words used herein are defined as follows:

BOARD — The Planning Board of the Incorporated Village of East Hampton.

BOND —

- A. **PERFORMANCE BOND** — An undertaking secured by acceptable surety furnished by the applicant to guarantee that the applicant constructs, causes to be constructed and/or provides all improvements required by the Board as conditions of approval of the application.
- B. **MAINTENANCE BOND** — An undertaking secured by acceptable surety furnished by the applicant to guarantee upkeep and the workmanship and materials of all required improvements for a period of one year from the date of release of the performance bond by the Village.

CONDITIONAL APPROVAL OF A FINAL PLAT — Approval by the Planning Board of a final plat subject to conditions set forth by the Planning Board in its resolution conditionally approving the plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording of the plat in the Office of the County Clerk.

FINAL PLAT — A drawing prepared in accordance with the requirements of this chapter that shows a proposed subdivision, containing all information required to be shown on a preliminary plat and modifications, if any, required by the Planning Board at the time of the approval of the preliminary plat.

FINAL PLAT APPROVAL — The signing of a plat in final form by a duly authorized officer of the Planning Board pursuant to a Planning Board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the Office of the County Clerk.

LOT — A parcel of land containing a building envelope.

OFFICIAL MAP — The map established by the Village Board of Trustees under § 7-724 of the Village Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Village Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such amendments and approved plats.

46. Editor's Note: This local law provided that its provisions shall not apply to any property which was the subject of an application pending before the Planning Board of the Incorporated Village of East Hampton as of the date of adoption of the notice of public hearing of such local law.

PLAT — An accurate and complete survey of all lots; streets; natural, man-made and cultural features; reserved areas; easements; and boundaries within a subdivision.

PRELIMINARY PLAT — The preliminary drawings indicating the proposed layout of the subdivision and pertinent data on surrounding property submitted to the Planning Board.

PRELIMINARY PLAT APPROVAL — Approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of this chapter.

PRESERVATION — The protection of natural and man-made features, resources or systems and cultural features in their natural or existing condition for restrictive and nonconsumptive use.

SERVICeways and DRIVEWAYS — Minor ways which are used primarily for vehicular service access to properties otherwise abutting on a street, and shall be designated as "serviceways" or "driveways" and not as streets.

STREET — A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

- A. **ARTERIAL STREETS AND HIGHWAYS** — Those which are used primarily for fast, heavy or through traffic.
- B. **COLLECTOR OR FEEDER STREETS** — Those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets intended for commercial frontage.
- C. **MINOR STREETS** — Those which are used primarily for access to the abutting residential properties.
- D. **HALF-STREETS** — Streets, the center line of which coincides with the boundary of the tract to be subdivided.

SUBDIVISION — The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, including resubdivisions (a change in a map of an approved or recorded subdivision plat) and any transfer of property where there is any redrawing or alteration of lot lines or dimensions of any lots or sites shown on described property.

SUBDIVISION, MAJOR — All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of five or more lots, or any size subdivision requiring any new street or the creation of any public improvements.

SUBDIVISION, MINOR — Any subdivision containing not more than four lots not involving any new street or road or the extension of municipal facilities or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan or Zoning Law⁴⁷ or this chapter.

47. Editor's Note: See Ch. 278, Zoning.

§ 252-2. Requirement for Planning Board review; design standards.

- A. No building permit shall be issued for the erection or alteration of any structure on any lot resulting from a subdivision until and unless the required plat of said subdivision has been approved by the Planning Board pursuant to the provisions of this chapter and any regulations authorized under this chapter and until all required public improvements, including but not limited to streets or drainage areas, have been installed and approved by the Village Engineer.
- B. The standard subdivision design shall exclude the following listed areas from consideration as areas contributing to total lot yield:
 - (1) Existing water surfaces.
 - (2) Tidal wetlands or freshwater wetlands as defined in state and local regulations, including but not limited to marshes, bogs, swamps or other areas of high-water table which cannot be normally built upon without excessive fill as may be determined by the Planning Board.
 - (3) Horizontal areas of escarpments or bluffs or the seaward faces of primary dunes.
 - (4) Beaches below mean high water, as defined by the United States Coast and Geodetic Survey or latest Tidal Wetlands Survey Base Maps.
- C. The first consideration in formulation of a design concept shall be the recognition of those areas of significant or critical value identified on site and the available or feasible methods of preservation or conservation, such as but not limited to reserved areas, scenic easements, large lot easements, limited access easements and the strategic placement of lot lines.
 - (1) Areas having significant scenic recreational, historic, archaeological or ecological value shall be first considered for preservation as reserved areas.
 - (2) Other areas having unusual topographical or natural features shall be considered for protection by means of scenic easements.
 - (3) Open spaces shall be used to set aside significant areas and for use as buffers to protect environmentally fragile areas.
- D. After identification and selection of open space areas and prior to the placement of proposed lot lines, building envelopes shall be selected with sufficient elevation above the groundwater table to permit the proper installation of foundations, septic systems and drainage structures.
- E. After identification and selection of open space areas and building envelopes, proposed lot lines shall be laid out according to the following criteria:
 - (1) Lot lines should bear a reasonable relationship to topographical features and conditions.
 - (2) Where slopes, depressions and elevations occur outside open space areas, lot lines shall generally follow such topographical irregularities so as to incorporate such irregularities into required side and rear yards, rather than

building envelopes.

- (3) In general, lots shall be rectangular in shape, somewhat deeper than they are wide.
- F. After identification and selection of open space areas, building envelopes and proposed lot lines, proposed streets and roads shall be laid out according to the following criteria:
- (1) Proposed grades for streets and lot areas shall bear a logical relationship to the natural topography.
 - (2) All streets and common driveways shall be suitably located and adequately constructed to accommodate the prospective traffic, afford access to emergency equipment and services, to afford adequate access to light and air, and to enhance the aesthetic qualities of the community.

§ 252-3. Procedure.

- A. Determination as to whether application will be treated as a minor or major subdivision application.
- (1) Preapplication conference. The subdividing owner or his agent is encouraged to request a preapplication conference with the Planning Board to consider whether the application will be treated as a minor subdivision or a major subdivision application and to consider whether the Planning Board will require the submission of a cluster plan.
 - (2) Requirements for minor subdivision. Any subdivision containing not more than four lots not involving any new street or road or the extension of municipal facilities or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan or Zoning Law⁴⁸ or this chapter, in the discretion of the Planning Board, shall result in an application for a minor subdivision, not requiring submission of a preliminary plat. Every application for a minor subdivision, including but not limited to applications for lot line modifications, shall be submitted together with a copy of an updated certificate of occupancy covering all buildings, structures and uses on the subject premises. **[Amended 2-5-2015 by L.L. No. 2-2015]**
- B. Application for approval of a preliminary plat required for review of major subdivision applications.
- (1) Application. The subdividing owner or his agent shall file a written application with the Board for conditional approval of a preliminary layout of a major subdivision not less than 15 days before the meeting at which it is to be considered. Submission shall include:
 - (a) Application form.
 - (b) Applicable environmental assessment form.

48. Editor's Note: See Ch. 278, Zoning.

- (c) Eight paper prints of the standard subdivision map and, if proposed by the applicant or required by the Planning Board, the alternative cluster plan. The application and standard subdivision map shall be made and drawn with regard for the necessity of full compliance with all of the provisions of Code of the Village of East Hampton, including but not limited to the Zoning Code⁴⁹ and the Sanitary Code of Suffolk County and shall be clearly marked "preliminary plat." The standard subdivision design shall exclude the following listed areas from consideration as areas contributing to total lot yield:
- [1] Existing water surfaces.
 - [2] Tidal wetlands or freshwater wetlands as defined in state and local regulations, including but not limited to marshes, bogs, swamps or other areas of high-water table which cannot be normally built upon without excessive fill as may be determined by the Planning Board.
 - [3] Horizontal areas of escarpments or bluffs or the seaward faces of primary dunes.
 - [4] Beaches below mean high water, as defined by the United States Coast and Geodetic Survey or latest Tidal Wetlands Survey Base Maps.
- (d) A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 248 of the Code shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards of Chapter 248. **[Added 1-18-2013 by L.L. No. 5-2013]**
- (e) A copy of an updated certificate of occupancy covering all existing buildings, structures and uses on the subject premises. **[Added 2-5-2015 by L.L. No. 2-2015]**
- (2) The Clerk for the Planning Board shall deliver one copy of the preliminary plat to the Village Engineer and the Superintendent of Public Works and to the Chief of the Fire Department.
 - (3) The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA).⁵⁰ A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
 - (4) Planning Board as lead agency under the State Environmental Quality Review Act; public hearing; notice; decision.

49. Editor's Note: See Ch. 278, Zoning.

50. Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

- (a) Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act as follows:
- [1] If the Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after receipt of a complete preliminary plat by the Planning Board.
 - [2] If the Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the requirements of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of the filing of the notice of completion.
 - [3] Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in the official newspaper of the Village at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within 120 days after it has been opened.
- (b) Decision. The Planning Board shall approve, with or without modifications, or disapprove such preliminary plat as follows:
- [1] If the Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the Board shall make its decision within 62 days after the close of the public hearing.
 - [2] If the Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such environmental impact statement, the Planning Board shall make findings on the final environmental impact statement and make its decision on the preliminary plat.

- [3] The grounds for modifications, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When approving a preliminary plat, the Planning Board shall state in writing in its decision any modifications it deems necessary for submission of the plat in final form.
- (5) Planning Board not as lead agency under the State Environmental Review Act; public hearing; notice; decision.
- (a) Public hearing on preliminary plats. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning Board shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the Planning Board.
- (b) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in the official newspaper of the Village at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
- (c) Decision. The Planning Board may, by resolution, approve with or without modifications or disapprove the preliminary plat as follows:
- [1] If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the preliminary plat.
- [2] If an environmental impact statement is required, the Planning Board shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
- [3] The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the plat in final form.
- (6) Certification and filing of preliminary plats. Within five business days of the adoption of a resolution granting approval of a preliminary plat, such plat shall be certified by the Chairman of the Planning Board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in the Village Clerk's office. A copy of the resolution shall be mailed to the owner.

- (7) Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat, the owner shall submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat shall be revoked by the Planning Board.

C. Application for approval of final plat.

- (1) The subdividing owner or his agent shall file a written application for final plat approval with the Board not less than 15 days before the meeting at which it is to be considered. Submission shall include:
 - (a) Application form.
 - (b) Applicable environmental assessment form, if no preliminary plat review was required.
 - (c) Eight paper prints of the final plat, including, if no preliminary plat was required and if proposed by the applicant or required by the Planning Board, a standard subdivision map and the alternative cluster plan. The application and standard subdivision map shall be made and drawn with regard for the necessity of full compliance with all of the provisions of Code of the Village of East Hampton, including but not limited to the Zoning Code,⁵¹ and the Sanitary Code of Suffolk County and shall be clearly marked "final plat."
 - (d) A stormwater pollution prevention plan consistent with the requirements of Chapter 248 of this Code and with the terms of preliminary plan approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 248 of the Code. **[Added 1-18-2013 by L.L. No. 5-2013]**
- (2) The clerk for the Planning Board shall deliver one copy of the final plat to the Village Engineer and the Superintendent of Public Works and to the Chief of the Village Fire Department.
- (3) Hearing and approval of a final plat which is in substantial agreement with an approved preliminary plat. When a final plat is submitted which the Planning Board deems to be in substantial agreement with a preliminary plat approved pursuant to this chapter, the Planning Board shall, by resolution, conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Planning Board.
- (4) Final plats when no preliminary plat is required to be submitted; receipt of complete final plat. When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of

51. Editor's Note: See Ch. 278, Zoning.

completion.

- (5) Final plats; not in substantial agreement with approved preliminary plats or when no preliminary plat is required to be submitted. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with a preliminary plat approved pursuant to this chapter, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted conforming to the definition provided by this section, the following shall apply:

- (a) Planning Board as lead agency; public hearing; notice; decision.

[1] Public hearing on final plats. The time within which the Planning Board shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning Board may schedule pursuant to the State Environmental Quality Review Act, as follows:

[a] If the Board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial compliance with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within 62 days after the receipt of a complete final plat by the Planning Board; or

[b] If the Board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.

[2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in the official newspaper of the Village at least five days before such hearing if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.

[3] Decision. The Planning Board shall make its decision on the final plat as follows:

[a] If the Board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the plat within 62

days after the date of the public hearing; or

- [b] If the Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days after the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall, by resolution, conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of the plat.
- [4] Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.
- (b) Planning Board not as lead agency; public hearing; notice; decision.
 - [1] Public hearing. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the planning board shall hold the public hearing on the final plat within 62 days after the receipt of a complete final plat by the Planning Board.
 - [2] Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in the official newspaper of the Village at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened.
 - [3] Decision. The Planning Board shall, by resolution, conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:
 - [a] If the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall make its decision within 62 days after the close of the public hearing on the final plat.
 - [b] If an environmental impact statement is required, the Planning

Board shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated on the record.

(6) Approval and certification of final plats.

- (a) Upon the Board's approval of a plat, the approval of the Board shall be endorsed thereon, together with the date thereof, over the signature of the Secretary of the Board, and shall be as follows:

"This is to certify that this Subdivision Map has been approved as provided by Article 7 of the Village Law."

Date of Approval

_____, 20 ____

Incorporated Village of East Hampton, Planning Board, by

_____ Secretary

This certificate does not constitute the acceptance of the streets, highways or parks shown thereon as public streets, highways or parks.

Date of certification

_____, 20 ____

- (b) Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the clerk of the Planning Board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in the Village Clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which, when completed, will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by the Chairman of the Planning Board and a copy of such signed plat shall be filed in the office of the Village Clerk.
- (c) Approval of a plat in sections. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections and may, in its resolution granting conditional or final approval, state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the Chairman of the Planning Board. Conditional or final approval of the sections of the final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.
- (d) Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been

certified as completed. The Planning Board may extend by not more than two additional periods of 90 days each the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances.

- D. Default approval of preliminary or final plat. The time periods prescribed herein within which the Planning Board must take action on a preliminary plat or a final plat are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning Board. In the event the Planning Board fails to take action on a preliminary plat or a final plat within the time prescribed therefor after completion of all requirements under the State Environmental Quality Review Act, or within such extended period as may have been established by mutual consent of the owner and the Planning Board, such preliminary or final plat shall be deemed granted approval. The certificate of the Village Clerk as to the date of submission of the preliminary or final plat and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.
- E. When the Suffolk County Planning Commission has been authorized to review subdivision plats pursuant to § 239-n of the N.Y. General Municipal Law, the Clerk of the Planning Board shall refer all applicable preliminary and final plats to the Suffolk County Planning Commission as required.
- F. Filing of final plat; expiration of approval. The owner shall file with the Suffolk County Clerk the approved final plat or a section of such plat within 62 days from the date of final approval or such approval shall expire. The following shall constitute final approval: the signature of the Chairman of the Planning Board constituting final approval by the Planning Board of the plat as herein provided; or the certificate of the Village Administrator as to the date of the submission of the final plat and the failure of the Planning Board to take action within the time provided.

§ 252-4. Fees; inspections.

- A. The nonrefundable filing fee for any application submitted to the Planning Board shall be fixed from time to time by resolution of the Board of Trustees. [**Amended 2-16-2018 by L.L. No. 3-2018**]
- B. All required subdivision improvements shall be subject to inspection by the Village Engineer or his authorized representative.
- C. Review and inspection fees are herein established as follows:
 - (1) Subdivision review.
 - (a) The fee for subdivision review shall be in the amount of 6% of the estimated final total cost of capital improvements [performance bond estimate, as calculated in accordance with the provisions of § 252-6C hereof], including but not limited to roads and clearing and drainage and other required improvements, and shall be paid to the Village of East

Hampton prior to the filing of a subdivision map or final approval by the Planning Board.

- (b) When new road construction is not part of the subdivision, the subdivider shall pay a fee for subdivision review in the amount of \$100 per acre based on the entire lot acreage encompassed in the subdivision map.

(2) Construction inspection.

- (a) Inspection fee shall be \$200 per inspection, payable in advance of each inspection. Inspections shall be required at each of the following stages of construction:

- [1] Fire protection and drainage pipe installed with other drainage structures before backfilling.

- [2] Fine grading of road surface.

- [3] Base course installation.

- [4] Asphalt top paving.

- [5] Final inspection: after all subdivision improvements and final resolution requirements are completed. At this time, any fees or expenses incurred by the Village in connection with the processing of the subdivision in excess of the subdivision review fees and construction inspection fees paid by the developer shall also be due and must be paid prior to final inspection.

- [6] Dedication inspection: prior to release of the maintenance bond.

- (b) For each reinspection required by the Planning Board and/or Village Engineer, an amount of \$200 shall be paid to the Village of East Hampton prior to such reinspection.

D. Upon completion of the required work and prior to the termination of a performance bond period, the developer's engineer shall make an as-built survey of the required subdivision improvements. This information shall be incorporated on the final road and drainage plans to ensure that the required improvements have been constructed in accordance with the plans as previously approved.

E. The following certification shall be placed on plans and signed by the developer's engineer:

"I hereby certify that this plan shows locations, profiles and elevations of roads, curb drainage and other structures as actually constructed and that the information as shown hereon is obtained from an actual field survey."

Date

Signature

License Number

- F. The as-built plan shall be submitted to the Planning Board and approved by the Village Engineer before the performance bond shall be released.
- G. After the completion of all work and the submission of the as-built plans, the Superintendent of Public Works and the Village Engineer will make a final inspection to determine whether the completed improvements are in accordance with the approved drawings and specifications. Upon a satisfactory final inspection report, action will be taken to release the developer's performance bond.

§ 252-5. Cluster subdivisions.

- A. Authority of Planning Board. This section shall be applicable only to land zoned for residential purposes in the Village of East Hampton. The Planning Board is hereby empowered to require the use of these cluster subdivision provisions and to require the preservation of up to 50% of the land where it finds, in its sole discretion, that it would benefit the Village, regardless of the number of new lots that the applicant proposes to create. If the owner makes written application to preserve more than 50% of the land, the Planning Board may use the authority given to it hereunder if, in the Board's judgment, its application would benefit the Village.
- B. Yield. Where application is made or required pursuant to this section, the Planning Board shall in no case permit the number of dwelling units to exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided without the benefit of this section and conforming to the provisions of the Zoning Code and conforming to all other applicable requirements. To demonstrate yield, the applicant shall submit a standard plat with its application pursuant to this section. Said plat shall be deemed acceptable for determining yield if its form and layout are deemed to be approvable by the Planning Board. For purposes of this section, two or more parcels of property of the same record ownership may be treated as a single parcel, provided that the several individual parcels lend themselves to joint planning in the public interest. Where any parcel lies in more than one residential zoning district, such division shall not restrict the configuration or location of lots or units created thereon pursuant to this article; provided, however, that the Planning Board shall give due consideration in such cases to the community character, natural resources or other features which the different zoning classifications were intended to foster or protect.
- C. Dimensional requirements. Simultaneously with the approval of the subdivision plat, the Planning Board shall have the authority to modify the applicable provisions of the Zoning Law to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping, as provided in this section. In its review of the plan, the Planning Board shall determine the arrangement of the dwelling structures upon the site as well as their height, length, spacing, open spaces and landscaping, off-street parking, streets, driveways and all other physical features as shown on the plan or otherwise described.

- D. Conditions for preservation. The application of this procedure shall result in the preservation of at least 25% of the land on a plat in the reserved area for passive recreational, agricultural, open space, paleontological, archaeological and historic resources. The Planning Board, as a condition of plat approval, may establish such conditions on the ownership and use of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. The open space created by the use of the provisions of this article must be clearly labeled on the subdivision map as to its use and the rights of the owners in the subdivision as well as whether it is to be dedicated ultimately to the Village or otherwise under conditions meeting Planning Board approval. The details as to use and ownership of such open space are further to be set out in a declaration recorded by the owner or other appropriate instrument. Such open space is to be preserved in perpetuity.
- E. Property owners' association. If the open space or an open space easement therein is not dedicated to the Village or other governmental authority or to an approved private conservation corporation, the applicant must either, simultaneously with the filing of the map, create a property owners' association or a neighborhood corporation embracing all property owners within the map and providing for adequate contributions for the maintenance of such open space or otherwise satisfy the Planning Board with regard to the maintenance of said open space. If a property owners' association is selected by the Planning Board as the method of maintenance of the open space to be preserved, the following must be adhered to:
- (1) The property owners' association must be set up before the lots are sold.
 - (2) Membership must be mandatory for each lot buyer and any successive buyer or each lot created must be legally required by duly filed covenants and restrictions to pay to the property owners' association a yearly fee to be used for maintenance of the open space.
 - (3) The open space restrictions must be in perpetuity, not just for a given period of years.
 - (4) The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
 - (5) Property owners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.
 - (6) The association must be able to adjust the assessment to meet changed needs.
 - (7) The applicant shall make a conditional offer of dedication binding upon the property owners' association for all open space to be conveyed to the association, such offer to be accepted by the Village, should it so choose, upon the failure of the property owners' association to take title to the open space from the applicant or other current owner or upon the dissolution of the association at any future time.
- F. Recreational, conservational, agricultural and cultural uses. The Planning Board may approve uses for open space, and these uses will be clearly indicated on the final map. These uses may be as follows:

- (1) Passive recreational uses, such as wooded park areas, bridle paths, hiking trails, beach areas, etc.
 - (2) Conservational uses, such as open woodland, wetlands, dune areas or farm fields.
 - (3) Cultural or historic preservation, such as historic places, buildings and works of art and archeological or paleontological sites and such open spaces as will assure that each of the above cultural aspects are adequately protected in the public interest.
 - (4) Agricultural uses.
 - (5) Areas used for other purposes, including but not limited to above-ground utility structures, drainage basins and sumps, or areas which are to contain substantial improvements, structures, impervious surfaces and other alterations from the natural state of the land, shall not constitute open space, unless those improvements bear a direct and substantial relationship to a conservational, recreational, cultural, agricultural, historical, or archaeological use or resource whose inclusion within the reserved area is permitted by this subsection.
 - (6) The Planning Board may impose additional restrictions on the use of reserved area beyond those which are stated in this subsection or may impose restrictions which are more specific than the restrictions stated in this subsection.
- G. The Planning Board may require the installation of screening or landscaping on the reserve area or a landscape maintenance plan in order to lessen the impact of development hereunder on adjacent properties.

§ 252-5.1. Additional requirements.⁵²

- A. Suitable monuments shall be placed at block corners and other necessary points as may be required by the Planning Board and the location thereof shown on final plats.
- B. Offers of cession. Before Planning Board approval may be granted on any final plat, formal offers of cession of all streets, highways and parks not marked by notation on the final plat as being retained under private ownership shall be filed with the Board, in a form certified as satisfactory by the Village Attorney, but approval of the plat by the Board shall not constitute an acceptance by the Village of the dedication of any street, highway, park or other public open space.
- C. Performance bonds. All streets and other public places shown on plats shall be suitably graded and paved; street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, utility lines, storm drains, and other structures shall all be installed in accordance with the standards and specifications set forth in this chapter except as hereinafter provided; or alternatively, a performance bond or other security may be furnished to the Village prior to Planning Board approval.

52. Editor's Note: This section was originally adopted as § 252-6, but was renumbered to accommodate existing sections.

Such performance bond shall be sufficient to cover the full cost of the same, as estimated by the Village department designated by the Planning Board to make such estimate. Any such security must be provided pursuant to a written security agreement with the Village, approved by the Village Board of Trustees and also approved by the Village Attorney as to form, sufficiency and manner of execution, and shall be limited to: a performance bond issued by a bonding or surety company; the deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state; irrevocable letter of credit from a bank located and authorized to do business in this state, obligations of the United States of America; or any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the Village, such security shall be held in a Village account at a bank or trust company. Such performance bond shall run for a term to be fixed by the Planning board, but in no case for a longer term than three years; provided, however, that the term of the performance bond may be extended by the Planning Board with the consent of the parties thereto. If the Planning Board shall decide at any time during the term of the performance bond that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond or that required improvements have been installed as provided in this section and by the Planning Board in sufficient amount to warrant reduction in the face amount of such bond, the Planning Board, upon approval by the Village Board of Trustees, after due notice and public hearing, may modify its requirements for any of all such improvements and the face value of such performance bond shall thereupon be reduced by any appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board and any security deposited with the bond may be reduced proportionately. In the event that any required improvements have not been installed within the term of the performance bond, the Board of Trustees may thereupon declare the performance bond in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof, the Village shall install such improvements as are covered by such performance bond and commensurate with the building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

- D. Maintenance bonds. At the time of the acceptance of the dedication of the required public improvements and the release of the performance bond, a surety bond or certified check, made payable to the Village, shall be furnished by the developer to guarantee the workmanship and materials of all public improvements for a period of one year from the date of acceptance by the Village. This bond or certified check shall be in an amount which is 1/3 of the performance bond estimate.
- E. Parkland. Before the Planning Board may approve a subdivision plat containing residential units, such plat shall show land set aside for park, playground or other recreational purposes, when and if the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located within the Village for park, playground or other recreational purposes. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities within the Village based on projected population growth to which the prospective subdivision plat will contribute.

- F. Installation of fire alarm devices. The installation of fire alarm devices, including necessary connecting facilities, shall be required or waived pursuant to this section only with the approval of the Board of Fire Commissioners of the Village. The Planning Board may, with the approval of the Board of Fire Commissioners, completely waive any or all requirements in connection with the installation of fire alarm signal devices, including necessary connecting facilities. When required, such installation shall be made in accordance with standards, specifications, and procedures applicable to the Board of Fire Commissioners.

§ 252-5.2. Waiver; penalties.⁵³

- A. The Planning Board may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not be requisite for the public health, safety or general welfare or inappropriate because of inadequacy or lack of connection facilities adjacent to or in proximity to the subdivision.
- B. Any person, firm or corporation violating any of the provisions of this chapter or of any regulation authorized under this chapter or of any covenant or condition imposed by the Planning Board as a condition of any approval shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$500 or imprisonment for not more than six months, or both, for each and every such violation. Each day that such violation continues shall constitute a separate and distinct additional offense for all purposes hereof.

53. Editor's Note: This section was originally adopted as § 252-7, but was renumbered to accommodate existing sections.

ARTICLE II
Specifications, Plans and Design Criteria

§ 252-6. Specifications for preliminary layout.

A. The drawing.

- (1) Size shall be 22 inches by 34 inches (if more than one sheet is required, match lines shall be shown).
- (2) Scale shall be a minimum of one inch equals 100 feet for the plan. Scale shall be one inch equals 40 feet horizontal and one inch equals four feet vertical for the profile.

B. Title block and notations.

- (1) North arrow and scale.
- (2) Name of subdivision.
- (3) Post office address of subdivision.
- (4) School district and fire district.
- (5) Water company or district.
- (6) Name and address of developer and owner.
- (7) Total acreage of subdivision.
- (8) Zoning district.
- (9) Name, address, license number and seal of professional engineer or land surveyor who prepared the drawings.
- (10) Key map at a scale of one inch equals 200 feet.
- (11) Lots should be numbered in consecutive order on plan.

C. The plan.

- (1) Existing conditions.
 - (a) Boundaries and recorded owners of adjacent properties.
 - (b) Topographic contours at two-foot intervals in the United States Coast and Geodetic Survey datum referred to mean sea level. Contours shall extend 200 feet beyond the subdivision boundary line.
 - (c) Existing streets on the subdivision and within 200 feet of its boundaries, including name, location, width, center-line elevations at intersections and critical points and type of street improvement.
 - (d) Drainage structures on the subdivision and within 200 feet of its boundaries, including type of structure, location, invert elevations, gradients and sizes of pipe or other structures.

- (e) Utilities, such as water, gas or electric, on the subdivision and within 200 feet of its boundaries.
 - (f) Test hole data, including location, elevation and boring log. Borings shall be taken to a minimum depth of 15 feet or to groundwater in all locations where drainage structures requiring seepage are to be constructed and at any other location that the Village Engineer may request.
 - (g) Buildings or other structures located on the proposed subdivision or within 200 feet of its boundaries.
- (2) Proposed conditions.
- (a) Proposed street profiles, showing tentative grades, elevations and datum used, stationed to conform to center-line stationing as shown on the plan.
 - (b) Lot lines and dimensions to the nearest foot.
 - (c) Approximate area of each lot in square feet.
 - (d) Easements or reserved areas with notations referring to the purposes or restrictions.
 - (e) Preliminary stormwater drainage system, including sizes, tentative invert elevations and locations of all piping and structures.
 - (f) Watershed outlines and their approximate area in acres.
 - (g) Preliminary drainage calculations.
 - (h) The permitted building envelope on each lot. **[Added 11-19-2010 by L.L. No. 13-2010]**
 - (i) The maximum proposed lot coverage and the maximum gross floor area applicable to each proposed lot, together with, if there are existing buildings or structures that are to remain, the lot coverage for each lot and the gross floor area calculations of the existing structures and buildings. **[Added 11-19-2010 by L.L. No. 13-2010]**

§ 252-7. Specifications for final plat.

A. The drawing.

- (1) Size shall be either 18 inches by 20 inches or 36 inches by 20 inches.
- (2) Scale shall be a minimum of one inch equals 100 feet.
- (3) Material shall be ink on linen.

B. Title block and notations.

- (1) North arrow and scale.
- (2) Name of subdivision as approved by Suffolk County Clerk.

- (3) Location of subdivision.
- (4) Name and address of owner and developer.
- (5) Zoning district.
- (6) Exact acreage of subdivision.

C. Key map.

- (1) Scale shall be one inch equals 600 feet.
- (2) Tie to a given point or monument on an established highway.

D. The plan.

- (1) Exact bearings and dimensions of all property lines.
- (2) Street names as approved by the Planning Board.
- (3) Lots numbered in consecutive order.
- (4) Water main locations and sizes.
- (5) Fire hydrants or fire wells.
- (6) Sanitary waste disposal system as approved by the Suffolk County Department of Health.
- (7) Two concrete monuments at each street intersection.
- (8) Show exact area of each lot.

E. Signed statements.

- (1) "This is to certify that this subdivision map has been approved as provided by Article 6-A of the Village Law."

Date of Approval	Incorporated Village of East Hampton Planning Board.
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.....
	Chairman

- (2) "No offer of dedication of the streets or reserved areas, as they appear on this plat, is made to the public, nor is the Incorporated Village of East Hampton in any way responsible for their maintenance."

.....
Owner

- (3) "I hereby certify that this map is made from an actual survey completed, that all concrete monuments have been set as shown and that all lots on this map are in conformance with the requirements of Zone of the Zoning Ordinance of the Incorporated Village of East Hampton."

.....
License Number

§ 252-8. Final road and drainage plans.

Specifications for the final road and drainage plans include detailed plans of all stormwater drainage facilities, street plans and profiles. These plans are an integral part of the final submission and are the basis for the performance bond estimate and inspection fee. The final road and drainage plans shall be prepared by a licensed professional engineer and shall conform to the following requirements:

- A. The drawing.
 - (1) Size shall be 22 inches by 34 inches.
 - (2) Scale shall be a minimum of one inch equals 100 feet for the plan. Scale shall be one inch equals 40 feet horizontal and one inch equals four feet vertical for the profile.
 - (3) Material shall be ink on linen.
- B. Title block and notations.
 - (1) North arrow and scale.
 - (2) Name of subdivision.
 - (3) Name, address, license number and seal of professional engineer who prepared the drawings.
- C. The plan.
 - (1) Storm sewers:
 - (a) Sizes.
 - (b) Gradients (%).
 - (c) Invert elevations.
 - (2) Manholes.
 - (a) Numbered in accordance with design calculations.
 - (b) Type referred to Standard Details, Street Number 1.
 - (3) Catch basins.
 - (a) Numbered in accordance with design calculations.
 - (b) Type referred to Standard Details, Sheet Number 1.
 - (4) Concrete headwalls.
 - (5) Valley gutters.

- (6) Special structures. (scale: 3/8 inch equals one foot zero inches minimum).
- (7) Seepage pools.
 - (a) Type referred to Standard Details, Sheet Number 2.
- D. The profile.
 - (1) Existing and proposed grades.
 - (2) Stationing to conform to plan.
 - (3) Vertical curve data.
 - (4) Drainage pipe and structures.
- E. Design calculations. Final design calculations shall be submitted on sheets 8 1/2 inches by 11 inches in a form acceptable to the Village Engineer and signed by the developer's engineer.

§ 252-9. Design criteria.

The following criteria shall be the basis for the design of all streets and stormwater collection systems:

- A. Streets. All streets and highways shall be designed in accordance with the following minimum standards:
 - (1) Street widths.

Type of Street	Right-of-Way Width (feet)	Paved Width (feet)
Collector	66	24
Minor	50	20
Lane	30	18

- (2) Horizontal alignment.
 - (a) The minimum center-line radius of any street curvature shall be 125 feet for minor streets and 200 feet for collector streets.
 - (b) The minimum tangent distance between reverse curves shall be 50 feet.
 - (c) Property line radii at street corners shall be not less than 25 feet.
- (3) Vertical alignment.
 - (a) Gradients of all streets shall conform as much as possible to the natural terrain but shall not be more than 10% nor less than 0.50%.
 - (b) All changes in grade of more than 1% shall be connected with a vertical curve.
 - (c) The length (L) in feet of a vertical curve shall be related to the algebraic

difference in the percent of grade (A) and a constant (K = 28 for minor streets and K = 50 for collector streets) according to the following formula:

$$L = KA$$

This formula shall be used for both sag and crest vertical curves.

- (d) Road gradients approaching intersections shall not exceed 3% commencing at a point at least 50 feet from the nearest intersecting right-of-way line measured along the center line of the road.
- (4) Intersections.
- (a) Four-cornered intersections shall be avoided wherever possible, and the angle of intersection of all streets shall be as near 90° as possible.
- (b) The intersection of minor streets leading into collector streets shall be separated by a minimum distance of 125 feet between center lines.
- (5) Cul-de-sac streets. Dead-end or cul-de-sac streets are generally not desirable unless it can be known to the Planning Board that through traffic on such streets is not essential to the street system. Cul-de-sac streets shall not exceed 2,400 feet nor service more than 24 lots and shall terminate in a circular turnaround having a minimum right-of-way radius of 50 feet and a minimum paved radius of 35 feet. **[Amended 7-31-1989 by L.L. No. 15-1989; 7-31-1989 by L.L. No. 16-1989⁵⁴]**
- (6) Tap streets. Tap streets shall be provided in order to provide access to adjacent undeveloped properties as well as to enhance circulation and emergency vehicular access as deemed necessary by the Planning Board. **[Added 7-31-1989 by L.L. No. 17, 1989]**
- B. Stormwater collection systems. All stormwater collection systems shall be designed in accordance with the following minimum standards:

- (1) Formulas.
- (a) The collection system shall be designed in accordance with the rational method of design, using the formula:

$$Q = Air$$

Where

$$Q = \text{Discharge in cubic feet per second.}$$

$$A = \text{Tributary drainage area in acres.}$$

$$i = \text{Coefficient of runoff of the drainage area.}$$

The following minimum values of "i" shall be used:

54. Editor's Note: The Typical Road Section adopted as part of this local law is located at the end of this chapter.

Residential Zone	Hilly Terrain	Flat Terrain
AA	.20	.15
A	.24	.18
B	.28	.22
C	.34	.26

- (b) "R," the rainfall intensity in inches per hour, shall be determined by the following formula:

$$R = \frac{120}{t + 20}$$

Where

t = Time of concentration in minutes.

- (c) Pipes, conduits or ditches shall be designed by the use of the Manning formula:

$$V = \frac{1.486 \times R^{2/3} \times S^{1/2}}{n}$$

Where

V = Velocity in feet per second.

R = Hydraulic radius in feet.

n = 0.015 for reinforced concrete pipe 18 inches in diameter or less.

n = 0.013 for reinforced concrete pipe larger than 18 inches in diameter.

N = 0.025 for earth ditches.

n = 0.013 for paved ditches.

S = Slope in feet/feet.

Design velocities shall be limited to three feet per second minimum and 15 feet per second maximum.

(2) Installation.

- (a) Manholes. The maximum distance between manholes shall be 350 feet. Manholes shall be provided wherever branches are connected, pipe sizes are changed or there are changes in pipe alignment or pipe gradients.
- (b) Catch basins. No more than two catch basins shall be interconnected before being connected to a manhole.
- (c) Piping. Pipelines shall be laid on accurate grade and in a straight line between manholes. Pipelines shall be placed as nearly as possible on the center line of the road.

(3) Seepage pools. **[Amended 7-31-1989 by L.L. No. 20-1989; 7-31-1989 by LL. No. 21-1989]**

- (a) Storage capacity. Seepage pools shall provide a storage capacity of 100% of the computed runoff based upon a two-inch rainfall.

§ 252-10. Specifications.

- A. Standard details. All manholes, catch basins, seepage pools and road cross sections shall be constructed in accordance with the Planning Board's Standard Detail Sheets. Reproducibles of these drawings may be obtained at the Planning Board office. A print of the appropriate Standard Detail Sheet shall be incorporated in each set of final road and drainage plans submitted for the Village Engineer's approval.
- B. Portland cement concrete.
- (1) Proportioning. Concrete shall consist of one part portland cement, two parts of clean, washed sand and four parts of three-fourths-inch broken stone or clean, washed gravel.
 - (2) Strength. All concrete shall have a minimum compressive strength of 3,500 pounds per square inch when tested 28 days after pouring.
 - (3) Temperature. Concrete shall be poured at a minimum temperature of 40° F. and rising.
 - (4) Curing. Concrete shall be maintained in a moist condition for at least five days after placement.
 - (5) Rejection. All concrete shall be deposited with a designed slump of four inches to five inches. Any concrete not acceptable to the Village Engineer shall be rejected and immediately removed from the job site.
- C. Reinforcing steel.
- (1) Material. All reinforcing steel shall conform to ASTM Specification A15-62T, with deformations conforming to ASTM Specification A305-56T.
 - (2) Placing. Reinforcement shall be accurately placed in accordance with the approved plans and shall be held securely in place during the pouring of the concrete.
- D. Drainage piping. **[Amended 7-31-1989 by L.L. No. 22-1989; 7-31-1989 by L.L. No. 23-1989]**
- (1) Material. Drainage piping shall be reinforced concrete pipe in accordance with ASTM Specification C76-62T or round corrugated metal pipe conforming to the requirements of AASHTO Designations M190 and M36.
 - (2) Placing. All drainage piping shall be accurately laid to the grades shown on the plans. Pipe shall be well bedded in place and, for reinforced concrete pipe, laid with the bell ends upgrade with all joints adequately cemented. For corrugated metal pipe, connections for making field joints shall consist of corrugated bands so constructed as to lap on equal portions of each of the pipe

sections to be connected. All such connections for corrugated metal pipe shall be so furnished that a secure and firm connection of the sections of the pipe may be readily made in the field.

- E. Road construction. All streets shall be paved with an asphaltic concrete wearing surface and shall be provided with oil-treated bluestone shoulders. The paving width shall be to the minimum widths hereinbefore noted. The base course shall consist of a dense graded aggregate base course on an approved subgrade. The cross section shall be as shown on Standard Detail Sheet No. 2. **[Amended 7-31-1989 by L.L. No. 24-1989; 7-31-1989 by L.L. No. 25-1989]**
- F. Clearing and grubbing. All trees, stumps, large stones and debris shall be removed from the construction area to a distance of six feet from the edge of the pavement.
- G. Preparation of subgrade. All topsoil shall be removed from the construction area and stockpiled for use on bank slopes. Before any base course material is placed, the subgrade shall be carefully shaped to the approved cross section and profile and then compacted with a self-powered roller weighing at least 10 tons to a compacted density of 95% at optimum moisture content. In case unsuitable material is encountered at the subgrade level, such as loam or clay, it shall be removed to a depth of at least 12 inches and backfilled with suitable material in four-inch layers to the subgrade elevation. Upon completion of the subgrade compaction, the developer shall request an inspection by the Village Engineer and shall not proceed with further roadwork until such inspection has been made and the work approved.
- H. Base course. **[Amended 7-31-1989 by L.L. No. 26-1989; 7-31-1989 by L.L. No. 27-1989]**

(1) Materials.

- (a) The base-course blend shall consist of a natural mixture of soils and crushed materials. Artificial or man-made materials will not be accepted. The base course blend shall be well-graded and shall have the following mechanical gradation:

Screen Size	Percent of Passing
1 1/2 inches	100
1 inch	90 to 100
1/2 inch	65 to 85
3/8 inch	55 to 75
No. 4	40 to 55
No. 8	30 to 45
No. 16	22 to 36
No. 30	16 to 27
No. 50	12 to 19
No. 100	7 to 13
No. 200	3 to 8

- (b) The portion of the base-course blend that is smaller than the No. 40 screen shall have a Plasticity Index = 0, according to ASTM Designation D-424, latest edition. The course aggregate shall have a resistance to abrasion by the Los Angeles abrasion test of not more than 50%.
 - (c) The course aggregate, when subjected to five cycles of the soundness test, shall have a weighed loss of not more than 20% when sodium sulfate is used or 30% when magnesium sulfate is used.
 - (d) CBR value. The laboratory compacted California Bearing Ratio (ASTM D 1883) of the material shall be not less than 100 after 965 hours of soaking. The test specimen shall be compacted at optimum moisture by the method outlined in ASTM D 1557 Method D.
 - (e) Sampling. Samples shall be taken in accordance with applicable ASTM standards. Two final acceptance samples shall be taken. Each shall represent a lot of material of a size corresponding to each of two full days' production for delivery to the project site. No sample, for whatever purpose taken, should be composed of less than three increments selected at random from the full flow of material which would be required to fill a normal delivery truck, that amount being considered a batch. Test results representing at least three batches sampled in the prescribed manner shall be required to represent each lot under consideration for acceptance and shall be submitted to Village Engineer for his approval. The cost of laboratory testing shall be borne by the contractor.
- (2) Construction methods.
- (a) Preparation of the subgrade shall be in accordance with the requirements of Subsection G above.
 - (b) The materials for this item shall be delivered to the job site in a well-mixed unsegregated state.
 - (c) The material shall be spread on the prepared subgrade, using an approved spreader, to a loose depth required to provide the required thickness of the base course when compacted to the specified density. The required thickness shall be 4 1/2 inches, except that the Village Engineer may require the depth to be six inches where the nature of the subgrade may warrant a greater thickness of base course. The individual layer thickness shall not be less than three inches or more than six inches after compaction, as applicable to the required thickness. When the base course is constructed in more than one layer, the previously constructed layers shall be cleaned of loose and foreign matter.
 - (d) The base course shall be compacted to a minimum density of not less than 100% of the maximum density of the material as determined by the Method of Test for Moisture Density Relations of Soil, Using a 10-pound Rammer and an 18-inch Drop, ASTM D-1557.
 - (e) The compaction may be accomplished by any means that will not cause segregation and that will provide a surface that is smooth and within the

tolerances of this specification. The material should be damp or moist but not wet during compaction operation to promote densification. Compaction between curbs, where applicable, shall be performed by beginning at the curblines and compacting inward toward the center.

- (f) Segregation occurring during the construction of the base or before the wearing surface pavement is placed shall be corrected by remixing or by removing the segregated area and replacing it with nonsegregated material. If the subgrade material becomes churned up or mixed with the base course for any reason whatsoever before the wearing surface is placed, the base course shall be removed, the subgrade compacted and graded and clean stone base course placed in accordance with this specification.
 - (g) After compaction, the top surface shall not extend above the theoretical elevation for this course, and after testing with a straight edge or parabolic template 10 feet in length, any depression over 1/4 of an inch below the theoretical grade shall be satisfactorily eliminated.
- (3) Maintenance.
- (a) The surface of the base course shall be maintained within the tolerances of Subsection H(2)(g) of this specification and in an unsegregated state until the succeeding course is placed. The correction of any segregation shall be done in accordance with Subsection H(2)(f) of this specification.
 - (b) The base course shall be maintained free of contamination from the subgrade material or other soil until the succeeding course is placed. Correction of this condition shall be done in accordance with Subsection H(2)(f) of this specification.
- (4) (Reserved)
- (5) (Reserved)
- (6) (Reserved)
- (7) Aeration. The mixture shall be aerated by loosening and turning the material by means of plows, harrows, blades or other approved mechanical methods until the mixture becomes tacky.
- (8) Shaping. As soon as the mixture becomes tacky, it shall be shaped to the specified uniform thickness and approved cross section and profile.
- (9) Compacting. Immediately following shaping of the base course, it shall be compacted with a self-powered roller weighing at least 10 tons. Rolling shall continue for a minimum of six rollings and as many more as necessary to remove all tracks produced by the roller wheels. Along places not accessible to the roller, the base course shall be tamped thoroughly with mechanical tampers or approved hand tampers weighing not less than 25 pounds, having a bearing area not exceeding 48 square inches. Upon completion of the base course compaction, the developer shall request an inspection by the Village Engineer and shall not proceed with further roadwork until such inspection has

been made and the work approved.

- I. Asphaltic concrete paving. After completion and approval of the base course, asphaltic concrete pavement shall be placed in two lifts. The first lift, to be placed directly on the base course, shall be an asphaltic concrete binder course 1 1/2 inches thick. The wearing course shall be an asphaltic concrete top course one inch thick. **[Amended 7-31-1989 by L.L. No. 28-1989; 7-31-1989 by L.L. No. 29-1989]**
 - (1) Asphalt concrete binder course. This course shall consist of a hot, plant-mixed asphalt concrete. Materials and construction details for the binder course shall conform to the applicable provisions and sections of the latest Standard Specifications of the Office of Engineering of the New York State Department of Transportation, including all addenda thereto, Section 403, Hot Mix Asphalt Concrete Pavement. Asphalt concrete used for the binder course shall be Type 3.
 - (2) Asphalt concrete top course. This course shall consist of a hot, plant-mixed asphalt concrete. Material and construction details for the top course shall conform to the applicable provisions and sections of the latest Standard Specifications of the Office of Engineering of the New York State Department of Transportation, including all addenda thereto, Section 403, Hot Mix Asphalt Concrete Pavement. Asphalt concrete used for the top course shall be Type 6.
- J. Shoulders. After curing of the base course, the shoulders shall receive a double-surface treatment of bluestone.
 - (1) First application. MC-2 at the rate of 0.5 gallon per square yard shall be applied and covered with three-eighths-inch bluestone at the rate of 35 pounds per square yard and then rolled with a ten-ton roller.
 - (2) Second application. RC-2 at the rate of 0.5 gallon per square yard shall be applied and covered with three-eighths-inch bluestone at the rate of 20 pounds per square yard and then rolled with a ten-ton roller. All excess and loose stone and other material shall be removed.
- K. Bank slopes. Bank slopes shall be topsoiled and seeded as directed by the Village Engineer.
- L. Street signs. Street signs shall be provided at all intersections and shall conform to the detail shown on Standard Detail Sheet No. 2.
- M. Street trees. Street trees shall be provided in all subdivisions.
 - (1) Trees shall be of nursery stock of an approved species grown under the same climatic conditions as at the location of the subdivision.
 - (2) The average trunk diameter measured at a height of six feet above the finished ground level shall be a minimum of two to three inches depending on good practice with reference to the particular species to be planted.
 - (3) Trees shall be planted at intervals of from 40 to 60 feet apart (depending upon the species) along both sides of the street and shall be located within the street right-of-way eight feet from the property line.

- (4) All planting shall be done in conformance with good nursery and landscape practice.

N. Fire protection. Adequate fire protections, in accordance with the specifications hereinafter set forth, shall be provided in all subdivisions. The location and type of all fire protection devices and installation thereof shall be approved by this Board upon the advice of the Fire Department and Fire Inspector and shall conform to the following standards: **[Amended 6-20-1980 by L.L. No. 7-1980]**

- (1) If public water is available within 1,000 feet of the subdivision, fire hydrants shall be installed in accordance with the following specifications:

- (a) All hydrants shall be set with outlets 18 inches above final grade.
- (b) The connection between the water main and hydrant shall not be less than six inches in diameter.
- (c) Water supply shall be available on the fire ground at a rate of not less than 750 gallons per minute.
- (d) Fire hydrants shall otherwise be installed in accordance with the requirements and under the supervision of the Fire Department and Fire Inspector.

- (2) If public water is not available within 1,000 feet of the subdivision and groundwater is within 15 feet of the proposed center-line elevation of the road at the fire call station, fire wells shall be provided in accordance with the following specifications:

- (a) Fire wells shall be installed no more than 1,000 feet from each other, with a minimum of one fire well for each subdivision.
- (b) Water supply from a fire well shall be available on the fire ground at a rate of not less than 250 gallons per minute.
- (c) The design of fire well installation shall be approved by the Fire Department and Fire Inspector and shall conform to the following minimum standards:

[1] Casing: six inches in diameter.

[2] Screen: 20 feet brass.

[3] Depth of water: 35 feet in the well.

- (3) If neither public water nor groundwater is available, as abovesaid, fire cisterns shall be provided in accordance with the following specifications:

- (a) The number of cisterns to be installed, with a minimum of one per subdivision, shall be determined by the following equation, rounded to the nearest whole number:

$$1 + \frac{\text{Linear Feet of Road} - 1,000 \text{ feet}}{2,000 \text{ feet}}$$

- (b) The design of fire cistern installations shall be approved by the Fire Department and Fire Inspector and shall conform to the following minimum standards:
 - [1] Hydrant: Each hydrant shall have a six-inch well casing extending to within 18 inches of the bottom of the cistern.
 - [2] The design and installation shall otherwise be as shown on Standard Detail Sheet No. 3, *infra*.
- (4) Inspection of the fire protection devices as installed in subdivisions shall be made no sooner than four days after receipt by the Fire Department and Fire Inspector of written request for inspection. Requests for inspections shall be accompanied by an inspection fee of \$25.
- (5) No building permits shall be issued by the Building Inspector until the design and installation of fire protection devices have been approved in writing by the Planning Board.
- O. Concrete monuments. Monuments shall be of 3,500 pounds concrete, 30 inches in length, four inches square at the top, six inches square at the bottom, with a minimum of four three-eighths-inch reinforcing rods 28 inches long running the length of the monument. The top shall be beveled 1/2 inch, with a twelve-penny galvanized nail in the center protruding 1/4 inch.

§ 252-10

TAXATION

§ 252-10

Chapter 256

TAXATION

GENERAL REFERENCES

Assessments — See Ch. 7.

ARTICLE I

Tax Exemption for Commercial, Business or Industrial Activities**§ 256-1. Legislative findings.**

The Board of Trustees of the Incorporated Village of East Hampton finds that the real property tax exemptions for commercial, business or industrial property provided for in Chapter 278 of the Laws of 1976 (Real Property Tax Law § 485-b) would encourage unnecessary and unwanted commercial growth in the Village of East Hampton.

§ 256-2. No exemptions for commercial property.

Real property constructed, altered, installed or improved subsequent to July 1, 1976, for the purpose of commercial, business or industrial activity, and real property otherwise qualify, except for this article, for a real property tax exemption pursuant to § 485-d of the Real Property Tax Law, shall not be exempt from taxation, special ad valorem levies and service charges and shall not be entitled to the exemption, or any part thereof, set forth in § 485-b of the Real Property Tax Law.

ARTICLE II

Tax Exemption for Capital Improvements to Residential Buildings in Historic Districts**§ 256-3. Legislative findings.**

The Board of Trustees of the Village of East Hampton finds that the real property tax exemptions for capital improvements to residential buildings provided for in § 421-f of the Real Property Tax Law of New York State would encourage historic preservation.

§ 256-4. Exemptions for historic district properties.

A. Residential buildings in designated historic districts and designated landmarks reconstructed, altered or improved subsequent to the date of this article shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter.

B. Guidelines.

(1) Such buildings shall be exempt for a period of one year to the extent of 100% of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of seven years subject to the following:

(a) The extent of such exemption shall be decreased by 12 1/2% of the exemption base each year during such additional period. The exemption base shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in Subsection B(1)(b).

(b) In any year in which a change in level of assessment of 15% or more is certified for a final assessment roll pursuant to the rules of the State Board, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the Village Clerk receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event that the Village Clerk does not have custody of the roll when such certification is received, the Village Clerk shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the Village Clerk on the roll. The Village Clerk shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by Title 3 of Article 5 of the Real

Property Tax Law of New York State for the correction of clerical errors.

- (c) Such exemption shall be limited to \$80,000 in increased market value, or such other sum less than \$80,000, but not less than \$5,000 of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the Class I ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds 95%, in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.
- (2) Reconstruction, alterations or improvements.
- (a) No such exemption shall be granted for reconstruction, alterations or improvements unless:
 - [1] The building is residential and in a designated historic district of the Incorporated Village of East Hampton;
 - [2] Such reconstruction, alteration or improvement was commenced subsequent to the effective date of this article;
 - [3] The value of such reconstruction, alteration or improvement exceeds \$3,000; and
 - [4] The greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.
 - (b) For purposes of this section the terms "reconstruction," "alteration" and "improvement" shall not include ordinary maintenance and repairs.
- C. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the State Board. The application shall be filed with the Village Clerk on or before the appropriate taxable status date of the Incorporated Village of East Hampton.
- D. If satisfied that the applicant is entitled to an exemption pursuant to this section, the Village Clerk shall approve the application and such building shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in Subsection C of this section. The assessed value of any exemption granted pursuant to this section shall be entered by the Village Clerk on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.
- E. For the purposes of this section, a "residential building" shall mean any building or

structure designed and occupied exclusively for residential purposes by not more than two families.

- F. In event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

ARTICLE III
Collection of Delinquent Property Taxes

§ 256-5. Purpose.

This article provides for the Village of East Hampton to continue to enforce collection of Village property taxes pursuant to Title 3 of Article 14 of the Real Property Tax Law.⁵⁵

§ 256-6. Continuation of collection procedures; filing of law; when effective.

- A. Pursuant to Section 6 of Chapter 602 of the Laws of 1993, as amended by a chapter of the Laws of 1994 as proposed in legislative bill number S. 8560-A,⁵⁶ the Village of East Hampton hereby acts, by local law not subject to referendum, to provide that the collection of property taxes shall continue to be enforced pursuant to Title 3 of Article 14 of the Real Property Tax Law, as is in effect on December 31, 1994.
- B. Upon adoption and no later than October 1, 1994, a copy of this article shall be filed with the New York State Board of Equalization and Assessment.⁵⁷
- C. This article shall take effect on the same day as a chapter of the Laws of 1994, as proposed in legislative bill number S. 8560-A, takes effect, except that if S. 8560-A shall become a law prior to adoption of this article, this article shall take effect immediately.⁵⁸

55. Editor's Note: Sections 1450 through 1464 of Article 14, Title 3, of the Real Property Tax Law were repealed by L. 1993, c. 602, § 4, effective 1-1-1995.

56. Editor's Note: See now L. 1994, c. 532.

57. Editor's Note: Effective 1-1-1995, pursuant to L. 1994, c. 385, the Board of Equalization and Assessment will be known as the "State Board of Real Property Services."

58. Editor's Note: S. 8560-A was signed into law 7-26-1994 and is now cited as L. 1994, c. 532.

ARTICLE IV

Partial Exemption for Members of Voluntary Fire Department and Voluntary Ambulance Service**[Added 10-17-2003 by L.L. No. 13-2003]****§ 256-7. Exemption granted; amount; eligibility.**

Real property owned by an enrolled member of the Village of East Hampton Fire Department and the incorporated volunteer ambulance service serving the Village of East Hampton or such enrolled member and spouse shall be exempt from taxation to the extent of 10% of the assessed value of such property for Village or special district purposes, exclusive of special assessments, but such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located. Such exemption shall not be granted to an enrolled member of the Village of East Hampton Fire Department or the incorporated volunteer ambulance service unless:

- A. The applicant resides within the Village of East Hampton; and
- B. The property is the primary residence of the applicant; and
- C. The property is used exclusively for residential purposes; provided, however, that in the event any portion of the property shall not be used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
- D. The applicant has been certified by the Village of East Hampton as an enrolled member of the Fire Department or the ambulance service for at least five years.

§ 256-8. Lifetime extension of exemption.

Any enrolled member of the Fire Department or the ambulance service who accrues more than 20 years of active service and is so certified by the Village of East Hampton shall be granted the ten-percent exemption as authorized by this article for the remainder of his or her life as long as his or her primary residence is located within the Village of East Hampton.

§ 256-9. Application for exemption.

Application for such exemption shall be filed with the Assessor of the Village of East Hampton on or before the taxable status date on the form prescribed by the N.Y.S. Board of Real Property Services.

ARTICLE V

Tax on Gross Income of Utilities
[Adopted 1-20-2017 by L.L. No. 4-2017]**§ 256-10. Tax imposed.**

Pursuant to the authority granted by § 5-530 of the Village Law of the State of New York, a tax equal to 1% of its gross income from and after the first day of July 1968 is hereby imposed upon every utility doing business in the Village of East Hampton which is subject to the supervision of the State Department of Public Service, which has a gross income for the 12 months ending June 30, 1968, in excess of \$500, and a tax equal to 1% of its gross operating income from and after the first day of July 1968 is hereby imposed upon every other utility doing business in the Village of East Hampton which has a gross operating income for the 12 months ending June 30, 1968, in excess of \$500, which taxes shall have application only within the territorial limits of the Village of East Hampton, and shall be in addition to any and all other taxes and fees imposed by the other provisions of law. Such taxes shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village of East Hampton, notwithstanding that some act be necessarily performed with respect to such transaction within such limits.

§ 256-11. Definitions.

When used in this article, unless otherwise required by the context, or unless a contrary intent is expressly declared in the provision to be construed, the words, phrases or clauses hereafter shall be construed as follows:

GROSS INCOME — Receipts received in or by reason of any sale, conditional or otherwise (except sales hereinafter referred to with respect to which it is provided that profits from the sale shall be included in gross income) made or service rendered for ultimate consumption or use by the purchaser in the Village, including cash, credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit), without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or services or other costs, interest or discount used, labor or services or other costs, interest or discount paid, or any other expense whatsoever; also profits from the sale of securities; also profits from the sale of real property growing out of the ownership or use of or interest in such property; also profit from the sale of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the period for which a return is made); also receipts from interest, dividends and royalties derived from sources within the Village other than such as are received from a corporation a majority of whose voting stock is owned by the taxpaying utility, without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof, and also profits from any transaction (except sales for resale and rentals) within the Village whatsoever; provided, however, that the words "gross income" shall include, in the case of a utility engaged in selling telephony or telephone service, only receipts from local exchange service wholly consummated within the Village, and in the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated within the Village.

GROSS OPERATING INCOME — Receipts received in or by reason of any sale,

conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water, refrigeration, telephony, or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water, refrigerator, telephone or telegraph service in the Village, including cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid, or any other expense whatsoever.

PERSON — Persons, corporations, companies, associations, joint-stock associations, co-partnerships, estates, assignees of rents, any person acting in a fiduciary capacity, or any other entity, and persons, their assignees, lessees, trustees or receivers appointed by any court whatsoever, or by any other means, except the state, municipalities, political and civil subdivisions of the state or municipality, and public districts.

TREASURER — The Treasurer of the Village of East Hampton.

UTILITY — Every person subject to the supervision of the State Department of Public Service, except persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads, and also including every person (whether or not such person is subject to such supervision) who sells gas, electricity, steam, water, refrigeration, telephony or telegraphy, delivered through mains, pipes or wires, or furnishes gas, electric, steam, water, refrigeration, telephone or telegraph services, by means of mains, pipes, or wires, regardless of whether such activities are the main business of such person or are only incidental thereto, or of whether use is made of the public streets.

VILLAGE — The incorporated Village of East Hampton, Suffolk County, New York.

§ 256-12. Records.

Every utility subject to tax under this article shall keep such records of its business in such form as the Treasurer may require, and such records shall be preserved for a period of three years, except that the said Treasurer may consent to their destruction within that period or may require that they be kept longer.

§ 256-13. Returns.

Every utility subject to tax hereunder shall file annually, on or before the first of October, a return for the 12 calendar months preceding such return date (July 1) or any portion thereof for which the tax imposed is effective; provided, however, that in lieu of the annual return required by the foregoing provisions, any utility may file quarterly, on or before November 1, February 1, May 1 and August 1, a return for the three calendar months preceding each such return date (October 1, January 1, April 1, and July 1), and in the case of the first such return, for all preceding calendar months during which the tax imposed hereby was effective. Every return shall state the gross income or gross operating income for the period covered thereby. Returns shall be filed with the Treasurer on a form to be furnished by the Treasurer for such purpose and shall contain such other data, information or matter as he or she may require to be included therein. The Treasurer, in order to insure payment of the tax imposed, may require at any time a further or supplemental return, which shall contain any data that may be specified, and the Treasurer may require any utility doing business in the Village to file an annual

return, which shall contain any data specified, regardless of whether the utility is subject to tax under this article. Every return shall have annexed thereto an affidavit of the head of the utility making the same, or of the owner or of a copartner thereof, or of a principal officer of the corporation, if such business is conducted by a corporation, to the effect that the statements contained therein are true.

§ 256-14. Payment.

At the time of filing a return as required by this article, each utility shall pay to the Treasurer the tax imposed by this article for the period covered by such return. Such tax shall be due and payable at the time of filing the return or, if a return is not filed when due, on the last day on which the return is required to be filed.

§ 256-15. Inadequate return.

- A. In case any return filed pursuant to this article shall be insufficient or unsatisfactory to the Treasurer of the Village, and if a corrected or sufficient return is not filed within 20 days after the same is required by notice from him, or if no return is made for any period, said Treasurer shall determine the amount of tax due from such information as he is able to obtain, and, if necessary, may estimate the tax on the basis of external indices or otherwise. He shall give notice of such determination to the person liable for such tax. Such determination shall finally and irrevocably fix such tax, unless the person against whom it is assessed shall, within 30 days after the giving of notice of such determination, apply to the said Treasurer for a hearing, or unless said Treasurer, of his own motion, shall reduce same. After such hearing, the said Treasurer shall give notice of his decision to the person liable for the tax. Such decision may be reviewed by a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York if application therefor is made within 90 days after the giving of notice of such decision. An order to review such decision shall not be granted unless the amount of any tax sought to be reviewed, with interest and penalties thereon, if any, shall be first deposited with the said Treasurer and an undertaking filed with him, in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that, if such proceeding be dismissed or the tax confirmed, the applicant will pay all costs and charges which may accrue in the prosecution of such proceeding, or at the option of the application, such undertaking may be in a sum sufficient to cover the tax, interest, penalties, costs and charges aforesaid, in which event the applicant shall not be required to pay such tax, interest and penalties as a condition precedent to the granting of such order.
- B. Except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as required by this article the tax may be assessed at any time.

§ 256-16. Notice.

Any notice authorized or required under the provisions of this article may be given by mailing the same to the person for whom it is intended, in a postpaid envelope, addressed to such person at the address given by him in the last return filed by him under this article

or, if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this article by the giving of notice shall commence to run from the date of mailing of such notice.

§ 256-17. Penalties for failure to file.

Any person failing to file a return or corrected return, or to pay any tax or any portion thereof, within the time required by this article shall be subject to a penalty of 5% of the amount of tax due, plus 1% of such tax for each month of delay or fraction thereof, excepting the first month, after such return was required to be filed or such tax became due; but the Treasurer, for cause shown, may extend the time for filing any return and, if satisfied that the delay was excusable, may remit all or any portion of the penalty fixed by the foregoing provisions of this section.

§ 256-18. Refunds.

If, within one year from the payment of any tax or penalty, the payer thereof shall make application for a refund thereof and the Treasurer or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the same Treasurer shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the said Treasurer. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the said Treasurer as hereinbefore provided unless the said Treasurer, after a hearing as hereinbefore provided, or of his own motion, shall have reduced the tax or penalty or it shall have been established in a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York that such determination was erroneous or illegal. All refunds shall be made out of moneys collected under this article. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of, and the same Treasurer may receive additional evidence with respect thereto. After making his determination, the said Treasurer shall give notice thereof to the person interested, and he shall be entitled to an order to review such determination under said Article 78, subject to the provisions hereinbefore contained relating the granting of such an order.

§ 256-19. Charging tax to customers.

The tax imposed by this article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

§ 256-20. Action to enforce payment.

Whenever any person shall fail to pay any tax or penalty imposed by this article, the Village Attorney shall, upon the request of the Treasurer, bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the said Treasurer. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same, in the same manner and to the same extent that the tax and penalty imposed by § 186-a of the Tax Law is made a lien.

§ 256-21. Rules and regulations.

In the administration of this article the Treasurer shall have power to make such reasonable rules and regulations, not inconsistent with law, as may be necessary for the exercise of his powers and the performance of his duties, and to prescribe the form of blanks, reports and other records relating to the administration and enforcement of the tax, to take testimony and proofs, under oath, with reference to any matter within the line of his official duty under this article, and to subpoena and require the attendance of witnesses and the production of books, papers and documents.

§ 256-22. Disposition of money.

All taxes and penalties received by the Treasurer of the Village of East Hampton under this article shall be paid into the treasury of the Village and shall be credited to and deposited in the general fund of the Village.

ARTICLE VI
Village Tax Sales
[Added 5-19-2017 by L.L. No. 10-2017]

§ 256-23. Purpose.

In accordance with Article I of this chapter, the collection of Village taxes continues to be enforced pursuant to Title 3 of Article 14 of the Real Property Tax Law, as in effect on December 31, 1994. Thus Village tax sales are conducted pursuant to § 1454 of the Real Property Tax Law. The purpose of this Article VI is to empower the Village to bid for and purchase parcels of real property for sale at such tax sales.

§ 256-24. Powers of Village.

- A. The Village is empowered to bid for and purchase parcels of real property offered for sale at Village tax sales conducted pursuant to § 1454 of the Real Property Tax Law.
- B. The Village is empowered to bid for a parcel of real property offered for sale at such tax sale by bidding for the purchase of a 100% undivided interest in such parcel for the amount due (the amount of the tax, interest and charges due on such parcel). The Village is also empowered to bid for a parcel of real property offered for sale at such tax sale by bidding for the purchase of a lesser undivided interest (an undivided interest of less than 100%) in such parcel for the amount due (the amount of the tax, interest and charges due on such parcel). The foregoing powers shall be applicable to each parcel of real property offered for sale at such tax sale.
- C. With respect to each parcel of real property offered for sale at such tax sale, the Village shall have the right to make the initial or opening bid. If the Village exercises such right, such initial or opening bid shall be a bid for the purchase of a 100% undivided interest in such parcel for the amount due (the amount of the tax, interest and charges due on such parcel).
- D. With respect to each parcel of real property offered for sale at such tax sale, the Village shall have the right to match the lowest bid made by any other bidder, the lowest bid made by any other bidder, the lowest bid made by another bidder being the bid for the purchase of the smallest percentage of undivided interest (whether 0% or some other percent) in such parcel for the amount due (the amount of the tax, interest and charges due on such parcel). If the Village exercises such right, the Village's matching bid shall be preferred and shall be deemed to be the ultimate successful bid.

§ 256-25. Implementation of powers of Village.

- A. The Village Board of Trustees delegates to the Village Treasurer the power and authority to implement the powers of the Village set forth in § 256-24, including the power and authority:
 - (1) to bid on behalf of the Village for the purchase by the Village of parcels of real property offered for sale at Village tax sales conducted pursuant to § 1454 of the Real Property Tax Law;

- (2) to bid on behalf of the Village for the purchase by the Village of a 100% undivided interest in a parcel for the amount due;
 - (3) to bid on behalf of the Village for the purchase by the Village of a lesser undivided interest (an undivided interest of less than 100%) in a parcel for the amount due;
 - (4) to match on behalf of the Village the lowest bid made by any other bidder;
 - (5) with respect to each parcel of real property offered for sale at such tax sale, to decide whether to bid on behalf of the Village, to decide whether to bid on behalf of the Village for the purchase of a 100% undivided interest, to decide whether to bid on behalf of the Village for the purchase of a lesser undivided interest, and to decide whether to match on behalf of the Village the lowest bid made by any other bidder.
- B. The Village Board of Trustees may from time to time by resolution amend the provisions of § 256-25. Any such amendment may include a provision delegating the power and authority to implement the powers of the Village set forth in § 256-25 to another Village official (an official other than the Village Treasurer). Any such amendment may include provisions providing direction with respect to implementing the powers of the Village set forth in § 256-24.

Chapter 261**TRAILERS AND CAMPERS****GENERAL REFERENCES**

Outdoor storage of vehicles — See Ch. 271.

Zoning — See Ch. 278.

§ 261-1. Legislative findings.

The Board of Trustees of the Village of East Hampton finds that the improper use of trailers and campers for living purposes in the Village of East Hampton is detrimental to the health, safety and welfare of its residents, causes unsanitary conditions and creates a nuisance.

§ 261-2. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

CAMPER — Not only a self-contained and self-propelled vehicle used or intended to be used as a conveyance upon the public streets and designed in such a manner as to permit the occupancy thereof by one or more persons as a place for sleeping, eating and general living, irrespective of whether or not the said vehicle is used actually for said purposes, but also any structural body not having wheels but which may be slid onto the body of a truck, attached thereto and transported as an integral part of said truck and designed in such a manner as to permit the occupancy thereof by one or more persons as a place for sleeping, eating and general living, irrespective of whether or not the said vehicle is used actually for said purposes.

PERSON — An individual, a partnership, an association or a corporation.

TRAILER — Any vehicle used or intended to be used as a conveyance upon the public streets and designed in such a manner as to permit the occupancy thereof by one or more persons as a place for sleeping, eating and general living, irrespective of whether or not the said vehicle is used actually for said purposes. This definition is intended to include not only those vehicles having two or more wheels and hitched, hooked or attached in some other manner to a self-propelled vehicle such as an automobile or truck, but also those vehicles from which the wheels have been removed and which are either permanently or semipermanently attached to the ground and hooked into one or more public utilities such as gas, electricity, water and sewer. In addition, a "trailer" is also intended to include a vehicle designed in such a manner as to be hooked, hitched or attached in some other manner to a self-propelled vehicle such as an automobile or truck and used or intended to be used for the transportation or storage of goods, materials and other tangible personal property, only, and not designed for sleeping, eating and general living.

§ 261-3. Exemptions.

A. Trailers used or intended to be used in business and commerce for the transportation

or storage of goods, materials and other tangible personal property, and trailers used or intended to be used as a temporary office during the period of construction are not included in the above definition of trailer.

- B. Further, trailers used or intended to be used temporarily for educational or convention use also are not included in the above definition of trailers.
- C. The definition of camper is not intended to include a commercial truck, panel truck or other such vehicle.

§ 261-4. Prohibitions.

The use of a trailer or camper for living purposes is prohibited within the jurisdictional limits of the Village of East Hampton, except as hereinafter provided under § 261-5A.

§ 261-5. Regulations.

- A. The parking, for purposes of habitation, of a trailer or camper overnight upon any street or property within the jurisdictional limits of the Village of East Hampton is prohibited, except by permit, for a period not to exceed one week, which permit shall be issued by the Building Inspector of the Village of East Hampton at his discretion. The aforesaid permit may be issued to those property owners upon whose property overnight parking of a trailer or camper is sought to be permitted, or whose property abuts on that portion of the street upon which overnight parking of a trailer or camper is sought to be permitted. The Building Inspector of the Village of East Hampton shall consider, among other factors, the size of the trailer or camper, the reason for the request, the trafficability of the street upon which a permit for overnight parking is sought, the surrounding residences and the proposed duration of the requested permit.
- B. An unoccupied trailer or camper may be parked or stored without permit upon any private property within the jurisdictional limits of the Village of East Hampton; however, in no case shall the trailer or camper be made immobile by removal of wheels, nor shall the trailer or camper be permanently affixed to the private property.

§ 261-6. Penalties for offenses.

Any person or persons violating any of the provisions of this chapter, upon conviction thereof, shall be subject to a fine in an amount not exceeding the sum of \$250. Further, each day that a violation is permitted to exist shall be considered a separate offense.

Chapter 267

VEHICLES AND TRAFFIC

GENERAL REFERENCES

Beaches — See Ch. 77.

Fire regulations — See Ch. 150.

Licensed occupations — See Ch. 185.

Street peddlers — See Ch. 214.

Streets and sidewalks — See Ch. 250.

Outdoor storage of vehicles — See Ch. 271.

ARTICLE I

General Regulations**[Adopted 4-17-1953 by Ord. No. XIV (Ch. 54, Art. I, of the 1971 Code)]****§ 267-1. Speed limits. [Amended 4-19-1968]**

- A. No person shall operate a motor vehicle or motorcycle on any public highway within the corporate limits of the Village of East Hampton (with the exception of the territory on Montauk Highway which, as posted, varies from 50 to 40 to 30 in various locations, and the public highways listed in § 267-1B, which are posted 25 miles per hour) at a rate of speed in excess of 30 miles per hour. **[Amended 11-18-2005 by L.L. No. 20-2005]**
- B. No person shall operate a motor vehicle or motorcycle on any of the public highway within the corporate limits of the Village of East Hampton listed below at a rate of speed in excess of 25 miles per hour: **[Added 11-18-2005 by L.L. No. 20-2005; last amended 1-20-2017 by L.L. No. 3-2017⁵⁹]**
- (1) Toilsome Lane.
 - (2) Gingerbread Lane.
 - (3) Cooper Lane.
 - (4) Lumber Lane.
 - (5) Race Lane.
 - (6) Egypt Lane.
 - (7) Fithian Lane.
 - (8) Huntting Lane.
 - (9) Davids Lane.
 - (10) Pondview Lane.
 - (11) Dunemere Lane.
 - (12) Further Lane.
 - (13) Newtown Lane.
 - (14) Railroad Avenue.
 - (15) Georgica Road.
 - (16) Lily Pond Lane.
 - (17) Cross Highway.
 - (18) Church Lane.

59. Editor's Note: Subsequent amendments noted where applicable.

- (19) James Lane.
 - (20) Apaquogue Road.
 - (21) Ocean Avenue.
 - (22) Baiting Hollow Road.
 - (23) Amy's Lane.
 - (24) Hither Lane.
 - (25) Dayton Lane.
 - (26) LaForest Lane. **[Added 3-17-2017 by L.L. No. 8-2017]**
- C. There shall be established the following school zones, within which no person shall operate a motor vehicle at a rate of speed in excess of 20 miles per hour:
- (1) Newtown Lane, from and between a distance of 200 feet east of the easterly school building line to a distance of 105 feet west of said westerly school building line.
 - (2) Church Street, from and between a distance of 220 feet north of the northerly school building line to a distance of 150 feet south of the southerly school building line.
 - (3) Meadow Way, from and between a distance of 200 feet west of the westerly school building line to a distance of 200 feet east of the easterly school building line.
 - (4) Newtown Lane, from and between a distance of 180 feet south of the easterly driveway entrance of the East Hampton High School. **[Added 5-17-2002 by L.L. No. 11-2002]**
 - (5) Gingerbread Lane Extension, from and between a distance of 750 feet beginning at the intersection of Gingerbread Lane Extension and Race Lane running easterly for said distance. **[Added 5-17-2002 by L.L. No. 11-2002]**
- D. No person shall operate a motor vehicle or motorcycle on Darby Lane at a speed in excess of 15 miles per hour. **[Added 10-21-1971]**
- E. No person shall operate a motor vehicle or motorcycle on Methodist Lane for its entire length at a rate of speed in excess of 15 miles per hour. **[Added 10-17-1980 by L.L. No. 12-1980]**
- F. No person shall operate a motor vehicle or motorcycle on any of the following public highways within the corporate limits of the Village of East Hampton at a rate of speed in excess of 20 miles per hour: **[Added 1-20-2017 by L.L. No. 3-2017]**
- (1) King Street.
 - (2) McGuirk Street.
 - (3) Middle Lane.

- (4) Mill Hill Lane.
- (5) Meadow Way.

§ 267-2. Night parking.

No vehicle shall be parked on any public highway within the corporate limits of the Village of East Hampton between the hours of 2:00 a.m. and 6:00 a.m. for a period in excess of one hour.

§ 267-3. Parallel and angle parking.

- A. Except as hereinafter provided, no vehicle, truck or car shall be parked on any public highway within the corporate limits of the Village of East Hampton other than parallel with the edge of the street, headed in the direction of traffic and with the front and rear wheels not more than 12 inches from the curb, except for the purpose of unloading or loading merchandise. Vehicles, trucks or cars unloading or loading merchandise may violate the provisions of this section only between the hours of 7:00 a.m. and 11:00 a.m., provided that public safety is not threatened by reason of the loading or unloading of this merchandise. The following locations are designated as forty-five-degree angle parking areas: **[Amended 11-15-1985 by L.L. No. 8-1985; 5-21-2021 by L.L. No. 15-2021]**
- (1) On the southerly side of Newtown Lane, from Park Place running 400 feet east to Main Street.
 - (2) On the northerly side of Newtown Lane, from Main Street running 335 feet to Barns Lane.
 - (3) On the northerly side of Newtown Lane, running 140 feet from Barns Lane to Park Place.
 - (4) On the northerly side of Newtown Lane, from Park Place running 175 feet to entrance of No.66 Newtown Lane.
 - (5) On the easterly side of Park Place, from the south entrance running 310 feet to loading zone.
 - (6) On the northerly side of Park Place, from loading zone running 185 feet to north entrance.
- B. No vehicle shall be parked on the easterly side of Ocean Avenue between the Village-owned, twelve-foot right-of-way and the beach, or on the westerly side of Ocean Avenue between the entrance to the Village parking lot and the beach, in any manner other than head-in and at an oblique angle to the curblin, which angle shall be as designated on the street surface by appropriate markings, with the right front wheel of such automobile or vehicle so parked as to be in contact with the curblin of such street.
- C. No vehicle shall be parked on the westerly side of James Lane between the northerly terminus of the Village Green on the north to the northeasterly corner of the Southend Cemetery on the south.⁶⁰ **[Added 12-16-1977 by L.L. No. 16-1977]**

§ 267-4. Parking prohibited in designated locations.

- A. The parking of vehicles in any of the following locations is hereby prohibited:
- (1) No stopping (except buses) on the southerly side of Newtown Lane beginning at a point 116 feet westerly of the driveway entrance to 67 Newtown Lane (Waldbaum's) and extending westerly for a distance of 80 feet, and on the north side of Newtown Lane beginning at a point 138 feet west of the driveway access to 66 Newtown Lane and extending to a point 196 feet from said driveway access. **[Amended 3-20-1964; 10-15-1993 by L.L. No. 18-1993; 7-30-2004 by L.L. No. 10-2004; 1-21-2005 by L.L. No. 2-2005; 2-18-2005 by L.L. No. 5-2005; 6-15-2012 by L.L. No. 18-2012]**
 - (2) On the easterly side of Ocean Avenue in front of the Sea Spray Hotel property, between the brick posts.
 - (3) On the westerly side of Ocean Avenue at the bathing pavilion, from the last electric standard to a point 43 feet south thereof.
 - (4) On the southerly side of Fithian Lane; and on the northerly side of said Fithian Lane from a point on the curb at the northerly side of the intersection of said Fithian Lane and Main Street running easterly along said Fithian Lane to a point 37 feet distant from said point of intersection. **[Amended 6-17-1955]**
 - (5) At the intersection of the southerly side of Newtown Lane and the westerly side of Main Street, beginning at the west side of the present catch basin on the southerly side of Newtown Lane and running thence in an easterly and southerly direction around the present curblin for a distance of 81 feet to a point on the westerly side of Main Street, said point being the distant 10 feet south of the present outlet through the curb.
 - (6) ⁶¹No stopping on the northerly side of Pondview Lane beginning at the intersection of Main Street and Pondview Lane and running easterly 824 feet. **[Added 9-16-2005 by L.L. No. 17-2005]**
 - (7) On the northeasterly side of Dunemere Lane, from the intersection of said northeasterly side of Dunemere Lane with the southerly side of Main Street to a point on said northeasterly side of Dunemere Lane 300 feet distant from said point of intersection.
 - (8) On the southwesterly side of Dunemere Lane, from the intersection of said southwesterly side of Dunemere Lane with the southerly side of Main Street to a point on said southwesterly side of Dunemere Lane 300 feet distant from said point of intersection.
 - (9) On both sides of Dayton Lane, from the intersection of Main Street and Dayton Lane 438 feet in a westerly direction.

60. Editor's Note: Original § 54-3D and E of the 1971 Code, added 4-20-1979 by L.L. Nos. 8-1979 and 9-1979, respectively, which immediately followed this subsection and provided regulations for Railroad Avenue, were repealed 4-15-1994 by L.L. Nos. 9-1994 and 10-1994, respectively. See now Art. V.

61. Editor's Note: Original § 54-4A(6) of the 1971 Code, pertaining to parking near the intersection of Newtown Lane and Main Street, was repealed 4-21-1995 by L.L. No. 15-1995.

- (10) On the north side of Newtown Lane beginning at the intersection of Conklin Terrace westerly for a distance of 20 feet.⁶² **[Added 8-15-2014 by L.L. No. 17-2014]**
- (11) On the easterly side of Ocean Avenue, commencing at a point 135 feet northerly from the termination of pavement on the shore of the Atlantic Ocean and running thence along said easterly side of Ocean Avenue to the point of intersection of the southerly side of Terbell Lane with said easterly side of Ocean Avenue; on the westerly side of Ocean Avenue, commencing at the termination of pavement on the shore of the Atlantic Ocean and running thence along said westerly side of Ocean Avenue to a point 50 feet distant from the point of intersection of the southerly side of a driveway leading onto premises of Incorporated Village of East Hampton with said westerly side of Ocean Avenue, and from the point of intersection of said southerly side of a driveway onto premises of the Incorporated Village of East Hampton with said westerly side of Ocean Avenue, running thence along the westerly side of Ocean Avenue to the point of intersection of the southerly side of Pudding Hill Lane with said westerly side of Ocean Avenue. **[Added 6-17-1955]**
- (12) On the northerly side of Lily Pond Lane, from the point of intersection of said northerly side of Lily Pond Lane with the westerly side of Ocean Avenue, running thence west 200 feet from said point of intersection to a point; on the southerly side of Lily Pond Lane, from the point of intersection of said southerly side of Lily Pond Lane with the westerly side of Ocean Avenue, running thence westerly 200 feet from said point of intersection to a point. **[Added 6-17-1955]**
- (13) On the northerly side of Lee Avenue, from the point of intersection of said northerly side of Lee Avenue with the westerly side of Ocean Avenue, running thence westerly 200 feet from said point of intersection to a point; on the southerly side of Lee Avenue, from the point of intersection of said southerly side of Lee Avenue with the westerly side of Ocean Avenue, running thence west 200 feet from said point of intersection to a point. **[Added 6-17-1955]**
- (14) On the southwesterly side of Crossways, from the point of intersection of said southwesterly side of Crossways with the westerly side of Ocean Avenue and running thence 200 feet from said point of intersection to a point. **[Added 6-17-1955]**
- (15) On Mill Hill Lane, from the intersection of Mill Hill Lane and Main Street northwesterly on both sides of the street to the intersection of Mill Hill Lane and Meadow Way. **[Added 3-20-1964]**
- (16) On the southerly side of Collins Avenue the entire length from the point of intersection of said southerly side of Collins Avenue with the easterly side of North Main Street easterly to the point of intersection of said southerly side of Collins Avenue and the westerly side of Old Accabonac Road. **[Added 10-17-1975 by L.L. No. 5-1975]**

62. Editor's Note: Original § 54-4A(10) of the 1971 Code, pertaining to parking on the east side of Main Street opposite Edwards Theatre, was repealed 7-6-1995 by L.L. No. 21-1995.

- (17) ⁶³On both sides of Meadow Way beginning at the intersection of Mill Hill Lane with Meadow Way for a distance of 50 feet on either side of Meadow Way. **[Added 2-17-2006 by L.L. No. 1-2006]**
- (18) (Reserved)⁶⁴
- (19) On the westerly side of North Main Street, commencing at the southerly side of the exit from the Schenck-Barns Parking Lot, said point being approximately 124 feet from the intersection of the northerly side of Newtown Lane with the westerly side of North Main Street, running thence northerly 54 feet to a point and the northerly side of the entrance to the Schenck-Barns Parking Lot. **[Added 9-17-1976 by L.L. No. 2-1976]**
- (20) (Reserved)⁶⁵
- (21) (Reserved)⁶⁶
- (22) On the westerly side of Ocean Avenue from Woods Lane southerly to Pudding Hill Lane. **[Added 10-21-1977 by L.L. No. 8-1977]**
- (23) On the easterly side of Ocean Avenue from Terbell Lane northerly to Hook Pond Lane. **[Added 10-21-1977 by L.L. No. 8-1977]**
- (24) (Reserved)⁶⁷
- (25) On both sides of West End Road between Apaquogue Road on the east and the terminus of West End Road on the west. **[Added 10-21-1977 by L.L. No. 8-1977]**
- (26) On both sides of Apaquogue Road between Lily Pond Lane and LaForrest Lane. **[Added 10-21-1977 by L.L. No. 8-1977]**
- (27) (Reserved)⁶⁸
- (28) On both sides of the Circle for its entire length, except that portion on the westerly side of the Circle (south entrance), beginning on the westerly portion of the Circle that is 68 feet east of the intersection of Main Street and the Circle and running 120 feet east. **[Added 10-21-1977 by L.L. No. 8-1977; amended 6-23-1978 by L.L. No. 2-1978; 11-21-1980 by L.L. No. 13-1980; 7-30-2004 by L.L. No. 11-2004]**

63. Editor's Note: Former Subsection A(17), pertaining to parking on Main Street from the intersection of the Circle running thence southerly 20 feet, added 9-17-1976 by L.L. No. 2-1976, was repealed 7-6-1995 by L.L. No. 21-1995.

64. Editor's Note: Former Subsection A(18), prohibiting parking on the southerly side of Newtown Lane, added 9-17-1976, as amended, was repealed 6-15-2001 by L.L. No. 6-2001.

65. Editor's Note: Former Subsection A(20), which prohibited parking on a portion of Newtown Lane, added 12-17-1976 by L.L. No. 8-1976, was repealed 10-15-1993 by L.L. No. 19-1993.

66. Editor's Note: Former Subsection A(21), which prohibited parking at certain times in the Robert G. Reutershan, Barnes Schenck, Bank of New York and 73 North Main Street Parking Lots, added 4-29-1977 by L.L. No. 1-1977, as amended, was repealed 4-15-2016 by L.L. No. 6-2016. See now § 267-7A(33).

67. Editor's Note: Former Subsection A(24), which prohibited parking on a portion of LaForrest Lane, added 10-21-1997 by L.L. No. 8-1997, was repealed 6-18-2004 by L.L. No. 6-2004. See now § 267-6A(26).

68. Editor's Note: Original Subsection A(27), added 10-21-1977 by L.L. No. 8-1977, which prohibited parking on a portion of Cross Highway, was repealed 3-21-1997 by L.L. No. 4-1997.

- (29) (Reserved)⁶⁹
- (30) On the westerly side of James Lane from the intersection of the westerly side of James Lane with Ocean Avenue in a northeasterly direction approximately 290 feet to the intersection of the westerly side of James Lane with the southerly side of Woods Lane Extension. **[Added 12-16-1977 by L.L. No. 17-1977]**
- (31) On the southerly side of Gingerbread Lane from the intersection of said southerly side of Gingerbread Lane with the easterly side of Toilsome Lane easterly 491 feet, more or less, to the intersection of said southerly side of Gingerbread Lane with the westerly property line of premises now or formerly of Sam L. and Prudence B. Abram. **[Added 4-20-1979 by L.L. No. 10-1979]**
- (32) On the easterly side of Toilsome Lane from the intersection of said easterly side of Toilsome Lane with the northerly property line of premises of Norman Gould northerly 612 feet, more or less, to the intersection of said easterly side of Toilsome Lane with the southerly side of Gingerbread Lane. **[Added 4-20-1979 by L.L. No. 10-1979]**
- (33) No parking, stopping or standing on both sides of Huntting Lane from the intersection of Huntting Lane with Main Street easterly a distance of 676 feet. **[Added 6-20-1980 by L.L. No. 8-1980; amended 8-16-2013 by L.L. No. 19-2013]**
- (34) On the Egypt Lane Green.⁷⁰ **[Added 8-15-2003 by L.L. No. 10-2003]**
- (35) On the southerly side of Fithian Lane, commencing at the intersection of the easterly side of Main Street and southerly side of Fithian Lane to the intersection of Fithian Lane and Egypt Lane. **[Added 8-15-1980 by L.L. No. 11-1980; amended 12-19-1980 by L.L. No. 14-1980; 4-20-2000 by L.L. No. 3-2000]**
- (36) On the northerly side of Fithian Lane, commencing at a point marking the division line between premises of Donald M. Halsey on the east and premises, formerly of H.C. Bohack, now of Pantigo Lane Associates, on the west running easterly a distance of 650 feet. **[Added 12-19-1980 by L.L. No. 15-1980; amended 4-20-2000 by L.L. No. 3-2000; 10-20-2017 by L.L. No. 17-2017]**
- (37) No stopping on both sides of Osborne Lane from the intersection of Osborne Lane with Newtown Lane northerly to the intersection of Osborne Lane with property of the Long Island Rail Road. **[Added 7-30-1982 by L.L. No. 2-1982; amended 10-19-1984 by L.L. No. 20-1984; 7-30-2004 by L.L. No. 10-2004]**
- (38) On the westerly side of Accabonac Road from the intersection of Accabonac Road and Pantigo Road to the intersection of Accabonac Road and Hook Mill

69. Editor's Note: Original Subsection A(29), added 12-16-1977 by L.L. No. 17-1977, which prohibited parking on a portion of James Street, was repealed 7-31-1984 by L.L. No. 17-1984.

70. Editor's Note: Original Subsection A(34), added 8-15-1980 by L.L. No. 10-1980, which provided regulations for Railroad Avenue, was repealed 4-15-1994 by L.L. No. 11-1994. See now Art. V.

Road. **[Added 7-29-1983 by L.L. No. 3-1983; amended 6-21-2002 by L.L. No. 14-2002]**

- (39) On both sides of Gingerbread Lane from the intersection of said Gingerbread Lane with Race Lane a distance of 240 feet, more or less, northwesterly to Church Lane. **[Added 2-17-1984 by L.L. No. 4-1984]**
- (40) On both sides of Race Lane from the intersection of Race Lane with Gingerbread Lane a distance of 183 feet northerly on the west side of said Race Lane and northerly for a distance of 194 feet on the east side of said Race Lane; and on both sides of Race Lane from the intersection of Race Lane with Railroad Avenue a distance of 150 feet southerly on the east side of Race Lane and southerly for a distance of 60 feet on the west side of Race Lane. **[Added 2-17-1984 by L.L. No. 5-1984; amended 3-18-2005 by L.L. No. 8-2005; 11-17-2017 by L.L. No. 21-2017]**
- (41) No person shall stop, stand or park a motor vehicle on both sides of Park Place from the intersection of Newtown Lane and Park Place in a southerly direction for a distance of 171 feet **[Added 5-15-1987 by L.L. No. 7-1987]**
- (42) On the westerly side of North Main Street from the southerly side of the Long Island Rail Road trestle southerly a distance of 440 feet as measured along said westerly side of North Main Street and on the easterly side of North Main Street from the southerly side of Hook Mill Road to the northeasterly corner of the intersection of North Main Street with Main Street (New York State Route 27). **[Added 7-31-1987 by L.L. No. 14-1987; amended 9-15-2017 by L.L. No. 14-2017]**
- (43) On the northerly side of Fithian Lane, commencing at a point 830 feet east of the line marking the division between premises of Donald M. Halsey on the east and premises formerly of H.C. Bohack, now of Pantigo Lane Associates, on the west running easterly a distance of 75 feet.⁷¹ **[Added 10-20-2017 by L.L. No. 17-2017]**
- (44) On both sides of Buckskill Road between the intersection of said Buckskill Road with New York State Route 27 on the southeast and its intersection with Cove Hollow Road on the northeast. **[Added 12-18-1987 by L.L. No. 33-1987]**
- (45) On both sides of Cove Hollow Road from its intersection with New York State Route 27 on the south northerly to its intersection with Buckskill Road on the north. **[Added 12-18-1987 by L.L. No. 34-1987]**
- (46) The northerly side of Montauk Highway from its intersection with Cove Hollow Road on the west easterly to its intersection with Buckskill Road on the east. **[Added 12-18-1987 by L.L. No. 35-1987]**
- (47) On both sides of Cove Hollow Road from the southerly intersection of New York State Route 27, Montauk Highway, southwesterly to the intersection of

71. Editor's Note: Original Subsection A(43), pertaining to parking on Main Street for 270 feet from the intersection of North Main Street, added 7-31-1987 by L.L. No. 14-1987, was repealed 7-6-1995 by L.L. No. 21-1995.

Jericho Road. **[Added 5-20-1988 by L.L. No. 7-1988]**

- (48) On the southerly side of Newtown Lane easterly from the intersection of said southerly side of Newtown Lane with the easterly side of Race Lane, approximately 560 feet to the tracks of the Long Island Rail Road. **[Added 11-18-1988 by L.L. No. 14-1988]**
- (49) On the eastern side of Lumber Lane southerly from the intersection of said Lumber Lane with the southerly side of Railroad Avenue for a distance of 505 feet. As to the western side of Lumber Lane, starting at the northwest corner at the intersection of Railroad Avenue running 137 feet south; beginning at a point on the western side of Lumber Lane, 497 feet from the intersection of Railroad Avenue and Lumber Lane continuing south 16 feet. **[Added 11-18-1988 by L.L. No. 15-1988; amended 4-16-2021 by L.L. No. 6-2021]**
- (50) On Davids Lane between the intersection of Davids Lane with the easterly side of Main Street and a point 40 feet easterly of said intersection. **[Added 10-2-1991 by L.L. No. 8-1991]**
- (51) On both sides of Barns Lane, from its intersection with the northerly side of Newtown Lane to the private road known as Barnes Lane. **[Added 9-18-1992 by L.L. No. 19-1992]**
- (52) On any portion of the Emergency Services property except in the area situate immediately east of the Emergency Services Building designated as "Visitor Parking," which area shall be used by those visiting the Emergency Service Building for official business therein. **[Added 9-18-1992 by L.L. No. 20-1992]**
- (53) On the north side of Gay Lane beginning at the intersection of the northerly side of Gay Lane with the westerly side of Egypt Lane westerly for a distance of 109 feet. **[Added 7-30-1993 by L.L. No. 13-1993]**
- (54) On the northerly side of Montauk Highway (Route 27) from the intersection of the northerly side of Montauk Highway with the intersection of the westerly side of Cove Hollow Road westerly along said northerly side of Montauk Highway a distance of 1,925 feet. **[Added 1-21-1994 by L.L. No. 4-1994]**
- (55) On the southerly side of Montauk Highway (Route 27) from the intersection of the southerly side of Montauk Highway with the easterly side of Jericho Road easterly along the southerly side of Montauk Highway to the intersection of said southerly side of Montauk Highway with the westerly side of Cove Hollow Road. **[Added 1-21-1994 by L.L. No. 5-1994]**
- (56) As well as any stopping, standing, parking with any part of a vehicle in any posted and/or marked handicapped parking zone or handicapped parking access aisle within the Incorporated Village of East Hampton without a properly issued and displayed handicap sticker. Said display is to be either on the license plate or on the rearview mirror. **[Added 6-7-1994 by L.L. No. 22-1994; amended 6-15-2012 by L.L. No. 14-2012]**
- (57) No stopping, standing or parking on the southerly side of Gingerbread Lane,

- beginning at the intersection of Church Street and running west 20 feet and running east 138 feet east of Church Street. **[Added 3-21-1997 by L.L. No. 1-1997]**
- (58) No stopping, standing or parking on the southerly side of Gingerbread Lane Extension, beginning at the intersection of The Learning Center driveway and extending west 20 feet and at the intersection of The Learning Center driveway extending east 207 feet. **[Added 3-21-1997 by L.L. No. 2-1997]**
- (59) No stopping, standing or parking on the southerly side of Gingerbread Lane Extension beginning at the intersection of Gingerbread Lane Extension with Gingerbread Lane and running easterly 555 feet. **[Added 6-19-1998 by L.L. No. 10-1998]**
- (60) No stopping, standing or parking on both sides of Talmage Lane beginning at the intersection of Talmage Lane with North Main Street and running westerly 225 feet. **[Added 5-21-1999 by L.L. No. 6-1999]**
- (61) On the westerly side of James Lane beginning at the intersection of Mill Road, southerly for a distance of 775 feet, and on the easterly side of James Lane beginning at the intersection of Maidstone Lane running southerly for a distance of 970 feet. **[Added 11-9-1999 by L.L. No. 12-1999]**
- (62) No stopping, standing or parking on the northerly side of Gingerbread Lane Extension beginning at the intersection of Gingerbread Lane Extension and Race Lane and running easterly for a distance of 127 feet. **[Added 12-17-1999 by L.L. No. 16-1999]**
- (63) No stopping, standing or parking on the westerly side of Lumber Lane from the intersection of Lumber Lane and Gingerbread Lane Extension and running northerly for a distance of 365 feet. **[Added 12-17-1999 by L.L. No. 16-1999]**
- (64) On the westerly side of Methodist Lane from the intersection of Pantigo Road to the intersection of Hook Mill Road. **[Added 9-19-2003 by L.L. No. 11-2003]**
- (65) On both sides of Hook Mill Road from the intersection of North Main Street to the intersection of Accabonac Road. **[Added 9-19-2003 by L.L. No. 11-2003]**
- (66) On the east side of Methodist Lane from the intersection of Pantigo Road northerly for a distance of 30 feet and at the intersection of Methodist Lane and Hook Mill Road southerly for a distance of 160 feet. **[Added 9-19-2003 by L.L. No. 11-2003]**
- (67) On the east side of Methodist Lane beginning at a point 107 feet from the intersection of Pantigo Road for a distance of 24 feet northerly. **[Added 9-19-2003 by L.L. No. 11-2003]**
- (68) No stopping on the west side of Pleasant Lane from the south side of the curbline of Newtown Lane to a point 95 feet south of the curbline. **[Added 8-17-2004 by L.L. No. 15-2004]**

- (69) No parking on the west side of Pleasant Lane beginning at a point 95 feet south of Newtown Lane and extending south to the terminus of Pleasant Lane. **[Added 3-20-2009 by L.L. No. 2-2009⁷²]**
 - (70) No stopping on the east side of Pleasant Lane from the south side of the curblin and Newtown Lane to a point 30 feet south of the curblin. **[Added 8-17-2004 by L.L. No. 15-2004]**
 - (71) No stopping on the east side of Pleasant Lane from a point 125 feet south of the south side of the curblin of Newtown Lane to a point 180 feet south of the curblin. **[Added 8-17-2004 by L.L. No. 15-2004]**
 - (72) In front of the garage building located at 95 Main Street, adjacent to the twenty-foot-wide driveway access approximately 450 feet west of the intersection of said driveway and 95 Main Street. **[Added 10-19-2007 by L.L. No. 19-2007]**
 - (73) No stopping on the westerly side of North Main Street from the southerly corner of the intersection of Talmage Lane for a distance of 25 feet south of said intersection. **[Added 2-19-2016 by L.L. No. 3-2016]**
 - (74) On the east side of James Lane between the church driveway at 26 James Lane and the intersection of Maidstone Lane. **[Added 3-18-2016 by L.L. No. 5-2016]**
 - (75) On both sides of Cross Highway from the intersection of Cross Highway and Further Lane north to the intersection of Cross Highway and Hither Lane. **[Added 10-20-2017 by L.L. No. 18-2017]**
 - (76) On the east side of Cross Highway from the intersection of Cross Highway and Route 27 (Montauk Highway, south to the intersection of Cross Highway and Hither Lane). **[Added 10-20-2017 by L.L. No. 18-2017]**
 - (77) On both sides of Georgica Road beginning at the intersection of Georgica Road and Briar Patch Road northerly on Georgica Road to the intersection of Georgica Road and Route 27 (Montauk Highway). **[Added 10-20-2017 by L.L. No. 18-2017]**
 - (78) On both sides of Middle Lane from the intersection of Cross Highway to the intersection of Egypt Lane. **[Added 1-15-2021 by L.L. No. 2-2021]**
 - (79) On both sides of Egypt Lane from the intersection of Fithian Lane, northerly to the intersection of Pantigo Road (New York State Route 27). **[Added 1-15-2021 by L.L. No. 2-2021]**
 - (80) On the easterly side of Church Street from the intersection of Buell Lane (New York State Route 114) 495 feet north to the border of the John M. Marshall Elementary School property. **[Added 1-15-2021 by L.L. No. 2-2021]**
- B. Signs shall be erected and maintained in each of said blocks or locations

72. Editor's Note: This local law also provided for the renumbering of former Subsection A(69), (70) and (71), as Subsection A(70), (71) and (72), respectively.

designating the provisions of this section.

- C. It shall be a violation for any person to stop, stand or park a vehicle in any area designated as a loading zone. The loading zones, designated pursuant to the provisions of this section, shall be identified by the use of six-inch white diagonally painted lines or markings. **[Added 5-18-1990 by L.L. No. 3-1990]**
- D. It shall be a violation for any person to stop, stand or park a vehicle in any area designated as a "fire zone." The fire zone designated pursuant to the provisions of this section shall be identified by the use of diagonally painted lines or markings and the words "fire zone." **[Added 6-15-2012 by L.L. No. 14-2012]**

§ 267-5. Beach parking. [Added 4-19-1968]

- A. No person shall park a motor vehicle in any of the following locations:
 - (1) On both sides of Two Mile Hollow Road, from the intersection of Further Lane and Two Mile Hollow Road in a southerly direction to the authorized-sticker parking area located at the southerly end of Two Mile Hollow Road, and on Two Mile Hollow Road where it adjoins and terminates at the beach of the Atlantic Ocean.
 - (2) On both sides of Old Beach Lane, from the intersection of Further Lane and Old Beach Lane in a southerly direction to the authorized-sticker parking area located at the southerly end of Old Beach Lane, and on Old Beach Lane where it adjoins and terminates at the beach of the Atlantic Ocean.
 - (3) On both sides of Highway Behind the Pond, from the authorized-sticker parking area 1,100 feet in a northerly direction, and on Highway Behind the Pond where it adjoins and terminates at the beach of the Atlantic Ocean.
 - (4) On both sides of Apaquogue Road, from the authorized-sticker parking area in a northerly and northwesterly direction to the intersection of West End Road and Apaquogue Road, and on Apaquogue Road where it adjoins and terminates at the beach of the Atlantic Ocean.
 - (5) On both sides of Lily Pond Lane, from the intersection of Apaquogue Road and Lily Pond Lane 300 feet in an easterly and northeasterly direction.
- B. No person shall park, except with a permit visibly displayed on a motor vehicle, from May 15 to September 15 of each year, at the following locations as designated for parking purposes: **[Amended 7-30-1971; 5-18-1979 by L.L. No. 16-1979; 2-15-2002 by L.L. No. 2-2002; 11-21-2008 by L.L. No. 12-2008]**
 - (1) Beginning at the westerly side of Two Mile Hollow Road where it adjoins and terminates at the beach of the Atlantic Ocean; running thence in a northerly direction along the westerly side of Two Mile Hollow Road 400 feet to a point; running thence in an easterly direction 200 feet to the easterly side of Two Mile Hollow Road; running thence in a southerly direction along the easterly side of Two Mile Hollow Road 400 feet; running thence in a westerly direction along the Atlantic Beach 200 feet to the point or place of beginning.
 - (2) Beginning at the westerly side of Old Beach Lane where it adjoins and

terminates at the beach of the Atlantic Ocean; running thence in a northerly direction along the westerly side of Old Beach Lane 200 feet to a point; running thence in an easterly direction to the easterly side of Old Beach Lane; running thence in a southerly direction along the easterly side of Old Beach Lane 200 feet; running thence in a westerly direction along the Atlantic Beach to the point or place of beginning.

- (3) Beginning at the westerly side of Highway Behind the Pond where it adjoins and terminates at the beach of the Atlantic Ocean; running thence in a northerly direction along the westerly side of Highway Behind the Pond 400 feet to a point; running thence in an easterly direction to the easterly side of Highway Behind the Pond; running thence in a southerly direction along the easterly side of Highway Behind the Pond 400 feet; running thence in a westerly direction along the Atlantic Beach to the point or place of beginning.
- (4) Beginning at the westerly side of Apaquogue Road where it adjoins and terminates at the beach of the Atlantic Ocean; running thence in a northerly direction along the westerly side of Apaquogue Road 300 feet to a point; running thence in an easterly direction to the easterly side of Apaquogue Road; running thence in a southerly direction along the easterly side of Apaquogue Road 300 feet; running thence in a westerly direction along the Atlantic Beach to the point or place of beginning.
- (5) From a point on the westerly side of Ocean Avenue, said point marking the division line between premises of Bayberry on the north and the Main Beach of the Incorporated Village of East Hampton on the south, and running thence southerly along said westerly side of Ocean Avenue, and including the parking area behind the Main Beach Pavilion, a distance of approximately 433 feet to the beach of the Atlantic Ocean, running thence easterly along said beach of the Atlantic Ocean a distance of approximately 108 feet to the easterly side of Ocean Avenue, running thence northerly along the easterly side of Ocean Avenue a distance of 796 feet to a point, and including the Village-owned parking lot adjoining the easterly side of said Ocean Avenue.
- (6) No person shall park in the parking area behind (adjacent to) the Main Beach Pavilion (sometimes referred to as "Lot No. 1") between the hours of 9:00 a.m. and 1:00 p.m. except with a parking permit issued pursuant to Chapter 77, Article II, visibly displayed on the motor vehicle. Vehicles authorized to utilize designated handicapped parking spaces and which have a resident permit, nonresident permit, or Lot 1 permit are exempt from this provision. **[Amended 5-21-2021 by L.L. No. 14-2021]**
- (7) No person shall park in the parking area behind (adjacent to) the Main Beach Pavilion (sometimes referred to as "Lot No. 1") between the hours of 1:00 p.m. and 6:00 p.m. except with a parking permit issued pursuant to Chapter 77, Article II, or a resident parking permit issued pursuant to § 267-5C. Vehicles authorized to utilize designated handicapped parking spaces and which have a resident permit, nonresident permit, or Lot 1 permit are exempt from this provision. **[Amended 5-21-2021 by L.L. No. 14-2021]**

C. Parking permits. **[Amended 3-21-1969; 2-16-1979 by L.L. No. 1-1979; 3-16-1979]**

by L.L. No. 2-1979; 1-18-1980 by L.L. No. 1-1980; 7-31-1986 by L.L. No. 10-1986; 2-15-2002 by L.L. No. 2-2002; 11-18-2005 by L.L. No. 21-2005; 11-17-2006 by L.L. No. 13-2006; 1-2-2007 by L.L. No. 1-2007]

- (1) Parking permits at the rate of one per car, valid for one calendar year, shall be issued by the Village Clerk to residents owning or leasing a motor vehicle (including individuals who enjoy the exclusive use of one corporate or partnership vehicle) without charge, and to all others at a purchase price per calendar year which shall, from time to time, be fixed by resolution of the Board of Trustees. No individual shall, without an appropriate parking permit visibly displayed on and affixed to the rear driver's side window, park a motor vehicle in any of the above designated areas. All parking permits shall be nontransferable. The following individuals may qualify for resident beach parking permits upon submission of proof of resident status, as required below:
 - (a) Individuals who own property in the Village and/or who are residential shareholders in a housing cooperative, or individuals related by blood or marriage to residential property owners. An affidavit signed and notarized by the residential property owner attesting to the relationship and attesting that the relative is currently residing at the property owner's Village residence is required. **[Amended 8-16-2013 by L.L. No. 18-2013; 11-18-2016 by L.L. No. 15-2016⁷³]**
 - (b) Tenants renting a Village residential property on a year-round basis. Tenant must provide a year-round lease and any three of the following proofs of residency:
 - [1] Registration to vote in Village elections.
 - [2] Driver's license with address matching address of rental property on lease.
 - [3] Automobile registration with address matching address of rental property on lease.
 - [4] Utility bill (i.e., electric, telephone, cable, water company) with address matching address of rental property on lease.
 - [5] W-2 or income tax return with address matching address of rental property on lease.
 - (c) Nonresident volunteer and exempt members of the East Hampton Fire Department, Ambulance Association and lifeguards that are East Hampton Village Ocean Rescue members (limited to one resident parking permit for one family vehicle). **[Amended 1-15-2021 by L.L. No. 3-2021]**
- (2) Any qualified individual owning or leasing a different motor vehicle during the season, in requesting the issuance of an additional or replacement

73. Editor's Note: This local law also repealed former Subsection B, Domestic employees residing in the Village with property owners, and redesignated former Subsections C and D as B and C, respectively.

nonresident permit or permits without charge, shall be entitled to same only upon the surrender of the scraped-off permit number or numbers from the permit for that different motor vehicle.

- (3) The number of annual full-season parking permits issued to individuals who do not qualify under Subsection C(1)(a) or (b) shall not exceed 3,100 permits per year, effective January 1, 2017. **[Amended 11-16-2012 by L.L. No. 25-2012; 11-18-2016 by L.L. No. 15-2016; 4-16-2021 by L.L. No. 7-2021]**
 - (4) The number of monthly parking permits issued to individuals who do not qualify under Subsection C(1)(a) or (b) shall not exceed: 500 permits for the period of May 15 to and including June 30; 500 permits for the month of July; and 500 permits for period of August 1 to and including September 15, effective immediately. The monthly permit fee shall, from time to time, be fixed by resolution of the Board of Trustees. **[Added 4-16-2021 by L.L. No. 7-2021]**
- D. Limited daily parking available by fee for non-permit holders. Daily parking is available on a limited basis for individuals not possessing a beach parking permit at a daily fee which shall, from time to time, be fixed by resolution of the Board of Trustees. Daily parking is available at the following beaches: **[Added 11-17-2006 by L.L. No. 14-2006; amended 5-20-2011 by L.L. No. 5-2011; 12-16-2011 by L.L. No. 10-2011; 11-16-2012 by L.L. No. 25-2012; 11-18-2016 by L.L. No. 15-2016; 4-16-2021 by L.L. No. 6-2021]**
- (1) Main Beach; Village-owned parking lot adjoining the easterly side of Ocean Avenue.
 - (2) Two Mile Hollow Beach parking lot.

§ 267-6. Parking prohibited in designated locations during certain hours.

- A. The parking of vehicles in any of the following locations is hereby prohibited between the hours of 10:00 a.m. and 5:00 p.m.
- (1) West End Road, on both sides, for its entire length.
 - (2) Lily Pond Lane, on both sides, for its entire length.
 - (3) Ocean Avenue, on both sides, from the Main Beach to its intersection with Pudding Hill Lane.
 - (4) Right-of-way to Hook Pond from Ocean Avenue, on both sides.
 - (5) Further Lane, on both sides, for its entire length.
 - (6) Highway Behind the Pond, on both sides, for its entire length.
 - (7) Cross Highway, on both sides, from Further Lane to the Village line.
 - (8) Old Beach Lane, on both sides, for its entire length.
 - (9) Dunemere Lane, on both sides, from the division line between the Residential B Zone and the Residential A Zone, thence east for the remainder of its length.

- (10) Middle Lane, on both sides, for its entire length.
 - (11) Egypt Lane, on both sides, from its intersection with Hunting Lane and thence south for the remainder of its length.
 - (12) Terbell Lane, on both sides, for its entire length.
 - (13) Pudding Hill Lane, on both sides, for its entire length.
 - (14) Crossways, on both sides, for its entire length.
 - (15) Lee Avenue, on both sides, for its entire length.
 - (16) Cottage Avenue, on both sides, between Lily Pond Lane and Lee Avenue.
 - (17) Hedges Lane, on both sides, between Lily Pond Lane and Lee Avenue.⁷⁴
 - (18) Apaquogue Road, on both sides, from its southerly beginning point and thence along its length until its intersection with Georgica Road. **[Added 5-16-1986 by L.L. No. 6-1986; 7-30-1999 by L.L. No. 8-1999]**
 - (19) Jones Road, on both sides, for its entire length.
 - (20) Hither Lane, on both sides, for its entire length.
 - (21) Amy's Lane, on both sides, for its entire length.
 - (22) (Reserved)⁷⁵
 - (23) Drew Lane, on both sides, for its entire length. **[Added 9-18-1992 by L.L. No. 21-1992]**
 - (24) Nichols Lane, on both sides, for its entire length. **[Added 9-18-1992 by L.L. No. 22-1992]**
 - (25) Georgica Road, on both sides, from its intersection with Apaquogue Road and thence running northerly until its intersection with Montauk Highway (Woods Lane). **[Added 7-30-1999 by L.L. No. 9-1999]**
 - (26) On both sides of LaForrest Lane between Georgica Road on the north and Apaquogue Road on the south. **[Added 6-18-2004 by L.L. No. 6-2004]**
- B. Parking prohibited various times.
- (1) The parking of vehicles is hereby prohibited between the hours of 2:00 p.m. and 3:00 p.m., Monday through Friday, between the dates of September 1 through June 30, both inclusive, on that portion of the northerly side of Newtown Lane beginning at the intersection of Newtown Lane with Osborne Lane and running easterly 518 feet. **[Added 10-15-1993 by L.L. No. 20-1993]**
 - (2) (Reserved)⁷⁶

74. Editor's Note: Original Subsection A(18), which immediately followed this subsection and prohibited parking on a portion of Apaquogue Road, was repealed 5-16-1986 by L.L. No. 5-1986.

75. Editor's Note: Former Subsection A(22), prohibiting parking on a certain section of Pleasant Lane, added 12-21-1979 by L.L. No. 25-1979, was repealed 8-17-2004 by L.L. No. 15-2004.

- C. The parking of vehicles in any of the following locations is hereby prohibited Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. from September 1 through and including June 30. **[Added 6-21-1996 by L.L. No. 16-1996]**
- (1) Meadow Way, beginning at a point 1,060 feet from its intersection with Toilsome Lane, on the south side of said highway, for a distance of 925 feet.
 - (2) Meadow Way, beginning at a point 1,326 feet from its intersection with Toilsome Lane, on the north side of said highway, for a distance of 72 feet.
 - (3) Meadow Way, beginning at a point 1,499 feet from its intersection with Toilsome Lane, on the north side of said highway, for a distance of 494 feet.
- D. The standing, stopping or parking of vehicles is hereby prohibited during the period of September 1 through June 30, Monday through Friday, between the hours of 8:00 a.m. and 9:00 a.m. and the hours of 2:30 p.m. and 3:30 p.m., on the north side of Gingerbread Lane Extension beginning at the intersection of Lumber Lane and Gingerbread Lane Extension and extending to a point 365 feet west. **[Added 2-20-2004 by L.L. No. 2-2004]**
- E. The stopping of vehicles (except buses) in any of the following locations is hereby prohibited Monday through Friday between the hours of 7:00 a.m. to 8:00 a.m. and 2:00 p.m. to 3:00 p.m. and 4:30 p.m. to 5:30 p.m. from September 1 through and including June 30, both inclusive. **[Added 7-30-2004 by L.L. No. 10-2004; amended 6-15-2012 by L.L. No. 17-2012]**
- (1) On the northerly side of Newtown Lane beginning at the intersection of Newtown Lane with Osborne Lane and running easterly 113 feet (from Osborne Lane to the school driveway).
 - (2) On the northerly side of Newtown Lane beginning 157 feet east of the intersection of Newtown Lane with Osborne Lane running easterly 359 feet (from school driveway to the 66 Newtown Lane driveway).
 - (3) On the southerly side of Newtown Lane beginning at the driveway entrance to 67 Newtown Lane (Waldbaums) and running westerly 350 feet and ending at the intersection of Newtown Lane and Muchmore Lane (Waldbaums' driveway on the park side of the street to Muchmore Lane).
- F. The stopping of vehicles (except buses) in any of the following locations is hereby prohibited Monday through Friday between the hours of 7:00 a.m. to 8:00 a.m. and 2:00 p.m. to 3:00 p.m. from September 1 through and including June 30, both inclusive. **[Added 7-30-2004 by L.L. No. 10-2004]**
- (1) On the northerly side of Newtown Lane beginning 157 feet east of the intersection of Newtown Lane with Osborne Lane and running easterly 359 feet (from school driveway to the 66 Newtown Lane driveway).
 - (2) On the southerly side of Newtown Lane beginning at the driveway entrance to

76. Editor's Note: Original Subsection B(2), regarding parking on Gingerbread Lane Extension, added 3-21-1997 by L.L. No. 5-1997, was repealed 6-19-1998 by L.L. No. 9-1998.

67 Newtown Lane (Walbaums) and running westerly 350 feet and ending at the intersection of Newtown Lane and Muchmore Lane (Waldbaums' driveway on the park side of the street to Muchmore Lane). [Amended 9-16-2005 by L.L. No. 18-2005]

§ 267-7. Parking time limited in designated locations. [Amended 6-17-1955; 6-28-1963; 3-20-1964; 7-30-1971; 12-16-1977 by L.L. No. 18-1977; 4-20-1979 by L.L. No. 5-1979; 4-20-1979 by L.L. No. 6-1979; 4-20-1979 by L.L. No. 7-1979; 7-13-1984 by L.L. No. 18-1984; 11-15-1985 by L.L. No. 13-1985; 11-15-1985 by L.L. No. 21-1985; 7-31-1987 by L.L. No. 12-1987; 7-31-1987 by L.L. No. 13-1987; 10-18-1991 by L.L. No. 16-1991; 7-31-1992 by L.L. No. 14-1992; 3-19-1993 by L.L. No. 2-1993; 3-19-1993 by L.L. No. 3-1993; 3-19-1993 by L.L. No. 4-1993]

A. Except for designated handicapped parking spaces, which are governed by § 267-7B, the parking of vehicles in any of the following locations for longer than stated hereinafter is hereby prohibited. Where parking limits are applicable only between specified hours, unlimited parking is permitted at all other times, except as set forth in § 267-2 or elsewhere in this chapter. At the expiration of any timed parking listed herein, a parked vehicle must move a minimum of 20 feet in any direction in order to restart a new time period, except in any Village parking lot said vehicle must physically exit and reenter a lot to start a new parking period. [Amended 2-19-2016 by L.L. No. 1-2016; 2-19-2016 by L.L. No. 2-2016; 4-16-2021 by L.L. No. 6-2021]

- (1) ⁷⁷On the westerly side of North Main Street for the distance between a point beginning 25 linear feet south of the intersection of North Main Street and Talmage Lane and continuing southerly for a distance of 100 linear feet to another point, between the hours of 7:30 a.m. and 7:30 p.m. for a period of time in excess of one hour. [Added 2-19-2016 by L.L. No. 2-2016]
- (2) On the north side of Newtown Lane, from its intersection with the westerly side of Main Street, running in a northwesterly direction to the intersection with easterly side of Osborne Lane, and on the south side of Newtown Lane, from its intersection with the westerly side of Main Street, running in a northwesterly direction to its intersection with the southerly side of Railroad Avenue 155 feet to the end of the existing gutter curbing, daily between the hours of 8:00 a.m. and 7:00 p.m. for a period of time in excess of one hour. [Amended 10-15-1993 by L.L. No. 21-1993; 4-19-1996 by L.L. No. 10-1996; 2-19-1999 by L.L. No. 3-1999; 3-15-2002 by L.L. No. 8-2002; 2-20-2004 by L.L. No. 1-2004; 5-18-2007 by L.L. No. 4-2007; 1-15-2021 by L.L. No. 2-2021]
- (3) On the northerly side of Fithian Lane, from the westerly corner of Bohack's building for a distance of 250 feet in an easterly direction for a period in excess of one hour.
- (4) ⁷⁸At the Village-owned premises at 8 Osborne Lane for a period of time in

77. Editor's Note: Original Subsection A(1), pertaining to parking on Main Street, was repealed 7-6-1995 by L.L. No. 22-1995.

78. Editor's Note: Former Subsection A(4), regarding Ocean Avenue, was redesignated as Subsection A(26) 8-22-2008 by

excess of 23 hours, except for the five parking spaces (excludes the handicap space) closest to Osborne Lane on the southerly row of the parking lot, which between the hours of 8:00 a.m. and 6:00 p.m. for a period in excess of three hours. **[Added 12-21-2018 by L.L. No. 1-2019]**

- (5) No vehicle, truck or car shall be permitted to stand backed to the curb for the unloading or loading of merchandise except while actually being loaded or unloaded and except between the hours of 7:00 a.m. and 10:00 a.m. and then for no longer period than is required for such loading or unloading.
- (6) On the northwesterly side of North Main Street between Talmage Lane and Cedar Street and on the southeasterly side of North Main Street from the boundary line between Residence District (Zone) C and the Commercial District (Zone) to the intersection of the southeasterly side of North Main Street and the westerly side of Cross Highway, between the hours of 7:30 a.m. and 7:30 p.m. for a period of time in excess of one hour.
- (7) On the westerly side of James Lane beginning at a point 775 feet from the intersection of Mill Road running southerly for a distance of 410 feet for a period in excess of 30 minutes between the hours of 9:00 a.m. and 6:00 p.m. from May 15 to and including September 30. **[Amended 11-19-1999 by L.L. No. 13-1999; 1-15-2021 by L.L. No. 2-2021]**
- (8) On the easterly side of James Lane from the intersection of the northerly side of Maidstone Lane with the easterly side of James Lane northerly approximately 760 feet to the intersection of the easterly side of James Lane with the southerly side of Dunemere Lane for a period in excess of two hours, between the hours of 9:00 a.m. and 6:00 p.m.⁷⁹
- (9) On the east side of Main Street beginning at a point 129 feet south from the southeasterly intersection of Davids Lane and Main Street southerly for a distance of 73 feet for a period in excess of one hour between the hours of 8:00 a.m. and 7:00 p.m. daily.⁸⁰ **[Added 7-6-1995 by L.L. No. 23-1995; amended 6-15-2001 by L.L. No. 8-2001; 3-15-2002 by L.L. No. 8-2002; 2-20-2004 by L.L. No. 1-2004; 5-18-2007 by L.L. No. 4-2007]**
- (10) On the southerly side of Newtown Lane, from the intersection of the westerly side of the entrance to the Robert G. Reutershan Parking Lot with said southerly side of Newtown Lane, running thence westerly for a distance of 240 feet for a period in excess of one hour between the hours of 8:00 a.m. and 7:00 p.m. daily. **[Added 6-15-2001 by L.L. No. 7-2001; amended 3-15-2002 by L.L. No. 8-2002; 2-20-2004 by L.L. No. 1-2004; 4-15-2005 by L.L. No. 9-2005; 5-18-2007 by L.L. No. 4-2007]**
- (11) On the north side of Newtown Lane between Sherrill Road and Conklin Terrace and from a point 20 feet west of Conklin Terrace westerly for a

L.L. No. 8-2008.

79. Editor's Note: Original Subsection A(9), which immediately followed this subsection and provided regulations for Railroad Avenue, was repealed 4-15-1994 by L.L. No. 12-1994. See now Art. V.

80. Editor's Note: Original Subsection A(10), which immediately followed this subsection and provided regulations for Railroad Avenue, was repealed 4-15-1994 by L.L. No. 13-1994. See now Art. V.

distance of 300 feet for a period in excess of two hours between the hours of 8:00 a.m. and 7:00 p.m.⁸¹ **[Added 8-15-2014 by L.L. No. 15-2014]**

- (12) On the easterly side of James Lane from the northeasterly corner of the Hedges Inn premises in a southwesterly direction approximately 355 feet to the intersection of the easterly side of James Lane and northeasterly side of Ocean Avenue for a period of time in excess of 15 minutes.
- (13) On the westerly side of North Main Street, between the northerly side of the entrance of the Schenck Parking Lot and a point 700 feet northerly thereof as measured along said westerly side of North Main Street, daily between the hours of 8:00 a.m. and 7:00 p.m. for a period of time in excess of one hour. **[Amended 4-19-1996 by L.L. No. 11-1996; 2-19-1999 by L.L. No. 3-1999; 3-15-2002 by L.L. No. 8-2002; 2-20-2004 by L.L. No. 1-2004; 5-18-2007 by L.L. No. 4-2007]**
- (14) (Reserved)⁸²
- (15) ⁸³On the north side of Davids Lane beginning at a point 410 feet east of the intersection of Main Street and Davids Lane and extending a distance of 1060 feet, and on the south side of Davids Lane beginning at a point 462 feet east of the intersection of Main Street and Davids Lane and extending a distance of 1026 feet, for a period of one hour between the hours of 9:00 a.m. and 6:00 p.m. Monday through Saturday and between the hours of 12:00 noon and 6:00 p.m. on Sunday. **[Added 4-17-2009 by L.L. No. 6-2009]**
- (16) On both sides of Davids Lane beginning at a point 40 feet east of the intersection of Main Street and Davids Lane and extending a distance of 370 feet east on the north side, and extending a distance of 422 feet east on the south side, for a period of two hours between the hours of 9:00 a.m. and 6:00 p.m. Monday through Saturday and between the hours of 12:00 noon and 6:00 p.m. on Sunday. **[Amended 4-17-2009 by L.L. No. 6-2009]**
- (17) In that portion of the Lumber Lane Parking Lot (sometimes referred to as Lot 1) lying southwesterly of Pleasant Lane, subject to the requirements of a parking fee as set forth in Article IX herein. **[Amended 7-30-1993 by L.L. No. 12-1993]**
- (18) On the south side of Gay Lane beginning at the intersection of the southerly side of Montauk Highway (Route 27), and extending to the intersection of Egypt Lane and on the north side of Gay Lane beginning at the intersection of the southerly side of Montauk Highway (Route 27) easterly 242 feet for a period of time in excess of one hour between the hours of 10:00 a.m. and 5:00 p.m. **[Added 6-18-1993 by L.L. No. 7-1993; amended 8-20-1993 by L.L. No. 15-1993; 6-15-2007 by L.L. No. 7-2007]**

81. Editor's Note: Original Subsection A(11), which provided regulations for Railroad Avenue, was repealed 4-15-1994 by L.L. No. 14-1994. See now Art. V.

82. Editor's Note: Former Subsection A(14), which provided regulations for North Main Street, as amended, was repealed 9-15-2017 by L.L. No. 14-2017.

83. Editor's Note: Original Subsection A(15), which provided regulations for Railroad Avenue, was repealed 4-15-1994 by L.L. No. 15-1994. See now Art. V.

- (19) In that portion of the Lumber Lane Parking Lot (sometimes referred to as Lot 2) lying southeasterly of Pleasant Lane for a period of time in excess of 24 hours. **[Added 7-30-1993 by L.L. No. 11-1993]**
- (20) On the south side of Gingerbread Lane Extension beginning at a point 20 feet west of The Learning Center driveway and extending to a point 240 feet west for a period of one hour between the hours of 9:00 a.m. and 6:00 p.m. **[Added 3-21-1997 by L.L. No. 3-1997]**
- (21) On the north side of Pantigo Road beginning at a point 60 feet east of the northeasterly intersection of Methodist Lane and Pantigo Road, easterly for a distance of 370 feet for a period of time in excess of two hours between the hours of 8:00 a.m. and 7:00 p.m.⁸⁴ **[Added 6-15-2012 by L.L. No. 15-2012]**
- (22) On the north side of Gingerbread Lane Extension beginning at the intersection of Lumber Lane and Gingerbread Lane Extension and extending to a point 365 feet west for a period of two hours between the hours of 8:00 a.m. and 6:00 p.m. **[Added 12-17-1999 by L.L. No. 17-1999]**
- (23) On the east side of Park Place beginning at a point 210 feet from the intersection of Main Street and Park Place and extending north for a distance of 465 feet and on the north side of Park Place beginning at a point 180 feet from the intersection of Park Place and Newtown Lane extending east 265 feet for a period of time in excess of 30 minutes, during the period from May 15 to and including December 31. **[Added 5-1-2003 by L.L. No. 4-2003; 2-20-2004 by L.L. No. 1-2004]**
- (24) On the east side of Methodist Lane beginning at a point 30 feet from the intersection of Pantigo Road and extending north for a distance of 77 feet and beginning at a point 131 feet from the intersection of Methodist Lane and Pantigo Road for a distance of 335 feet for a period of time in excess of two hours between the hours of 8:00 a.m. and 7:00 p.m. **[Added 9-19-2003 by L.L. No. 11-2003; amended 6-15-2012 by L.L. No. 16-2012]**
- (25) On the westerly side of the Circle (south entrance), beginning on the westerly portion of The Circle that is 68 feet east of the intersection of Main Street and the Circle and running 120 feet east, for a period of time in excess of one hour. **[Added 7-30-2004 by L.L. No. 11-2004]**
- (26) On Ocean Avenue where it adjoins and terminates at the beach of the Atlantic Ocean (Main Beach), for a period in excess of 15 minutes. **[Amended 8-22-2008 by L.L. No. 8-2008]**
- (27) On Apaquogue Road/Lily Pond Lane Road where it adjoins and terminates at the beach of the Atlantic Ocean (Georgica Beach), for a period in excess of 15 minutes. **[Added 8-22-2008 by L.L. No. 8-2008]**
- (28) On Highway Behind the Pond where it adjoins and terminates at the beach of the Atlantic Ocean (Wiborg Beach), for a period in excess of 15 minutes.

84. Editor's Note: Original Subsection A(21), regarding Fithian Lane, added 11-19-1999 by L.L. No. 11-1999, was repealed 4-20-2000 by L.L. No. 4-2000.

[Added 8-22-2008 by L.L. No. 8-2008]

- (29) On Old Beach Lane where it adjoins and terminates at the beach of the Atlantic Ocean (Egypt Beach), for a period in excess of 15 minutes. **[Added 8-22-2008 by L.L. No. 8-2008]**
- (30) On Two Mile Hollow Road where it adjoins and terminates at the beach of the Atlantic Ocean (Two Mile Hollow Beach), for a period in excess of 15 minutes. **[Added 8-22-2008 by L.L. No. 8-2008]**
- (31) On the south side of Pantigo Road beginning at a point 30 feet east from the intersection of Pantigo Road and Gay Lane and extending east for a distance of 150 feet for a period of time not in excess of 30 minutes between the hours of 9:00 a.m. and 7:00 p.m. **[Added 6-15-2012 by L.L. No. 19-2012]**
- (32) At the Village-owned premises at 88 Newtown Lane between the hours of 8:00 a.m. and 6:00 p.m., Monday through and including Friday, shall be limited to those on official Village business, including Village of East Hampton employees. **[Added 2-19-2016 by L.L. No. 1-2016; amended 11-15-2019 by L.L. No. 13-2019; 2-19-2021 by L.L. No. 5-2021]**
- (33) Robert G. Reutershan, Barnes Schenck, 66 Main Street and 73 North Main Street Parking Lots. **[Added 4-15-2016 by L.L. No. 7-2016]**
- (a) In the Robert G. Reutershan Parking Lot and the Barnes Schenck Parking Lot, for a period of time in excess of three hours between the hours of 10:00 a.m. and 6:00 p.m. every day during the period from May 15 to and including December 31, subject to the requirements of a parking fee as set forth in Article XI herein, and for a period of time in excess of three hours on Fridays, Saturdays, federal holidays and only those Sundays that precede a Monday federal holiday during the period from January 1 to May 14. Volunteer members of the East Hampton Fire Department, volunteer members of the East Hampton Village Ambulance Association and volunteer members of the East Hampton Volunteer Ocean Rescue who work in the central business district and who have applied to the Village Clerk for permits and obtained and place such permits on their cars shall be exempt from the provisions of this section.
- (b) In the Barnes Schenck Parking Lot during the period from May 1 to and including December 31, parking in the five spaces beginning 21 feet east of the intersection of Barnes Lane and the entrance to the Schenck Parking Lot running for a distances of 45 feet along the southerly side of the parking lot shall be limited to not more than 30 minutes.
- (c) The parking lot located at 66 Main Street, during the period from May 1 to and including December 31, between the hours of 8:00 a.m. and 6:00 p.m., for a period of time in excess of one hour. Employees of 66 Main Street who display a permit issued by the Village Clerk on their vehicles shall be exempt from the provisions of this section. The Village Clerk is authorized to issue not more than 15 such permits.
- (d) In the parking lot located at 73 North Main Street (SCTM No.

301-04-01-10.1) daily between the hours of 8:00 a.m. and 9:00 p.m. for a period of time in excess of two hours.⁸⁵

- (34) On the east side of Pleasant Lane for the distance between a point beginning 30 linear feet south of the curblineline and Newtown Lane and continuing southerly for a distance of 76 linear feet to another point, between the hours of 8:00 a.m. and 7:00 p.m. for a period of time in excess of one hour. **[Added 1-20-2017 by L.L. No. 1-2017]**
- (35) On the north side of Newtown Lane, from the intersection with the westerly side of Osborne Lane running in a northwesterly direction to land of the Long Island Railroad Company daily between the hours of 8:00 a.m. and 7:00 p.m. for a period of time in excess of two hours. **[Added 1-15-2021 by L.L. No. 2-2021]**
- (36) Beginning from a point 137 feet south from the northwest corner of Lumber Lane at the intersection of Railroad Avenue running along the western side 360 feet south, subject to the requirements of a parking fee as set forth in Article IX herein.
- B. The parking of vehicles in any designated handicapped parking space in excess of three hours is hereby prohibited. **[Amended 6-21-2002 by L.L. No. 13-2002; 2-20-2004 by L.L. No. 1-2004; 8-17-2007 by L.L. No. 17-2007]**
- C. Signs shall be erected and maintained in each of said blocks or locations designating the provisions of this section.

§ 267-8. One-way streets and driveways. [Amended 8-23-1955; 2-4-1956; 10-21-1960; 11-18-1988 by L.L. No. 16-1988; 4-21-1995 by L.L. No. 17-1995; 11-19-1999 by L.L. No. 10-1999; 8-15-2003 by L.L. No. 8-2003; 8-17-2004 by L.L. No. 13-2004]

- A. One-way streets and driveways designated.
- (1) Fithian Lane is hereby designated as a one-way street, and no person shall operate a motor vehicle or motorcycle or any other vehicle upon said Fithian Lane except in a direction easterly from Main Street to Egypt Lane.
- (2) The easterly leg of Daniels Hole Road leading from the Montauk Highway to the point where said leg intersects with the westerly leg of said Daniels Hole Road, approximately 292 feet and 128 feet, respectively, from the Montauk Highway, is hereby designated as a one-way street, and no person shall operate a motor vehicle or motorcycle or any other vehicle upon said easterly leg of Daniels Hole Road except in a direction northwesterly from Montauk Highway to the aforementioned point of intersection. The aforesaid westerly leg of Daniels Hole Road from the point at which it intersects with the easterly leg to the Montauk Highway is hereby designated as a one-way street, and no person shall operate a motor vehicle or motorcycle or any other vehicle upon said westerly leg of Daniels Hole Road except in a direction southeasterly from the aforesaid point of intersection to Montauk Highway.

85. Editor's Note: Former Subsection A(33)(d), regarding parking receipts, was repealed 12-18-2020 by L.L. No. 6-2020.

- (3) That public street which runs from Pantigo Lane northerly to another public street which runs in a northeasterly direction from North Main Street to Accabonac Highway is hereby designated as a one-way street, and no person shall operate a motor vehicle or motorcycle or any other vehicle upon said street called, for purposes of identification, "Methodist Lane," except in a direction southerly from the street, which runs northeasterly from North Main Street to Accabonac Highway, to Pantigo Lane.
 - (4) That public street which runs from and between Montauk Highway to Egypt Lane, known as "Gay Lane," is hereby designated as a one-way street, and no person shall operate a motor vehicle or any other vehicle upon said Gay Lane except in a direction easterly along said Gay Lane from Montauk Highway to Egypt Lane.
 - (5) That portion of Buckskill Road that lies between Montauk Highway (Route 27) and Baiting Hollow Road is hereby designated as a one-way street, and no person shall operate a motor vehicle or any other vehicle upon that portion of Buckskill Road except in a direction easterly along said Buckskill Road from Montauk Highway (Route 27) to Baiting Hollow Road.
 - (6) Darby Lane is hereby designated as a one-way street, and no person shall operate a motor vehicle or motorcycle or any other vehicle upon said Darby Lane except in the direction northwesterly from Georgica Road to Baiting Hollow Road.
 - (7) The driveway located at 99 Newtown Lane, 35 feet east of Pleasant Lane is hereby designated as a one-way driveway and no person shall operate a motor vehicle or motorcycle or any other vehicle upon said driveway except in the direction southerly from Newtown Lane.
 - (8) The driveway located at 99 Newtown Lane, 130 feet south of Newtown Lane, on Pleasant Lane is hereby designated as a one-way driveway and no person shall operate a motor vehicle or motorcycle or any other vehicle upon said driveway except in the direction westerly onto Pleasant Lane.
 - (9) Cross Road is hereby designated as a one-way street, and no person shall operate a motor vehicle or motorcycle or any other vehicle upon said Cross Road except in the direction southerly from Georgica Road to Apaquogue Road. **[Added 12-16-2011 by L.L. No. 11-2011]**
- B. Signs shall be erected and maintained on said streets, designating the provisions of this section.

§ 267-9. Stop streets. [Amended 10-16-1970]

Unless otherwise directed by a peace officer or signal, all vehicles shall come to a full stop when entering the street listed in Column No. 1 from any of the streets listed in Column No. 2.

Column No. 1	Column No. 2
Accabonac Highway	Cross Road Unnamed road, leading from North Main Street to Accabonac Highway south of railroad
Apaquogue Road	Apaquogue Road at intersection with West End Road (northwesterly traffic only) Baiting Hollow Road Georgica Road Hedges Lane Jericho Lane Jones Road LaForest Road West End Road [Added 4-20-2001 by L.L. No. 2-2001]
Baiting Hollow Road	Buckskill Road Georgica Road (traveling east) [Added 10-19-2007 by L.L. No. 18-2007] Georgica Road (traveling west) [Added 10-19-2007 by L.L. No. 18-2007] Private Road
Buell Lane	Buell Lane Extension Church Lane Highway Behind The Lots Toilsome Lane
Church Street	Dayton Lane Medway School Driveway
The Circle	66 Main Street (Bank of New York) [Added 10-15-2004 by L.L. No. 18-2004] Private Road
Collins Avenue [Added 1-15-2021 by L.L. No. 1-2021]	Accabonac Road (traveling east)
Cooper Lane	McGuirk Street
Cove Hollow Farm Road [Added 10-20-1989 by L.L. No. 38-1989]	Ruxton Road
Cove Hollow Road	Jericho Road
Cross Highway	Further Lane [Added 6-18-2010 by L.L. No. 7-2010] Hither Lane

Column No. 1	Column No. 2
	Middle Lane
Dayton Lane [Added 10-19-2007 by L.L. No. 18-2007]	Church Street (traveling north)
	Church Street (traveling south)
Dunemere Lane	James Lane [Added 7-31-2001 by L.L. No. 15-2001]
Egypt Lane	David Lane
	Egypt Close
	Fithian Lane
	Gay Lane
	Hither Lane
	Hunting Lane
	Middle Lane
Fresno Place	Railroad Avenue (traveling east) [Added 5-15-1981 by L.L. No. 2-1981; amended 11-18-1994 by L.L. No. 33-1994]
Further Lane	Cross Highway
	Egypt Lane
	Highway Behind The Pond
	Old Beach Lane
	Spaeth Lane
	Two Mile Hollow Road
	Windmill Lane
Georgica Road	Apaquogue Road [Added 7-27-2007 by L.L. No. 16-2007]
	Baiting Hollow Road
	Briar Patch Road (traveling in both directions) [Amended 10-19-2007 by L.L. No. 18-2007]
	Cottage Avenue
	Cove Hollow Road
	Cross Road
	Crossways
	Darby Lane
	Georgica Close Road
	Jericho Lane
	Jericho Road
	LaForest Road

Column No. 1

Column No. 2

	Private Road
	Private Road west of Cove
	Pudding Hill Lane
Georgica Road, entrance to (traveling south)	The intersection of the southwesterly side of the easterly entrance of Georgica Road with the southeasterly side of the westerly entrance of Georgica Road [Added 11-18-1994 by L.L. No. 36-1994]
Gingerbread Lane	Church Lane
	Fresno Place
	King Street
	Maidstone Avenue
	Race Lane [Added 10-19-2007 by L.L. No. 18-2007]
Gingerbread Lane Extension [Added 12-17-1999 by L.L. No. 15-1999]	John M. Marshall Elementary School driveways [Added 7-31-2002 by L.L. No. 15-2002]
	Lumber Lane
Hedges Lane	Lee Avenue
Highway behind the lots	Buell Lane Extension
	Meadow Way
	Mill Hill Lane
	Wireless Road
Hither Lane	Amy's Lane
James Lane	Jeffreys Lane
	Maidstone Lane
	Unnamed road
	Woods Lane
King Street	Railroad Avenue (traveling west) [Added 11-18-1994 by L.L. No. 35-1994]
Lee Avenue	Cottage Avenue
	Hedges Lane
Lily Pond Lane	Apaquogue Road, northbound
	Cottage Avenue
	Drew Lane
	Gracie Lane
	Hedges Lane
	Jones Road

Column No. 1

Column No. 2

	Nichols Lane
	Private Road
	Tides Turn Lane (private)
Maidstone Avenue	Medway
Middle Lane	Egypt Lane, east branch
Mill Hill Lane	Meadow Way
Mill Road [Added 1-17-2020 by L.L. No. 1-2020]	James Lane (traveling north and south)
Montauk Highway	Accabonac Highway
	Amy's Lane
	Baiting Hollow Road
	Buckskill Road
	Buell Lane
	Corner of James Lane and Woods Lane in grassed triangle
	Cove Hollow Road
	Daniels Hole Road, both forks
	David Lane
	Dayton Lane
	Dunemere Lane
	Egypt Lane
	Georgica Road
	Georgica Road, both forks
	Green Hollow Highway
	Highway Behind the Lots
	Hunting Lane
	Jericho Road
	Methodist Lane
	Mill Hill Lane
	Park Place
	Stephen Hands Path
	The Circle, both sides
Newtown Lane	Barns Lane
	Conklin Terrace
	Cooper Lane
	Gould Street

Column No. 1

Column No. 2

	King Street
	McGuirk Street
	Muchmore Lane
	14 Newtown Lane (Bank of America) [Added 10-15-2004 by L.L. No. 18-2004]
	Osborne Lane
	Park Place
	Pleasant Lane
	Race Lane
	School Drive
	Sherrill Road
	Stratton Square, both sides
Intersection of Newtown Lane (southwest) and Railroad Avenue (southwest)	Railroad Avenue (northeast) [Added 5-18-1990 by L.L. No. 2-1990]
North Main Street	Talmage Lane
	Unnamed road, from North Main Street to Accabonac Highway south of railroad
Ocean Avenue	Crossways
	Hook Pond Road
	James Lane
	Lee Avenue
	Lily Pond Lane
	Pudding Hill Lane
	Terbell Lane
Old Beach Lane	Maidstone Club Driveway
Pleasant Lane [Added 9-2-2004 by L.L. No. 17-2004]	99 Newton Lane Parking Lot
Race Lane	Gingerbread Lane [Added 11-15-1985 by L.L. No. 15-1985; repealed 8-15-1986 by L.L. No. 20-1986]
	Gingerbread Lane Extension [Added 11-15-1985 by L.L. No. 14-1985]
	Railroad Avenue [Added 10-15-1976 by L.L. No. 3-1976; amended 2-21-1986 by L.L. No. 3-1986]
Railroad Avenue	Fresno Place (traveling north) [Added 11-18-1994 by L.L. No. 34-1994]

Column No. 1

Column No. 2

	Gingerbread Lane [Added 7-31-2001 by L.L. No. 11-2001]
	Lumber Lane
Toilsome Lane	Dayton Lane
Two Mile Hollow Road [Added 6-18-2010 by L.L. No. 7-2010]	Further Lane

§ 267-10. Yield intersections. [Added 10-16-1970]

- A. All vehicles proceeding on the north branch of Gay Lane shall yield to traffic on Egypt Lane.
- B. (Reserved)⁸⁶
- C. All vehicles proceeding northeast on Railroad Avenue shall yield to traffic on Newtown Lane. [**Added 7-31-1984 by L.L. No. 19-1984; repealed 5-18-1990 by L.L. No. 4-1990**]
- D. (Reserved)⁸⁷
- E. All vehicles proceeding easterly on Gingerbread Lane shall yield to traffic on Race Lane and Gingerbread Lane Extension. [**Added 8-15-1986 by L.L. No. 21-1986**]

§ 267-11. U-turns and left turns prohibited in designated locations.

- A. U-turns and left turns prohibited in the following locations: [**Amended 7-31-2002 by L.L. No. 15-2002**]
- (1) The operator of any vehicle, truck or car shall not, within the business district on Newtown Lane, turn such vehicle, truck or car so as to proceed in the opposite direction except at an intersection or designated turnaround, and all vehicles, trucks or cars emerging from driveways on either side of Newtown Lane shall turn to the right and proceed with the traffic to the designated turnaround or intersection before proceeding in an opposite direction.
- (2) All vehicles, trucks or cars emerging from either of the John M. Marshall Elementary School driveways between the hours of 7:00 a.m. and 4:00 p.m. shall turn to the right and proceed with the traffic to the designated turnaround or intersection before proceeding in an opposite direction.
- (3) All vehicles, trucks or cars emerging from the East Hampton Middle School driveway onto Newtown Lane between the hours of 7:00 a.m. to 8:00 a.m. and 2:00 p.m. to 3:00 p.m. shall turn only right and proceed with traffic. [**Added 7-30-2004 by L.L. No. 10-2004**]

86. Editor's Note: Original Subsection B, regarding Race Lane at Railroad Avenue, was repealed 10-15-1976 by L.L. No. 3-1976.

87. Editor's Note: Original Subsection D, regarding Lumber Lane, added 6-20-1986 by L.L. No. 4-1986, was repealed 12-17-1999 by L.L. No. 14-1999.

- (4) All vehicles, trucks or cars traveling northeast on Railroad Avenue at its intersection with Newtown Lane shall turn only right and proceed with traffic. **[Added 8-17-2004 by L.L. No. 12-2004]**
 - (5) All vehicles, trucks or cars exiting the parking lot of the property located on the southeast corner of the intersection of Newtown Lane at Pleasant Lane shall turn only right and proceed with traffic to Newtown Lane. **[Added 8-17-2004 by L.L. No. 12-2004]**
 - (6) All vehicles, trucks or cars emerging from Pleasant Lane onto Newtown Lane shall turn right only between the hours of 7:00 a.m. to 3:00 p.m., Monday through Friday. **[Added 1-20-2017 by L.L. No. 2-2017; amended 1-15-2021 by L.L. No. 2-2021]**
 - (7) All vehicles, trucks or cars traveling in a southerly direction on the northeast section of Apaquogue Road shall be prohibited from making a left-hand turn or a U-turn at the merge of Georgica Road with Apaquogue Road. **[Added 8-16-2019 by L.L. No. 11-2019]**
- B. Signs shall be erected and maintained and the highway marked in said block or location, designating the provisions of this section.

§ 267-12. Towing of vehicles parked illegally. [Added 6-2-1969; amended 3-19-1971; 10-21-1977 by L.L. No. 14-1977; 2-17-1984 by L.L. No. 6-1984; 4-19-1996 by L.L. No. 13-1996; 5-18-2001 by L.L. No. 3-2001; 7-31-2002 by L.L. No. 17-2002; 6-20-2003 by L.L. No. 6-2003]

The Village Police Department may cause the removal of any vehicle which is parked in violation of any of the foregoing regulations to a suitable and subsequent storage, which expense for removal and storage shall be paid by the owner or operator of such vehicle.

§ 267-13. Removal of vehicles during emergencies. [Added 3-19-1971; amended 11-15-1985 by L.L. No. 16-1985]

The Village Police Department may, in any emergency or during snow removal operations, cause the removal of any vehicle, provided that such removal is reasonable and necessary to meet the emergency conditions.

§ 267-14. Traffic signal. [Added 3-19-1971]

All traffic at the intersections of Newtown Lane with Race Lane and with Cooper Lane shall proceed in accordance with the traffic signals there situate. Pedestrian traffic shall cross only in the designated crosswalks at those intersections.

§ 267-14.1. Robert G. Reutershan Parking Lot. [Added 4-20-1973]

- A. Unless otherwise directed by a peace officer or signal, all vehicles shall come to a full stop when entering onto Park Place from the auxiliary traffic lanes designated in the Robert G. Reutershan Parking Lot.
- B. Any vehicle entering onto Montauk Highway from Park Place shall do so by making a right turn only.

- C. The entrance onto Newtown Lane from Park Place shall be divided into a left-turn lane and a right-turn lane. Vehicles entering onto Newtown Lane from Park Place which are in the lane designated and marked "right turn only" must turn right. Vehicles entering onto Newtown Lane from Park Place which are in the lane designated and marked "left turn" must turn left.⁸⁸

§ 267-15. Penalties for offenses. [Added 10-16-1970; amended 5-15-1992 by L.L. No. 12-1992; 2-18-1994 by L.L. No. 6-1994; 3-18-1994 by L.L. No. 7-1994; 2-17-1995 by L.L. No. 12-1995; 2-17-1995 by L.L. No. 13-1995; 4-16-2004 by L.L. No. 5-2004; 4-15-2011 by L.L. No. 3-2011; 6-15-2012 by L.L. No. 13-2012]

- A. Every person convicted of a traffic infraction, for a first conviction thereof, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a second such conviction within 18 months thereafter, such person shall be punished by a fine of not more than \$100 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a third or subsequent conviction within 18 months after the first conviction, such person shall be punished by a fine of not more than \$250 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.
- B. All persons cited on a Village parking summons for a violation of the parking permit requirements of this chapter as set forth in § 267-5 (Beach parking) shall be subject to a minimum fine of \$150 and shall answer and/or appear on or before 15 days from the date of issuance.
- C. All persons cited on a Village parking summons for a violation of stopping/standing/parking within a handicapped parking zone requirements of this chapter as set forth in § 267-4A(56) shall be subject to a minimum fine of \$250, not including the New York State mandatory surcharge under New York State Law and shall answer and/or appear on or before 15 days from the date of issuance.
- D. All persons cited on a Village parking summons for a violation of New York State Vehicles and Traffic Law § 306-b where the inspection is expired for less than 60 days shall be punishable by a fine of \$50 for each offense. Where the expiration of the registration or inspection is 60 days or more, the offense shall be punishable by a fine of \$75 for each offense. Such person shall answer and/or appear on such summons on or before 15 days from the date of issuance.
- E. All persons cited on a Village parking summons for a violation of stopping/standing/parking within a fire zone requirements of this chapter as set forth in § 267-4D shall be subject to a minimum fine of \$125 and shall answer and/or appear on or before 15 days from the date of issuance.
- F. All persons cited on a Village parking summons for a vehicle-related or other violation of this chapter or New York State Vehicle and Traffic Law, other than as set forth in Subsections B, C, D and E above, shall be subject to a minimum fine of \$80 and shall answer and/or appear on or before 15 days from the date of issuance.
- G. Upon the failure of a person or owner of vehicle to appear or answer, on or before

88. Editor's Note: Former Subsections D and E, regarding parking receipts, added 7-6-2000 by L.L. No. 6-2000, which immediately followed this subsection, were repealed 12-18-2020 by L.L. No. 6-2020.

the return period or any subsequent adjourned date, such person or owner of a vehicle shall be subject to the following surcharges, in addition to the prescribed fines:

- (1) If the aforementioned fine shall not be paid within 15 days from the date summons was issued, a late penalty equal to half the original fine shall be added to the fine; and
- (2) If the fine is still not paid within 60 days from the date the summons was issued, an additional late penalty in an amount equal to half the original fine shall be added to the fine, in addition to the surcharge imposed by Subsection G(1) herein; and
- (3) If the fine is still not paid within 90 days from the date the summons was issued, an additional penalty of \$30 shall be added to all other fines and penalties previously assessed.

ARTICLE II
Pedestrian Rights and Duties
[Adopted 2-16-1973 (Ch. 54, Art. II, of the 1971 Code)]

§ 267-16. Obedience to traffic and pedestrian control devices.

- A. A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him, unless otherwise directed by a police officer.
- B. Pedestrians shall be subject to traffic and pedestrian control signals as herein provided.
- C. At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

§ 267-17. Right-of-way in crosswalks.

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- C. Subsection A shall not apply in the case of a pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided.
- D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

§ 267-18. Crossing at other than crosswalks.

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- C. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
- D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

§ 267-19. Drivers to exercise due care.

Notwithstanding other provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

§ 267-20. Use of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

§ 267-21. Pedestrians on roadways.

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

§ 267-22. Solicitation of rides or business.

- A. No person shall stand in a roadway for the purpose of soliciting a ride.
- B. No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- C. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§ 267-23. Driving through safety zones.

No vehicle shall at any time be driven through or within a safety zone.

§ 267-24. Right-of-way on sidewalks.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across such alley, building entrance, road or driveway.

ARTICLE III

**Operation of Vehicles on Sidewalks and Parking Lots
[Adopted 1-16-1987 by L.L. No. 2-1987 (Ch. 54, Art. III, of the 1971 Code)]****§ 267-25. Prohibitions. [Amended 4-21-1995 by L.L. No. 18-1995]**

No person shall drive, pedal, ride or otherwise operate any vehicle, including, but not limited to, unicycles, bicycles, tricycles, roller blades and skateboards, on or along the public sidewalks and parking lots described in § 267-26 hereof.

§ 267-26. Applicability.

The prohibitions of this article shall apply to the following sidewalks and parking lots in the Village of East Hampton:

- A. The southerly side of Main Street between the easterly side of Hunting Lane and the entrance to the parking lot 155 feet east of the easterly side of Fithian Lane.
- B. The northerly side of Main Street between the westerly side of the entrance to the Robert G. Reutershan Parking Lot and the easterly side of the entrance to the Schenck Parking Lot 180 feet east of the intersection of the east side of Newtown Lane between the northerly side of Main Street.
- C. The westerly side of Newtown Lane between the northerly side of Main Street and the southerly boundary of the Harriet Herrick Playground.
- D. The easterly side of Newtown Lane between the northerly side of Main Street and the southerly boundary of the Middle School.
- E. The entire length of sidewalk around Park Place constituting the southerly and easterly perimeter of the Robert G. Reutershan Parking Lot.
- F. The five walkways from and between the Robert G. Reutershan Parking Lot, Main Street and Newtown Lane.
- G. The Robert G. Reutershan Parking Lot, the Schenck Parking Lot, the Brooks Parking Lot, the Main Beach Parking Lot and the Lumber Lane Parking Lot.
[Amended 10-16-1998 by L.L. No. 19-1998]

§ 267-27. Responsibility of parents and guardians.

The parent of the child or the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the prohibitions of the article.

§ 267-28. Penalties for offenses.

Any person violating any of the provisions of this article may have his vehicle, as defined in § 267-25, impounded and, upon conviction thereof, be subject to a fine not exceeding the sum of \$25 for each offense.

ARTICLE IV

Volunteer Program for Handicapped Parking Enforcement
[Adopted 10-2-1991 by L.L. No. 15-1991; amended in its entirety 8-21-1998 by
L.L. No. 14-1998 (Ch. 54, Art. IV, of the 1971 Code)]

§ 267-29. Program established; implementation; enforcement; penalties for offenses.

- A. Title. The title of this article shall be "Volunteer Program for Handicapped Parking Enforcement."
- B. Purpose. The New York State Vehicle and Traffic Law provides for the designation of handicapped parking spaces by municipalities. Penalties imposed under the Vehicle and Traffic Law for illegal parking in handicapped spaces are made subject to provisions of legislation. The purpose of this article is to impose more stringent fines for such illegal parking and to utilize revenues and programs derived from such fines to improve handicapped facilities within the Town and Village of East Hampton. To assist in the enforcement of handicapped parking regulations, this article (via § 1203-f of the New York State Vehicle and Traffic Law) creates a volunteer program for handicapped parking enforcement in which volunteers work in conjunction with the East Hampton Town Police Department and the East Hampton Village Police Department to assist in the enforcement of handicapped parking legislation.
- C. Implementation of the program.
- (1) The East Hampton Town Police Department, in conjunction with the East Hampton Village Police Department, is hereby authorized, empowered and directed to establish the volunteer program for handicapped parking (the "program"). The program shall utilize volunteers to survey East Hampton Town and East Hampton Village public roads and public parking lots with cameras for the purpose of photographing automobiles parking in violation of §§ 1203-b and 1203-c of the New York State Vehicle and Traffic Law. The program shall utilize volunteers to survey private parking areas, driveways, streets and roadways that have been designated for such regulatory enforcement pursuant to Ch. 240, Article XI of the East Hampton Town Code.
 - (2) The program shall include but not be limited to the following procedures and equipment:
 - (a) The East Hampton Town Police Department, in conjunction with the East Hampton Village Police Department, shall develop, publish and administer a training program of not less than three hours in duration which all prospective program volunteers must complete prior to their active participation in the program.
 - [1] Said training program shall, at a minimum, include one hour of classroom instruction and two hours of field training.
 - [2] Said training program shall include detailed instruction covering proper violation identification and documentation as well as

instruction in proper photographic technique.

- (b) The East Hampton Town Police, in conjunction with the East Hampton Village Police Department, shall establish, administer and publish a uniform procedure which all program participants shall follow in determining whether a violation has in fact occurred.
- (c) Each volunteer shall be assigned an identification number and shall be issued an identification card with the volunteer's photo, name and identification number affixed thereto.
- (d) Each volunteer shall be required to wear an identification badge when engaging in program activities. Each volunteer shall be issued his or her own badge, and a list of volunteers with their corresponding identification badge numbers shall be maintained jointly by the East Hampton Town Police and East Hampton Village Police Departments.
- (e) Schedules shall be developed to allow for the placement of volunteers in various areas of the Town on different days on a rotating basis so as to not leave any area of the Town unpatrolled or duplicated.
- (f) All volunteers, upon determining that a violation has occurred, shall complete a detailed complaint form for each such violation, noting the location (town/village) of the violation and shall turn over all said complaint forms to the appropriate enforcement authority. These forms shall be considered complete when they include the following information/materials:
 - [1] At least one photo depicting the scene of the violation, said photo to be developed in accordance with Subsection C(2)(g) of this section, and depicting the vehicle in question, the vehicle's license plate number, the handicapped parking sign and blue striping designating the space as a reserved handicapped parking space.
 - [2] A written description of the following:
 - [a] The vehicle's license plate number.
 - [b] The vehicle's registration expiration date.
 - [c] The vehicle year.
 - [d] The make of the vehicle.
 - [e] The color of the vehicle.
 - [f] The date of the alleged violation.
 - [g] The time of the alleged violation.
 - [h] The location of the alleged violation.
 - [i] The assigned identification number of the reporting volunteer.
- (g) Cameras and polaroid-type film shall be provided to the volunteers by the

Town of East Hampton/Village of East Hampton, and all photos taken pursuant to the program shall meet the following criteria:

- [1] All photos must show the vehicle in question, its license plate, the handicapped parking sign and the blue striping designating the space in question as reserved for handicapped parking.
 - [2] The Town Police Department shall have sole authority to process or contract for the processing of all film submitted by program volunteers which relates to violation of this section occurring within the Town of East Hampton. The same authority shall be granted the East Hampton Village Police Department in the case of violations which occur within the Village of East Hampton.
 - [3] All photos taken pursuant to this program shall be made available for inspection by the defendant in any proceeding to adjudicate liability for a violation brought under this article.
 - [4] As a required accompaniment to all photos submitted under the program, the Town Police Department or, in the case of a violation occurring in East Hampton Village, the Village police, shall provide as prima facie evidence of the facts contained therein a certificate sworn or affirmed by a technician employed by the town/village containing a description of that which is depicted in said photos. Said description is to be based upon the technician's inspection of the photos produced from film submitted by program volunteers.
 - [5] All volunteer photos submitted shall be used solely as evidence of a handicapped parking violation and for no other purpose.
- (h) The program shall also include a procedure by which, depending upon the location of the violation, the East Hampton Town Police Department or the East Hampton Village Police Department may be requested and empowered to undertake the following tasks:
- [1] Prepare the necessary deposition for signature by the volunteer who actually witnessed the violation.
 - [2] Administer the necessary oath for verification.
 - [3] Prepare the necessary information for presentation to the East Hampton Justice Court.
 - [4] Forward all pertinent documents to said Justice Court.
 - [5] Arrange to send by first class mail, return receipt requested, to each person alleged to be liable, a cover letter explaining the program and an appearance ticket/information which shall reference the law allegedly violated and which shall contain the name and address of the person alleged to be liable, the registration number of the vehicle involved, the location where the alleged violation occurred, the date and time of said violation and the identification number of the volunteer who recorded the violation.

- [6] Said notice of violation/appearance ticket shall also contain information advising the person charged of the manner, time and place in/at which he/she may contest the violation alleged in the notice and shall advise the person(s) charged that failure to contest the violation in the proper manner and within the proper time shall be deemed an admission of liability and that a default judgment may be entered against thereon.
- (3) Program volunteers shall also canvass the town for the purpose of determining if any person, firm or corporation owning a shopping center or facility with at least five separate retail stores and at least 20 off-street parking spaces provided for use by the shopping public has failed to provide spaces only for the handicapped and to clearly mark the spaces for use by the handicapped in accordance with § 1203-c of the Vehicle and Traffic Law. Alleged violations shall be referred to the East Hampton Town Attorney's office or the East Hampton Village Attorney's office.
- (4) The East Hampton Town Attorney's office and the East Hampton Village Attorney's office, in conjunction and consultation with the East Hampton Town Police Department and/or the East Hampton Village Police Department, is hereby authorized and empowered to promulgate and issue such rules and regulations as are deemed necessary and sufficient to implement this program.
- D. Enforcement. This article shall be enforced by those public officials charged with the duty of enforcing the New York State Vehicle and Traffic Law.
- E. Notice. In order to provide adequate notice of the pertinent governing code section and penalties imposed by the program, and as a condition of the implementation of the program, the East Hampton town police and the East Hampton Village police, in conjunction with the East Hampton Town Highway Department and the East Hampton Village Highway Department, shall ensure that all handicapped parking signage shall be upgraded to include signage listing both the code section(s) imposing the fines contained herein and the dollar amount(s) of those fines.
- F. Application of the New York State Vehicle and Traffic Law to the program.
- (1) The New York State Vehicle and Traffic Law sets forth the requirements that must be met if a vehicle is to park legally in any area designated as a place of handicapped parking. Said vehicle must display one of the following:
- (a) A special municipal parking permit issued to handicapped drivers (as defined in § 1203-a of the Vehicle and Traffic Law and distributed by the Commissioner of Motor Vehicles to local governing bodies to be issued to handicapped persons who reside in such localities).
- (b) A special motor vehicle registration and one set of disabled person vehicle identification plates (as defined in § 404-a of the Vehicle and Traffic Law and distributed by the Commissioner of Motor Vehicles to handicapped persons and to noncommercial vans used to transport handicapped persons).
- (2) In establishing penalties for illegal parking in handicapped spaces, the New

York State Vehicle and Traffic Law distinguishes among vehicles parking in off-street parking spaces provided by a shopping center or facility with at least five separate retail stores and 20 off-street parking spaces (see § 1203-c of the Vehicle and Traffic Law); vehicles stopped, standing or parking on public streets in designated handicapped parking spaces (see § 1203-b of the Vehicle and Traffic Law); and vehicles stopped, standing or parked on certain private streets, roadways, driveways and/or parking lots that are subject to regulation following enactment of local legislation (see § 1660-a of the Vehicle and Traffic Law and Chapter 240, Article XI, of the East Hampton Town Code).

- (a) Off-street handicapped parking spaces. Section 1203-c of the Vehicle and Traffic Law sets forth the fines that can be imposed against a person convicted of illegally parking in a handicapped parking space. Said § 1203-c further provides that a town may, by local law, impose a larger maximum fine.
 - (b) Handicapped parking spaces on public streets and on certain private areas designated by local law. Section 1800 of the Vehicle and Traffic Law provides the amount of fines and the length of imprisonment that can be imposed against a person convicted of illegally parking in a handicapped parking space. Said § 1800 further provides that a town may prescribe additional fines by local law.
- G. Program fines. Any person who parks in a space clearly marked for use by the handicapped without a special municipal parking permit or whose vehicle lacks a special motor vehicle registration and one set of disabled person vehicle identification plates and whose vehicle is not being used for the transportation of a handicapped person shall be subject to a program fine of \$250 for the first offense and \$350 for any subsequent offense committed within 18 months within the same municipality.
- H. Disposition of fines. The proceeds of the program fines collected pursuant to this article shall be placed in a reserve fund as provided for in Article 2 of the New York State General Municipal Law and shall be used for the sole purpose(s) of enhancing handicapped facilities and programs in the Town and Village of East Hampton and, additionally, to reimburse both the town and Village for training, maintenance and administrative costs related to implementation of this program.

ARTICLE V

Railroad Avenue**[Adopted 4-15-1994 as L.L. No. 16-1994 (Ch. 54, Art. V, of the 1971 Code)]****§ 267-30. Parking regulations.**

- A. No person shall stop or park a motor vehicle at anytime in the following locations:
- (1) On the north side of Railroad Avenue beginning at the curblin e at the northerly intersection of Railroad Avenue and Newtown Lane extending westerly for a distance of 105 feet. **[Amended 8-17-2004 by L.L. No. 14-2004]**
 - (2) On the south side of Railroad Avenue beginning at the curblin e at the southerly intersection of Railroad Avenue and Newtown Lane extending westerly for a distance of 75 feet. **[Amended 8-17-2004 by L.L. No. 14-2004]**
 - (3) On the north side of Railroad Avenue along the south side of the concrete sidewalk apron adjacent to the Railroad Station which constitutes a distance of 60 feet.
- B. No person shall stop, park or stand, except to pick up or drop off a passenger intending to use or having used the Long Island Railroad, in the following locations:
- (1) On the northerly side of Railroad Avenue between a point 148 feet west of the intersection of the northerly side of Railroad Avenue with the southerly side of Newtown Lane and a point approximately 150 feet west of said point. **[Amended 5-20-1994 by L.L. No. 17-1994; 6-7-1994 by L.L. No. 23-1994]**
 - (2) On the north side of Railroad Avenue beginning at a point 102 feet from the westerly side of the concrete sidewalk apron adjacent to Railroad Station with the parking curb and thence westerly for a distance of 60 feet.
- C. Except for designated handicapped parking spaces, which are governed by § 267-7B, the parking of vehicles in any of the following locations for a period longer than hereafter stated is hereby prohibited.
- (1) ⁸⁹On the north side of Railroad Avenue beginning at a point approximately 60 feet west of Race Lane and thence westerly a distance of 123 feet in excess of 30 minutes.⁹⁰ **[Added 6-5-1997 by L.L. No. 9-1997]**
 - (2) On the north side of Railroad Avenue beginning at a point approximately 558 feet west of Race Lane and thence westerly a distance of 219 feet in excess of one hour between the hours of 2:00 a.m. and 6:00 a.m. **[Added 6-5-1997 by L.L. No. 11-1997]**
 - (3) On the south side of Railroad Avenue beginning at a point approximately 20 feet from the intersection of said south side of Railroad Avenue with the curb of the east side of Lumber Lane easterly for a distance of 228 feet in excess of

89. Editor's Note: Original Subsection C(1), dealing with parking on Railroad Avenue, as amended, was repealed 6-5-1997 by L.L. No. 8-1997.

90. Editor's Note: Original Subsection C(2), which immediately followed this subsection and dealt with parking on Railroad Avenue, as amended, was repealed 6-5-1997 by L.L. No. 10-1997.

one hour between the hours of 9:00 a.m. and 7:00 p.m. in designated parking stalls. **[Amended 6-7-1994 by L.L. No. 24-1994; 7-31-2001 by L.L. No. 12-2001]**

- (4) On the southerly side of Railroad Avenue beginning at a point 108 feet westerly of its intersection with Lumber Lane and running westerly for a distance of 347 feet in excess of one hour between the hours of 9:00 a.m. and 7:00 p.m. in designated parking stalls. **[Added 6-7-1994 by L.L. No. 25-1994]**
 - (5) On the north side of Railroad Avenue beginning at a point 50 feet as measured along said northerly side of Railroad Avenue westerly from its intersection with the south side of Newtown Lane and then westerly 98 feet in excess of 15 minutes between the hours of 9:00 a.m. and 7:00 p.m. in designated parking stalls. **[Added 6-7-1994 by L.L. No. 25-1994]**
 - (6) On the north side of Railroad Avenue beginning at a point approximately 194 feet west of Race Lane and thence westerly until the intersection of Railroad Avenue and King Street, subject to the requirements of a parking fee as set forth in Article IX herein. **[Added 12-15-1995 by L.L. No. 30-1995; amended 11-17-2017 by L.L. No. 20-2017; 4-16-2021 by L.L. No. 6-2021]**
- D. Only buses, handicapped permit vehicles, railroad personnel and taxis shall park, as set forth hereafter, in the following locations:
- (1) Buses only shall stop on that portion of the north side of Railroad Avenue beginning at a point 162 feet from the intersection of the westerly side of the concrete sidewalk adjacent to the Railroad Station with the parking curb westerly a distance of 50 feet.
 - (2) Handicapped permit vehicles only shall park on that portion of the north side of Railroad Avenue beginning at a point 295 feet west of the intersection of the northerly side of Railroad Avenue with the southerly side of Newtown Lane westerly 66 feet.
 - (3) Railroad personnel only shall park on that portion of the northerly side of Railroad Avenue beginning at that intersection of the westerly side of the concrete sidewalk adjacent to the Railroad Station and the parking curb westerly 42 feet.
 - (4) Taxis only shall park on that portion of the northerly side of Railroad Avenue beginning at a point 42 feet from the intersection of the westerly side of the concrete sidewalk adjacent to the Railroad Station with the parking curb westerly 60 feet.
- E. Parking prohibited in designated locations. **[Added 5-20-1994 by L.L. No. 18-1994]**
- (1) On the south side of Railroad Avenue from the intersection of Race Lane and Railroad Avenue in a westerly direction to the intersection of the easterly side of King Street. **[Amended 6-7-1994 by L.L. No. 26-1994]**
 - (2) On the south side of Railroad Avenue from the intersection of Race Lane and Railroad Avenue in an easterly direction to the intersection of the westerly side

of Lumber Lane.

- (3) On the southerly side of Railroad Avenue, beginning at a point 228 feet in an easterly direction, running easterly for a distance of 60 feet. **[Added 7-31-2001 by L.L. No. 13-2001]**

ARTICLE VI

Gay Lane**[Adopted 4-25-1995 by L.L. No. 20-1995 (Ch. 54, Art. VI, of the 1971 Code)]****§ 267-31. Parking regulations.**

- A. No person shall stop, park or stand a motor vehicle at any time in the following locations:
- (1) On the north side of Gay Lane from the intersection of said northerly side of Gay Lane with the southerly side of New York State Route 27, running easterly for a distance of 65 feet: "No Stopping, No Standing, No Parking."
 - (2) On the south side of Gay Lane beginning at a point from the intersection of the southerly side of Gay Lane with the southerly side of New York State Route 27, running a distance easterly 140 feet: "No Parking, No Standing, No Stopping."
 - (3) On the south side of Gay Lane beginning at a point 285 feet from the intersection of said southerly side of Gay Lane with the southerly side of New York State Route 27, running easterly a distance of 45 feet: "No Parking."
- B. Except for designated handicapped parking spaces, which are governed by § 267-7B, the parking of vehicles in any of the following locations for a period longer than hereafter stated is hereby prohibited:
- (1) On the north side of Gay Lane beginning at a point 65 feet from the intersection of said northerly side of Gay Lane with the southerly side of New York State Route 27, running easterly a distance of approximately 340 feet in excess of 30 minutes between the hours of 9:00 a.m. and 7:00 p.m.
 - (2) On the south side of Gay Lane beginning at a point 140 feet from the intersection of said southerly side of Gay Lane with the southerly side of New York State Route 27, running easterly a distance of approximately 145 feet in excess of 30 minutes between the hours of 9:00 a.m. and 7:00 p.m.
 - (3) On the south side of Gay Lane beginning at a point 330 feet from the intersection of the southerly side of Gay Lane with the southerly side of New York State Route 27, running easterly a distance of approximately 70 feet in excess of one hour between the hours of 9:00 a.m. and 7:00 p.m.

ARTICLE VII
Newtown Lane

[Adopted 4-21-1995 by L.L. No. 16-1995 (Ch. 54, Art. VII, of the 1971 Code)]

§ 267-32. Parking regulations.

- A. No person shall stop a motor vehicle at any time in the following locations:
- (1) At the intersection of the northerly side of Newtown Lane and the westerly side of Main Street, beginning at a point at which the easterly side of the driveway to the Fleet Bank intersects with Newtown Lane and running thence in an easterly and northerly direction on the present curb for a distance of 184 feet to a point on the westerly side of Main Street, said point being the southerly exit to the Schenck Parking Lot.
 - (2) On the southerly side of Newtown Lane beginning at the intersection of Railroad Avenue running easterly for a distance of 40 feet. **[Added 7-31-2001 by L.L. No. 14-2001]**
 - (3) South side of Newtown Lane from the east side of the curblines of Railroad Avenue to a point 25 feet east of the curblines. **[Added 8-17-2004 by L.L. No. 16-2004]**
 - (4) South side of Newtown Lane from a point 70 feet west of the westerly curblines of Pleasant Lane to westerly curblines of Pleasant Lane. **[Added 8-17-2004 by L.L. No. 16-2004]**
 - (5) South side of Newtown Lane from the east side of the curblines of Pleasant Lane to a point 65 feet east of the curblines.⁹¹ **[Added 8-17-2004 by L.L. No. 16-2004]**

91. Editor's Note: Subsection B, Designated loading zones, added 8-17-2004 by L.L. No. 16-2004, which immediately followed this subsection, was repealed 2-18-2005 by L.L. No. 4-2005.

ARTICLE VIII

Main Street - Pantigo Road**[Adopted 7-6-1995 by L.L. No. 24-1995 (Ch. 54, Art. VIII, of the 1971 Code)]****§ 267-33. Parking regulations.**

- A. No person shall stop, park or stand a motor vehicle at any time in the following locations:
- (1) On the east side of Main Street beginning at a point 205 feet from the northeasterly corner of the intersection of Davids Lane and Main Street, northerly for a distance of 190 feet.
 - (2) On the east side of Main Street beginning at the northeasterly intersection of Hunting Lane and Main Street northerly for a distance of 95 feet.
 - (3) On the east side of Main Street beginning at a point 372 feet from the northeasterly intersection of Hunting Lane and Main Street northerly for a distance of 30 feet.
 - (4) (Reserved)⁹²On the east side of Main Street beginning at a point 74 feet north of Fithian Lane and extending for a distance of 24 feet. **[Added 7-31-2009 by L.L. No. 8-2009]**
 - (5) On the east side of Main Street beginning at the northeast corner of the intersection of Davids Lane and Main Street for a distance of 30 feet.
 - (6) On the west side of Main Street beginning at a point 228 feet south of the southwesterly intersection of Park Place and Main Street thence running northerly for a distance of 75 feet.
 - (7) On the west side of Main Street beginning at the northwesterly intersection of Park Place and Main Street, northerly for a distance of 48 feet.
 - (8) On the west side of Main Street beginning at a point 808 feet from the northwesterly intersection of Park Place and Main Street, northerly for a distance of 45 feet.
 - (9) On the north side of Pantigo Road beginning at a point 480 feet from the point of the intersection of Pantigo Road and North Main Street, northeasterly for a distance of 40 feet.
 - (10) On the west side of Pantigo Road beginning at the southeasterly intersection of Methodist Lane and Pantigo Road, easterly for a distance of 60 feet.
 - (11) On the west side of Pantigo Road beginning at a point 430 feet east of the intersection of Methodist Lane and Pantigo Road, easterly for a distance of 60 feet.
 - (12) On the west side of Main Street beginning at a point 338 feet from the

92. Editor's Note: Original Subsection A(4), which prohibited parking on a certain portion of the east side of Main Street, was deleted 4-19-1996 by L.L. No. 14-1996.

intersection of Park Place and Main Street, northerly for a distance of 65 feet.

- B. No person shall park a motor vehicle at any time in the following locations:
- (1) On the east side of Main Street beginning at a point 205 feet from the northwesterly intersection of the South Circle and Main Street, northerly for a distance of 35 feet.
 - (2) On the east side of Pantigo Road beginning at a point 533 feet from the northwesterly intersection of Fithian Lane and Pantigo Road, northeasterly for a distance of 170 feet.
 - (3) On the west side of Pantigo Road beginning at the point of the intersection of Pantigo Road and North Main Street, northeasterly for a distance of 280 feet.
 - (4) On the east side of Main Street beginning at a point 190 feet from the northeasterly intersection of the North Circle and Main Street northerly for a distance of 40 feet. **[Added 4-19-1996 by L.L. No. 15-1996]**
- C. Except for designated handicapped parking spaces which are governed by § 267-7B, the parking of vehicles in any of the following locations is hereby prohibited daily for a period of time in excess of one hour between the hours of 8:00 a.m. and 7:00 p.m.: **[Amended 6-15-2001 by L.L. No. 10-2001; 3-15-2002 by L.L. No. 9-2002; 5-19-2006 by L.L. No. 11-2006; 5-18-2007 by L.L. No. 4-2007]**
- (1) On the east side of Main Street beginning at a point 30 feet easterly of the northeasterly intersection of Davids Lane and Main Street, northerly for a distance of 175 feet.
 - (2) On the east side of Main Street beginning at a point 95 feet north of the northeasterly intersection of Hunting Lane and Main Street, northerly for a distance of 277 feet.
 - (3) On the east side of Main Street beginning at the northeasterly intersection of the South Circle and Main Street, northerly for a distance of 205 feet.
 - (4) On the east side of Main Street beginning at a point 240 feet from the northeasterly intersection of the South Circle and Main Street, northerly for a distance of 45 feet.
 - (5) On the east side of Main Street beginning at the northeasterly intersection of the North Circle and Main Street, northerly for a distance of 190 feet.
 - (6) On the east side of Pantigo Road beginning at the northeasterly intersection of Fithian Lane and Pantigo Road, northerly for a distance of 98 feet.
 - (7) On the east side of Pantigo Road beginning at a point 129 feet north of the northeasterly intersection of Fithian Lane and Pantigo Road, easterly for a distance of 404 feet.
 - (8) On the east side of Pantigo Road beginning at a point 704 feet from the northwesterly intersection of Fithian Lane and Pantigo Road, easterly for a distance of 265 feet.

- (9) On the west side of Main Street beginning at a point 464 feet south of the southwesterly intersection of Park Place and Main Street, northerly for a distance of 202 feet.
- (10) On the west side of Main Street beginning at the southwesterly intersection of Park Place and Main Street, southerly for a distance of 187 feet.
- (11) On the west side of Main Street beginning at a point 48 feet from the northwesterly intersection of Park Place and Main Street, northerly for a distance of 290 feet.
- (12) On the west side of Main Street beginning at a point 403 feet from the northwesterly intersection of Park Place and Main Street, northerly for a distance of 405 feet.
- (13) On the north side of Pantigo Road beginning at a point 280 feet easterly of the intersection of North Main Street and Pantigo Road, easterly for a distance of 200 feet.⁹³

93. Editor's Note: Former Subsection C(14), which prohibited parking on the north side of Pantigo Road beginning at a point 60 feet east of the northeasterly intersection of Methodist Lane and Pantigo Road, easterly for a distance of 370 feet, which immediately followed this subsection, was repealed 6-15-2012 by L.L. No. 15-2012.

ARTICLE IX
Off-Street Parking Fee Zone
 [Adopted 6-5-1997 by L.L. No. 7-1997 (Ch. 54, Art. IX, of the 1971 Code)]

§ 267-34. Establishment of off-street parking fee zone.

The Board of Trustees may by local law, from time to time, designate any land or area owned by the Village as an off-street parking fee zone.

§ 267-35. Definitions. [Added 4-16-2021 by L.L. No. 6-2021]

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

ELECTRONIC COMMUNICATION DEVICE — Any electronic equipment, approved by the Village, capable of transmitting information via telephone, cable, fiber, satellite or antenna to the Village for payment of parking at parking spaces where payment of such space is requested. This includes, but is not limited to, mobile (cellular phones) or any other electronic communication device approved by the Village.

PARKING FEE ZONE — Any named and described areas set aside under the provisions of this article where paid parking is made available.

PARKING FEE ZONE SPACE — Any space within a parking fee zone located in an area controlled by a parking zone meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked upon the curb or the surface of the street.

PARKING ZONE METER — An application used for the regulation of parking by the authority of this article.

§ 267-36. Designation of parking fee zones. [Amended 4-16-2021 by L.L. No. 6-2021⁹⁴]

- A. The following named and described areas and such other areas as may be hereinafter included in this subsection by amendment hereto shall constitute Parking Zone B:
- (1) Main Beach, as set forth in § 267-5D(1).
 - (2) Two Mile Hollow Beach, as set forth in § 267-5D(2).
- B. The following named and described areas, streets or portions of streets and such other areas, streets or portions of streets as may hereafter be included in this subsection by amendment hereto shall constitute Parking Zone C:
- (1) On the north side of Railroad Avenue beginning at a point approximately 194 feet west of Race Lane and thence westerly until the intersection of Railroad Avenue and King Street.
 - (2) Beginning from a point 137 feet south from the northwest corner of Lumber Lane at the intersection of Railroad Avenue running along the western side

94. Editor's Note: This local law also repealed former § 267-36, Parking fee required, and § 267-37, Town resident permit, and redesignated former § 267-35 as § 267-36.

360 feet south.

- (3) Lumber Lane Parking Lot lying southwesterly of Pleasant Lane (sometimes referred to as Lot 1).

C. The following named and described areas, streets or portions of streets and such other areas, streets or portions of streets as may hereafter be included in this subsection by amendment hereto shall constitute Parking Zone P:

- (1) Robert G. Reutershan Parking Lot.
- (2) Barnes Schenck Parking Lot.

§ 267-37. Indication of legal parking. [Added 4-16-2021 by L.L. No. 6-2021]

Each parking zone shall indicate, by a sign, the legal parking time established by the Village and shall indicate the duration of the period of legal parking. Certain zones allow for periods of free parking.

§ 267-38. Operation of parking meters. [Added 4-16-2021 by L.L. No. 6-2021]

When a vehicle is parking in a parking space located within Zones B, C or P, as designated in §267-36, which space is controlled by a parking zone meter, the operator of the vehicle shall, either upon entering the parking space or upon the expiration of any permitted free parking period, immediately make payment by an electronic communication device as is required. Failure to make payment by an electronic communication device and place the meter in operation shall constitute a violation of this article. Upon depositing payment by an electronic communication device and placing the meter in operation, the parking space may be lawfully occupied by the vehicle for the period of time provided for in this article. If this vehicle remains parking in the parking space beyond the parking time fixed for the parking space, such vehicle shall be parked overtime and in violation of this article.

§ 267-39. Parking time limits. [Added 4-16-2021 by L.L. No. 6-2021]

- A. In addition to the rules and regulations stated herein, official posted signs shall govern the rules and regulations regarding specific parking locations within Zones B, C, and P as stated in § 267-36 of the Village Code, including, but not limited to, the parking fees, duration of the legal parking period and time period when parking fees are in effect. These rules and regulations shall be as set forth from time to time by resolution of the Board of Trustees.
- B. The charge made for use of each such parking spaces in Zones B, C and P shall be waived for those individuals who demonstrate proof of resident status as set forth in § 267-5C(1).

§ 267-40. (Reserved)

§ 267-41. Penalties for offenses. [Added 4-16-2021 by L.L. No. 6-2021⁹⁵]

95. Editor's Note: This local law also provided for the renumbering of former §§ 267-38 through 267-41 as §§ 267-42 through 267-45, respectively.

- A. It shall be a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking established for any parking meter zone as described in this article.
- B. It shall be a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to remain or be placed in any parking space controlled or regulated by a parking zone while the period of time prescribed or fixed for such parking space is or has expired.
- C. At the expiration of the time prescribed or fixed for a parking fee zone space it shall be a violation of this article for said vehicle to park in the same space without having first relocated at least 20 feet before beginning a new parking period, except in any Village parking lot said vehicle must physically exit and reenter a lot to start a new parking period.
- D. Violations of this article shall be subject to the penalties for offenses set forth in § 267-15A of this chapter.

ARTICLE X
Truck Traffic
[Adopted 11-21-2003 by L.L. No. 14-2003]

§ 267-42. Exclusion of heavy trucks on designated roads.

Trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, and tractor-trailer-semitrailer combinations (except school buses and Highway Department vehicles) in excess of 18,000 pounds are prohibited from using the following roads, except when making deliveries or picking up merchandise or other property along the roads from which they are excluded:

- A. Toilsome Lane.
- B. Gingerbread Lane.
- C. King Street.
- D. Gould Street.
- E. McGuirk Street.
- F. Cooper Lane.
- G. Sherrill Road.
- H. Osborne Lane.
- I. Lumber Lane.
- J. Race Lane.
- K. Egypt Lane.
- L. Fithian Lane.
- M. Hunting Lane.
- N. Davids Lane.
- O. Pondview Lane.
- P. Dunemere Lane.
- Q. Further Lane.
- R. Newtown Lane.
- S. Railroad Avenue.

§ 267-43. Penalties for offenses. [Added 6-16-2017 by L.L. No. 11-2017]

A violation of the provisions of § 267-38 of this article shall be punishable as follows:

- A. A person or entity charged with a violation of the sections listed above shall be required to appear or answer within 15 days of the issuance of a ticket and shall be

subject to a minimum fine of \$150.

- B. Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.
- C. Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.
- D. Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.

ARTICLE XI
Overnight Parking of Commercial Vehicles
[Adopted 2-16-2018 by L.L No. 6-2018]

§ 267-44. Parking restricted.

No house trailer, camper, mobile home, bus, mini-bus, taxi, livery vehicle, boat, trailer, recreational vehicle, vehicle bearing advertising indicating the vehicle is used for other than private use, commercial vehicle or vehicle bearing commercial registration plates shall be parked in any of the following areas between the hours of 12:00 midnight and 7:00 a.m. For the purposes of this section, "commercial vehicles" are defined as vehicles used principally for the transportation of goods, wares, supplies, materials, merchandise or passengers or for the accomplishment of any paid services, regardless of the state registration classification.

- A. In any municipal parking lot in the Village of East Hampton.
- B. The north side of Railroad Avenue, from the intersection of Railroad Avenue and Race Lane to the intersection of Railroad Avenue and King Street.

§ 267-45. Parking by commercial vehicles prohibited. [Added 8-16-2019 by L.L. No. 12-2019]

No commercial vehicle or vehicle bearing commercial registration plates shall be parked at any time at the southerly end of Cove Hollow Road between the intersection of Georgica Road and the edge of Georgica Cove. For purposes of this section, "commercial vehicles" are defined as vehicles used principally for the transportation of goods, wares, supplies, materials, merchandise or passengers or for the accomplishment of any paid services, regardless of the state registration classification.

Chapter 271

VEHICLES, OUTDOOR STORAGE OF

GENERAL REFERENCES

Trailers and campers — See Ch. 261.

Vehicles and traffic — See Ch. 267.

§ 271-1. Outdoor storage on private land prohibited.

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to store or deposit, or cause or permit to be stored or deposited, an abandoned, junked or discarded motor vehicle or motor vehicles upon any private land, upon the surface of such land, within the corporate limits of the Village of East Hampton.

§ 271-2. Notice to remove; lien for costs.

If the provisions of the foregoing section are violated, the Village Clerk shall serve written notice, either personally or by mail, upon the owner, occupant or person having charge of any such land, to comply with the provisions of this chapter. The notice shall be in substantially the following form:

To the owner, occupant or person having charge of land described on the Assessment Roll of the Village of East Hampton as follows:

Notice is hereby given that an abandoned, junked and discarded motor vehicle has been found stored or deposited upon the above described property in the Village of East Hampton. This automobile must be removed within five days from the date of this notice.

In case you fail or refuse to comply with this notice on or before the expiration of the said five days from the date of this notice, the Village of East Hampton, acting through its duly authorized agents, servants, officers and employees, will enter upon your land and remove and cause the same to be destroyed. The expense incurred by the Village will be assessed against the above described land and shall constitute a lien thereon and be collected as provided by law.

Dated: _____

Village Clerk

§ 271-3. Penalties for offenses. [Amended 3-19-1971]

Any owner, occupant, lessee, agent or tenant who shall neglect and refuse to remove said abandoned, junked and discarded motor vehicle, as directed by this chapter, or who shall fail or refuse to comply with the provisions of any notice herein provided for, or who shall violate any of the provisions of this chapter, or who shall resist or obstruct the duly authorized agents, servants, officers and employees of the Village in the removal and destruction thereof, shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

Chapter 278**ZONING****GENERAL REFERENCES**

Planning Board — See Ch. 42.

Flood damage prevention — See Ch. 160.

Unsafe buildings and structures — See Ch. 87.

Freshwater wetlands — See Ch. 163.

Coastal erosion hazard areas — See Ch. 101.

Preservation of historic areas — See Ch. 176.

Code enforcement administration — See Ch. 104.

Streets and sidewalks — See Ch. 250.

Design and site plan review — See Ch. 121.

Subdivision of land — See Ch. 252.

Preservation of dunes — See Ch. 124.

§ 278-1. Definitions; nonconforming buildings.

- A. Definitions. For the purpose of this chapter, certain words and terms shall have the following meanings:

ACCESSORY USE, BUILDING OR STRUCTURE — A subordinate use, building or structure customarily incidental to and located on the same lot occupied by the main use, building or structure. The term "accessory building" or "accessory structure" may include a swimming pool, tennis court, garage, shed, pool house, greenhouse, deck, patio, unconditioned porch or other similar structure, none of which shall be designed for cooking or sleeping purposes, except those permitted pursuant to § 278-2B(7)(d). [Amended 6-20-1997 by L.L. No. 13-1997; 3-15-2002 by L.L. No. 6-2002; 1-18-2013 by L.L. No. 1-2013; 3-2-2017 by L.L. No. 5-2017]

ALTERATION — As applied to a building or structure, a change or rearrangement of the structural parts or in the exit facilities thereof; or an enlargement, whether by extending on a side or by increasing in height; or moving from one location to another. The term "alter" in its various modes and tenses and its participle form refers to the making of an alteration. As used in this chapter, "remodel" or "reconstruction" is synonymous with this definition. Repairs or routine maintenance are not synonymous with this definition. By way of example, the replacement of a roof or windows or doors in place and in kind or an interior renovation that does not involve the installation of new systems, such as plumbing, heating or electrical systems, would not constitute an alteration for purposes of this chapter, but the installation of new windows or doors that are not in the same place and of the same kind as the existing ones or the introduction of new kitchen or bath facilities or habitable space in an area of a building not previously used as such would constitute an alteration. [Amended 1-20-2012 by L.L. No. 2-2012]

APARTMENT — A room or grouping of rooms arranged and designed with provisions for cooking, living, sanitary and sleeping facilities such that it is suitable for occupancy by a single family on a long-term basis as its principal residence during the period of such occupancy or which, however arranged or designed, is in

fact being used on such basis for such purpose. An entire "single-family residence," as herein defined, regardless of its actual occupancy or use, shall not constitute an "apartment" unit.

ATTIC — The unfinished space between the ceiling joists of the top story and the roof rafters.[**Added 3-15-2002 by L.L. No. 7-2002**]

AWNING — An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning shall be comprised of a lightweight, rigid or retractable skeleton structure over which a cloth fabric cover is attached. An awning shall be hung at least seven feet six inches above the sidewalk or grade. All awnings shall be made of fire-retardant materials. (See § 278-4G.)[**Added 12-15-1995 by L.L. No. 31-1995**]

BUILDING — A structure with a roof supported by walls.[**Added 3-2-2017 by L.L. No. 5-2017⁹⁶**]

BUILDING, COMMERCIAL — A building devoted to a use permitted exclusively in the Commercial/Core Commercial Districts and/or the Manufacturing-Industrial District, regardless of the district in which the building is situated.[**Added 3-14-2008 by L.L. No. 3-2008**]

BUILDING LINE WIDTH — The length of a line which is parallel or concentric to the front lot line at the required principal building setback.[**Added 3-2-2017 by L.L. No. 5-2017**]

BUILDING, PRINCIPAL — A main building devoted to the principal use on a lot.[**Added 3-2-2017 by L.L. No. 5-2017**]

BULKHEAD ENCLOSURE — An enclosure with door panels housing a stairway that provides ingress and egress to a cellar, commonly referred to as a "Bilco door." [Added 3-2-2017 by L.L. No. 5-2017]

CELLAR — That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building. [Added 3-15-2002 by L.L. No. 7-2002; amended 6-19-2015 by L.L. No. 17-2015; 3-2-2017 by L.L. No. 5-2017]

CELLAR STAIRWELL — An unroofed space created by a soil retention structure allowing ingress and egress to a cellar door, including the structure designed and intended to retain the soil.[**Added 3-2-2017 by L.L. No. 5-2017**]

CHIMNEY — A vertical enclosure incorporated into a building containing one or more passageways for conveying flue gases and smoke to the outside atmosphere.[**Added 3-2-2017 by L.L. No. 5-2017**]

COVERAGE — In all residential districts, that percentage of lot area covered by the ground floor area of all buildings sited thereon, together with all other structures. In all other districts, that percentage of lot area covered by the ground floor of all buildings sited thereon, together with all other structures, including pavements and impermeable surfaces except for walkways located on the property

96. Editor's Note: This local law also repealed the former definitions of "building, area of," added 11-17-2000 by L.L. No. 7-2000, and "building line."

which are available and open to the public and which connect public areas.⁹⁷

DISH ANTENNA — A structure having as its main purpose the reception of radio signals from orbiting satellites or terrestrial sources. The term shall include all satellite earth stations of whatever configuration. Any base, pedestal, foundation, reflector, amplifier, lens, prism or other device located out of doors and connected to or used in conjunction with a dish antenna shall be deemed a part thereof.

FAMILY — [Added 11-19-1993 by L.L. No. 25-1993⁹⁸]

- (1) Any number of persons occupying a single-family residence, related by blood, marriage or legal adoption, living and cooking together as a single housekeeping unit.
- (2) Any number of persons occupying a single-family residence, not exceeding three, living and cooking together as a single stable and bona fide housekeeping unit where all are not related by blood, marriage or legal adoption. A group of persons whose association or relationship is transient or seasonal in nature, rather than of a permanent and domestic character, shall not be considered a "family."
- (3) Notwithstanding the provisions of Subsection (2) of this definition, a group of unrelated persons numbering more than three shall be considered a "family" upon a determination by the Zoning Board of Appeals that the group is functional equivalent of a family pursuant to the standards enumerated in Subsection (5) herein. Notwithstanding the above, a group of persons whose association or relationship is transient or seasonal in nature, rather than of a permanent and domestic character, shall not be considered a "family" under any circumstances.
- (4) In determining whether a group of more than three unrelated persons constitutes a family for the purpose of occupying a single-family residence, as provided for in Subsection (3) of this definition, the Zoning Board of Appeals shall utilize the standards enumerated in Subsection (5) in making said determination. Before making a determination under this subsection, the Zoning Board of Appeals shall hold a public hearing, after public notice, in conformance with this Chapter 278 of the East Hampton Village Code.
- (5) In making a determination under Subsection (4), the Zoning Board of Appeals shall find that:
 - (a) The group is one which in theory, size, appearance and structure resembles a traditional family unit.
 - (b) The group is one which will live and cook together as a single housekeeping unit.
 - (c) The group is of a permanent nature and is neither a framework for transient or seasonal living nor merely an association or relationship

97. Editor's Note: The former definition of "delicatessen," added 4-17-1992 by L.L. No. 9-1992, which immediately followed this definition, was repealed 7-31-2008 by L.L. No. 7-2008.

98. Editor's Note: The original definition of "family" was repealed 11-19-1993 by L.L. No. 24-1993.

which is transient or seasonal in nature. Nothing herein shall preclude the seasonal use of a single-family residence by a group which otherwise meets the standards of this subsection at its permanent residence.

- (d) All other requirements of this chapter regarding the use and occupancy of a single-family residence shall be complied with.
- (e) Any determinations under this subsection shall be limited to the status of a particular group as a family and shall not be interpreted as authorizing any other use, occupancy or activity.
- (f) In no case shall a single-family residence have more than one kitchen.
- (g) In no case shall the people occupying a single-family residence have separate written or oral leases or rental arrangements or the payment of rent for portions of the single-family residence among its owners and residence.

FAST-FOOD RESTAURANT or DRIVE-IN — A use in a building in which food is prepared and sold over a counter in disposable containers and wrappers, selected from a limited menu for immediate consumption on or off the premises, with seating provided on premises, but without table service by waiters or waitresses. A fast-food restaurant might or might not have a drive-in or drive-through service window at which a customer can place an order from a motor vehicle or can receive a purchase at the vehicle. This term shall not include a take-out food store. **[Amended 7-31-2008 by L.L. No. 7-2008]; 5-18-2018 by L.L. No. 9-2018]**

FENCE — An enclosure or barrier made of wood, stone or other material constructed on or around a parcel of property designed to either limit access to an area or to screen such area from view, or both. **[Amended 10-16-2009 by L.L. No. 11-2009; 6-18-2010 by L.L. No. 6-2010; 3-2-2017 by L.L. No. 5-2017]**

FLAG LOT — A type of lot (commonly flag-shaped in configuration) in which street frontage is provided by a strip of land which is narrow in relation to the remainder of the lot and which extends from the main body of the lot to the street. A lot which does not physically front on or abut a street, but which has access to a street by means of an easement over other property, shall be deemed to be included in this definition. **[Added 3-2-2017 by L.L. No. 5-2017]**

FRONTAGE — The minimum frontage of any lot on a public street and the access width of any lot shall be 20 feet. Access width shall be measured perpendicular to the sides of the strip of land or right-of-way within the lot affording access to the street. However, in approving creation of no more than four lots, whether by subdivision or by subdivision waiver, the Planning Board may deem this definition to have been complied with if the new lot shall have 20 feet or more frontage usable for access on a common driveway, right-of-way or other similar property which other property itself: **[Added 4-17-1992 by L.L. No. 9-1992; amended 12-17-1993 by L.L. No. 26-1993]**

- (1) Leads to a public street.
- (2) Is 20 or more feet in width at all points.
- (3) Is subject to the terms of a duly recorded and irrevocable legal instrument

approved by the Planning Board which provides that the property will be suitably improved to provide access to the public street and will, in perpetuity, be available to the new lot in question for such street access.

GARAGE — An accessory building or structure, accessible by a driveway, designed and capable for use for the storage of motor vehicles owned and regularly used by or on behalf of the owner or tenant of the lot on which it is erected as an accessory to the permitted use of the lot. **[Amended 6-6-2013 by L.L. No. 14-2013; 5-16-2014 by L.L. No. 5-2014; 3-2-2017 by L.L. No. 5-2017]**

GARBAGE BIN — A shed-type building with a roof and walls constructed primarily to house refuse containers which does not exceed dimensions three feet deep by five feet in length by five feet in height. **[Added 3-2-2017 by L.L. No. 5-2017]**

GRADE, FINISHED — Natural surface of the ground, or surface of the ground after completion of any change in contour. **[Added 3-15-2002 by L.L. No. 7-2002]**

GROSS FLOOR AREA — The cumulative area in square feet of every story of any building, part thereof or addition thereto, as measured to the exterior face of the frame or masonry wall, but excluding cellars, attics, spaces with less than five feet in height as measured from the floor joists to the roof rafters, or unenclosed porches, unenclosed breezeways or screened porches. The gross floor area of an accessory building attached to a principal building by means of an unenclosed breezeway, unenclosed or screened porch or roofed terrace shall be includable in the gross floor area of accessory building, but the unenclosed connection shall not. Stairwells and interior spaces with floor-to-ceiling height in excess of 15 feet shall be counted twice. **[Amended 3-15-2002 by L.L. No. 7-2002; 3-16-2012 by L.L. No. 3-2012; 3-15-2013 by L.L. No. 10-2013; 7-31-2017 by L.L. No. 12-2017; 7-31-2019 by L.L. No. 8-2019]**

GUEST ROOM — A conventional bedroom, with or without bathroom facilities, being rented to paying guests, within an owner-occupied single-family residence. The term shall also include a room in a bed-and-breakfast or similar establishment, but does not include hotels, motels or inns. Such bedroom shall not be occupied by more than two persons and shall be at least 80 square feet in area. One residence may not contain more than two guest rooms. **[Amended 2-20-1998 by L.L. No. 4-1998]**

HOME OCCUPATION — Any gainful activity customarily conducted within a single-family residence by the residents thereof that is clearly secondary to the residential use; that requires no structural alteration of the building; and which does not otherwise change the character of the building as a residence. The activity shall not employ any nonresidents of the dwelling and shall not occupy more than 25% of the gross floor area of the dwelling, exclusive of the cellar, attic and open porch floors, or 500 square feet, whichever is less. The home occupation must be conducted within the principal dwelling of an owner/resident thereof and, if conducted in the basement, shall be subject to the same floor area limitations. There shall be no external evidence of the activity, including audible noise, or parking of more than two vehicles, other than those owned by the owner/resident, or signs, other than one announcement sign not more than two square feet in area, and no mechanical or electrical equipment shall be used except customary household equipment. Home occupations shall not include uses such as the following:

barbershop or beauty parlor, restaurant, breeding kennel, film studio, or antique or art dealer.**[Amended 1-18-2008 by L.L. No. 1-2008]**

HOME PROFESSIONAL OFFICE — The office or studio of a resident physician, surgeon, dentist or other person licensed by the State of New York to practice a healing art, lawyer, architect, artist, real estate broker or salesperson, boat captain, insurance broker or agent or tutor. The activity shall employ no more than one person and shall not occupy more than 1/3 of the total floor area of the dwelling, exclusive of the cellar, attic and open porch floors, or 900 square feet, whichever is less. The home professional office must be conducted within the principal dwelling of the owner/resident thereof and, if conducted in the basement, shall be subject to the same floor area limitations. There shall be no external evidence of the office and associated activity, including audible noise, or parking of more than four vehicles, other than those owned by the owner/resident, or signs, other than one professional sign. “Tutor” shall be restricted to a person giving individual instruction in academic subjects to a single pupil at one time. A home professional office shall not include the office of any person professionally engaged in the purchase or sale of economic goods. Dancing instruction, and instrument or piano or voice instruction, tearooms, tourist homes, beauty parlors, barbershops, hairdressing and manicuring establishments, convalescent homes, mortuary establishments, and stores, businesses, or trades of any kind not herein excepted shall not be deemed to be “home professional offices.” The home professional office of a physician shall not include a biological or other medical testing laboratory.**[Amended 1-18-2008 by L.L. No. 1-2008]**

LOT — A lawfully created tract or parcel of land under one sole or undivided ownership, occupied or capable of being lawfully occupied by one building and the accessory buildings customarily incidental to it, including such open spaces as are required by this chapter.**[Amended 5-16-2008 by L.L. No. 4-2008]**

LOT DEPTH — The length of the shortest line that can be drawn from the front lot line to the rear lot line which crosses the portion of the lot on which a residence can be located.**[Added 3-2-2017 by L.L. No. 5-2017]**

LOT LINE, FRONT — A street right-of-way line at the front of a lot, except that in the case of a flag-shaped lot, the front lot line shall be any one of the internal lines designated by the owner, which designation, once made, shall be permanent. No lot shall have less than 20 feet on a public road or street, and at no point shall said lot be less than 20 feet in width.**[Amended 9-21-1990 by L.L. No. 8-1990; 4-17-2009 by L.L. No. 4-2009]**

LOT LINE, REAR — The lot line opposite the front lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT WIDTH, FRONT — The dimension measuring the shortest distance from side lot line to side lot line at the required minimum front yard setback for a principal building.**[Added 3-2-2017 by L.L. No. 5-2017]**

LOT WIDTH, REAR — The dimension measuring the shortest distance from side lot line to side lot line at the required minimum rear yard setback for a principal building.**[Added 3-2-2017 by L.L. No. 5-2017]**

NAMEPLATE — A type of sign specifying the name of a business which shall be

non-illuminated and shall not exceed two square feet in area. **[Amended 6-17-2005 by L.L. No. 13-2005]**

NONCONFORMING BUILDING OR STRUCTURE — A building or structure lawfully existing on the effective date of this chapter or any amendment thereto affecting such building or structure, which does not conform to one or more current dimensional regulations hereof for the district in which it is situated, irrespective of the use to which such building or structure is put.

NONCONFORMING LOT — A lawfully created lot existing in single and separate ownership at the effective date of this chapter or any amendment thereto affecting such lot that does not have the lot area dimensions required by the applicable district regulations. **[Added 5-16-2008 by L.L. No. 4-2008]**

NONCONFORMING USE — Any use of a building, structure, lot, land or part thereof lawfully existing on the effective date of this chapter, or any amendment thereto affecting such use, which does not conform to one or more current use regulations hereof for the district in which it is situated, including those for which a special permit was granted during the period of time when this chapter permitted the expansion or alteration of a nonconforming use pursuant to a special permit. Permission to temporarily conduct or continue a prohibited use granted by the Zoning Board of Appeals prior to the effective date of this chapter or any amendment thereto shall not be construed to establish a “nonconforming use” as herein defined, and, therefore, any such permission and the use which is authorized shall terminate upon the expiration thereof. **[Amended 11-21-2014 by L.L. No. 21-2014]**

OWNER-OCCUPIED — The continual use and physical presence of the person having at least a fifty-percent legal or equitable interest in the premises. **[Added 8-21-2009 by L.L. No. 9-2009]**

PARKING SPACE — A dust-free off-street space sufficient in size to accommodate one parked motor vehicle and having an area of not less than 180 square feet.

PEDESTRIAN WALKWAY — A freestanding path or walkway no greater than 48 inches in width built substantially at finished grade consisting of stone, brick or similar material designed and intended to lead pedestrians to a destination. **[Added 3-2-2017 by L.L. No. 5-2017]**

PLAYING COURT — A structure, or part thereof, which is designed or used for playing sports and consists of a playing surface of 375 square feet or more. All associated netting, fencing, backstops and other improvements shall be considered part of the playing court. Tennis courts, basketball courts, handball courts, racquetball courts, volleyball courts, ice rinks and other similar facilities shall be deemed included in this definition. **[Added 3-2-2017 by L.L. No. 5-2017]**

POOL HOUSE — An accessory structure or a portion of an existing accessory structure customarily used in conjunction with a swimming pool. **[Added 6-20-1997 by L.L. No. 13-1997; amended 3-2-2017 by L.L. No. 5-2017]**

POSTMAN'S WALKWAY — A freestanding path or walkway no greater than 48 inches in width leading from a driveway or from a street front to a door on a dwelling. **[Added 3-2-2017 by L.L. No. 5-2017]**

POWDER ROOM — A bathroom consisting of a sink and toilet but no shower or bathtub.[**Added 3-2-2017 by L.L. No. 5-2017**]

PROFESSIONAL SIGN — A sign bearing the name and profession of the resident practitioner which may not exceed two square feet in area.⁹⁹

RESTAURANT — A use in a building having as its sole purpose the preparation and serving of food for consumption on the premises within furnished dining areas, and including as a possible accessory the serving of alcoholic beverages with meals, but not including any form of live entertainment or dancing for guests. A restaurant shall not be construed to include any form of drive-in, open-front, curbside or fast-food eating establishment or any form of tavern, bar, nightclub, discotheque or similar entertainment establishment.[**Added 7-31-2008 by L.L. No. 7-2008; amended 5-18-2018 by L.L. No. 9-2018**]¹⁰⁰

RETAINING WALL — A solid structure made of wood, stone, concrete or similar materials designed for the retention of soil or fill material greater than 12 inches in width and constructed with a structural footing.[**Added 3-2-2017 by L.L. No. 5-2017**]

ROOF, LOW PITCH — Any roof with a slope of less than seven inches of rise over 12 inches of run.[**Added 7-31-2019 by L.L. No. 8-2019**]

SETBACK — The distance which this chapter requires maintained between a property line, natural feature (including edge of wetlands, dunes and bodies of water) or other described place or thing and the nearest point thereto of any building, structure or other named improvement.

SIGN — Any advertising structure, display board, screen, structure, shadow box, poster, mannequin, banner, pennant, cloth, bill, bulletin, painting, printing or other device or object or part thereof used to announce, identify, declare, demonstrate, display or in any manner advertise or attract the attention of the public by means of letters, words, figures or colors. See § 278-4.

SINGLE-FAMILY RESIDENCE — A residential use of land consisting of a detached and freestanding building, commonly called a “house,” designed or arranged for occupancy by one family, as defined herein, on a nontransient basis. A single-family residence which is rented to, or occupied by, a tenant or tenants for a term or terms of less than one month, excluding two two-week periods during any one calendar year, shall be deemed transient housing and is not permitted. A single-family residence may not contain more than two guest rooms, as defined herein, and may not contain more than one kitchen. [**Amended 9-17-1993 by L.L. No. 16-1993; 12-8-2009 by L.L. No. 13-2009**]

SPECIAL PERMIT USE — A use permitted in one or more districts only if a special permit shall have been granted therefor, pursuant to § 278-7 of this Code.

STOOP — An unroofed staircase leading to the exit facilities of a single-family or multifamily residence.[**Added 3-2-2017 by L.L. No. 5-2017**]

99. Editor's Note: The former definition of "rooming house," which immediately followed this definition, was repealed 2-20-1998 by L.L. No. 4-1998.

100. Editor's Note: The former definition of "retail food store," added 7-31-2008 by L.L. No. 7-2008, as amended, which immediately followed this definition, was repealed 4-17-2020 by L.L. No. 2-2020.

STORY — That portion of a building which is between one floor level and the next higher floor level or roof. For the purpose of measuring height by stories under the provisions of this chapter, one additional story shall be added for any pilings, piers or other foundation which causes the building to be elevated more than four feet above average natural grade. In the case of a property located in a FEMA flood zone, the area between the adjacent natural grade and the minimum required first-floor elevation shall not be considered a story. **[Added 6-19-2015 by L.L. No. 16-2015]**

STREET — Any state, county or Village highway or road or any street shown on a filed subdivision map and any private road providing access to subdivided land. **[Added 3-2-2017 by L.L. No. 5-2017]**

STRUCTURE — Anything, including any building, which is constructed or erected on or under the ground or the water or upon another structure or building, including antennas, aerials, tennis courts, swimming pools, decks and patios (including those set in sand) or other improvements, whether or not intended to be temporary, seasonal or permanent. **[Amended 4-17-1992 by L.L. No. 9-1992; 7-31-2013 by L.L. No. 16-2013; 12-18-2015 by L.L. No. 23-2015; 3-2-2017 by L.L. No. 5-2017]**

SWIMMING POOL — Any enclosure or container, either for public or private use, which encloses a body of water greater than six feet in any direction and contains water of a depth of 18 inches or more. See § 278-5.¹⁰¹

TAKE-OUT FOOD STORE — A retail store wherein food and/or beverages are prepared, served and sold over a counter for immediate consumption primarily off premises and which may have a customer sitting area. A customer sitting area shall be limited to no more than 16 seats, to eat within or outside of the establishment, at one time. A take-out food store includes, but is not limited to, delicatessens, ice cream parlors, bakeries, tea/coffee houses and specialty gourmet shops. A take-out food store excludes restaurants, fast-food restaurants or drive-in restaurants, bars and taverns. **[Added 5-18-2018 by L.L. No. 9-2018; amended 4-17-2020 by L.L. No. 2-2020]**

TENT — Any structure, enclosure or shelter constructed of fabric or pliable material supported in any manner, including but not limited to a canopy, but not including an awning as that term is defined in this section. **[Added 2-18-2005 by L.L. No. 3-2005]**

TIMBER-FRAME LANDMARK — An individual property that has been designated as one of the group of timber-frame landmarks, 1700 to 1850, designated by the East Hampton Village Board of Trustees pursuant to § 176-3A of the Code (Preservation of Historic Areas). **[Added 1-18-2013 by L.L. No. 1-2013]**

WINDOW SIGN — Any sign placed on the inside (within no more than four feet) or outside of any window or door of any building which is visible from a sidewalk, street or other public place, not including merchandise on display. In the case of a real estate broker's office, merchandise shall be deemed to include photographs of properties for sale, provided that the square footage of the photographic display

101. Editor's Note: The former definition of "truck garden," which immediately followed this definition, was repealed 8-17-1990 by L.L. No. 7-1990.

does not exceed 25% of the window area of the storefront. **[Added 5-15-1998 by L.L. No. 6-1998; amended 6-17-2005 by L.L. No. 13-2005]**

WINDOW WELL — The clear space created by a soil retention structure located immediately adjacent to a window whose sill is lower than the adjacent finished grade. This includes the structure designed and intended to retain soil to allow the window to function and to provide pedestrian egress from the cellar to the outside. **[Added 3-2-2017 by L.L. No. 5-2017]**

YARD, FRONT — The area of any lot with a building which lies between the nearest portion of that building and the front lot line of the lot, extending from side lot line to side lot line in the case of interior lots. Corner lots shall have two such front yards situated between the nearest portion of the building and the front lot line along each street.

YARD, REAR — The area of any lot with a building which lies between the nearest portion of the building and the rear lot line of the lot, extending from side lot line to side lot line.

YARD, SIDE — The area of any lot with a building which lies between the nearest portion of the building and the side lot line of the lot, extending through from the front yard, or from the front lot line where no front yard exists, to the rear yard or to the rear lot line where no rear yard exists.

B. Nonconforming buildings, structures, uses and lots.

(1) Nonconforming buildings, structures, uses and lots.

- (a) Excluding those properties subject to the provisions of § 278-3A(7) and (8), a nonconforming building or structure which lawfully exists that is devoted to a conforming use, or a building or structure which lawfully exists that is devoted to a conforming use on a nonconforming lot, may be enlarged, reconstructed, structurally altered, restored or repaired, in whole or in part, except that the degree of nonconformity shall not be increased. For the purposes of this subsection, an increase in the degree of nonconformity shall include any increase in the nonconformity of a nonconforming building or structure with the dimensional regulations of this chapter and shall include any increase in the nonconformity related to the length, width or height of the nonconforming portion of the building or structure. **[Amended 8-20-2021 by Ord. No. 19-2021]**
- (b) Restoration of wall or structural member. Nothing herein shall prevent the restoration of a wall or other structural member of a building which shall have been declared unsafe by the Chief of the Fire Department or an engineer, architect or builder authorized by the Board of Trustees to examine and pass on the same.
- (c) Restoration of building. Nothing in this chapter shall prevent the restoration or the resumption of the use of a building having less than 50% of its sound value destroyed, exclusive of the foundations, by fire, explosion, act of God or act of the public enemy subsequent to the passage of this chapter, provided that the restoration and resumption shall take place within 12 months of the time of such destruction.

- (2) Nonconforming uses.
- (a) Continuation of use. Every lawful nonconforming use may be continued in the building or structure or upon the lot or land which it occupies after the effective date of this chapter or after the effective date of any pertinent amendment thereto.
 - (b) Change of use. No nonconforming use, if once changed to a use permitted in the district in which it is located shall ever be changed back to a nonconforming use.
 - (c) Extension of use. A nonconforming use shall not be extended or enlarged.
 - (d) Abandonment of use. A nonconforming use which is discontinued or ceases to exist for a continuous period of one year shall thereafter be deemed abandoned and accordingly be prohibited.
 - (e) The use of any parcel of land, with the exception of timber-frame landmarks, for both a single-family residence and a separate building used or designed to be used in whole or in part for dwelling purposes in that it contains cooking and/or sleeping facilities, regardless of whether the use of the building is intended for or used by a separate family or as an accessory to the single-family residence for guests or employees or family members of the owners or occupants of the single-family residence, shall be a prohibited use, unless it is a nonconforming use as defined in this section, or a use variance shall have been granted therefor by the Zoning Board of Appeals pursuant to § 278-7. **[Added 11-21-2014 by L.L. No. 22-2014]**
- (3) Nonconforming lots. **[Added 5-16-2008 by L.L. No. 4-2008]**
- (a) A nonconforming lot may be used and a building or structure may be erected thereon for use in accordance with all other applicable provisions of this chapter, provided that it has been held in continuous single and separate ownership from all adjacent lots since prior to January 16, 1959, or prior to any subsequent date that it became nonconforming with respect to its area dimensions. The Building Inspector may require a certified abstract title to such lot by a title company regularly doing business in Suffolk County certifying the single-and-separate status of a nonconforming lot during all applicable periods, as a prerequisite to the issuance of a building permit for a nonconforming lot.
 - (b) If at any time after January 16, 1959, a nonconforming lot shall be held in the same ownership as one or more of the adjoining parcels, the lot shall be merged with the adjoining parcel and shall lose its status as a nonconforming lot, except to the extent that the lot created by the merger of the adjoining parcels remains nonconforming with respect to one or more of the dimensional regulations of the district in which it is situated.
- [1] No merger shall hereafter result under this chapter where the ownership of a nonconforming lot becomes the same as the ownership of an adjoining parcel through the death of an individual

of one of the parcels.

- [2] No merger shall hereafter result under this chapter where adjacent nonconforming lots that are both improved with residences are held in the same ownership.

§ 278-2. Zoning districts.

A. Type location of zoning districts.

- (1) For the purpose of this chapter, the Village of East Hampton is hereby divided into classes of zoning districts as follows:

Residence District R-160

Residence District R-80

Residence District R-40

Residence District R-20

Residence District R-12

Limited Office District

Core Commercial District

Commercial District

Manufacturing-Industrial District

- (2) The boundaries of these districts are hereby established and continued as indicated in the Building Zone Map, prepared by George Walbridge Surveyors P.C., dated October 15, 2004, which accompanies and is hereby declared to be a part of this chapter.¹⁰² **[Amended 11-8-2004 by L.L. No. 19-2004]**

- (3) A Use Table in matrix form is hereby created. This table sets forth the permitted and special permitted uses in each individual use district. If a particular land use is not listed on the Use Table, that particular use is prohibited and unlawful in the district or zone to which the table applies.¹⁰³ **[Amended 12-20-2002 by L.L. No. 19-2002]**

B. Residential zoning districts. In any residential district, no building, structure or premises shall be used or arranged or designed to be used in any part for other than one or more of the following specified purposes:

- (1) One single-family residence having not more than two stories. **[Amended 7-30-1999 by L.L. No. 7-1999; 7-31-2014 by L.L. No. 9-2014]**
- (2) The owner of a single-family residence must obtain a license from the Code Enforcement Officer before renting a guest room to paying guests. Such permits shall be issued on an annual basis. The Code Enforcement Officer may deny or revoke a permit if it is determined by the Code Enforcement Officer that the premises is not in compliance with the following provisions or any

102. Editor's Note: The Zoning Map is included in a pocket at the end of this volume and is available through the online version of the Code (eCode360®).

103. Editor's Note: The Use Table is included as an attachment to this chapter.

other requirements of this Code: **[Amended 2-20-1998 by L.L. No. 4-1998; 12-18-2009 by L.L. No. 15-2009]**

- (a) There must be a valid, subsisting certificate of occupancy for the one-family residence and all accessory structures.
 - (b) No more than four motor vehicles may be parked on site outside a fully enclosed garage between the hours of 12:00 midnight and 6:00 a.m.
 - (c) The exterior lighting on the premises must be in compliance with the provisions of the Village of East Hampton Outdoor Lighting Code and the provisions of Chapter 196 (Noise).
 - (d) The premises shall be subject to inspection by the Code Enforcement Officer.
- (3) Home professional office.
 - (4) Home occupation.
 - (5) Nurseries. Nurseries, truck gardens and greenhouses, provided that any greenhouse heating plant and any building in which farm animals are kept shall be distant not less than 20 feet from any lot line.
 - (6) Special permit uses (for procedure, see § 278-7). Schools, public libraries, museums, churches, parish houses and Sunday school buildings, the buildings of membership clubs devoted to outdoor sports and social and recreational buildings and premises and soldiers' or sailors' memorial buildings, except those a chief activity of which is one customarily carried on as a gainful business; and public or charitable institutional buildings not of a correctional nature. **[Amended 2-17-2006 by L.L. No. 5-2006]**
 - (7) Accessory uses and accessory buildings.
 - (a) Accessory uses, buildings and structures, as defined in the definitional section, are permitted in the residential districts.
 - (b) (Reserved)¹⁰⁴
 - (c) Tents used exclusively for recreational camping purposes and tents erected for not more than 21 days in any one calendar year are permitted in residential districts, provided that all other permits that may be required, including but not limited to a special events permit or a tent permit required pursuant to the codes of New York State, are obtained. **[Added 2-18-2005 by L.L. No. 3-2005; amended 5-18-2018 by L.L. No. 10-2018]**
 - (d) One detached or attached accessory dwelling unit located on a property

104. Editor's Note: Former Subsection B(7)(b), which allowed a second dwelling to be located on a lot that is already improved with a single-family residence, was repealed 2-15-2013 by L.L. No. 7-2013. This local law also provided that it shall not apply to any application for a permit to construct on a residential lot a building accessory to a single-family residence which contains dwelling accommodations, provided such application is for a permit to build pursuant to a development plan that was, on or before December 31, 2012, determined by the Zoning Board of Appeals to meet all of the requirements of § 278-2B(7)(b) of the Zoning Code as of the date of such determination.

designated as a timber-frame landmark as defined in § 278-1, containing separate cooking and/or sleeping accommodations, provided that: i) the combined gross floor area of the building or buildings containing dwelling accommodations shall not exceed the maximum permitted gross floor area; ii) the gross floor area of such accessory dwelling unit shall not exceed 35% of the maximum permitted gross floor area or 3,000 square feet, whichever is less (unless the landmark building or an accessory structure existing at the time of the adoption of this subsection becomes the accessory dwelling, in which case the gross floor area shall not exceed 40% of the maximum permitted gross floor area or 3,700 square feet, whichever is less), and iii) the accessory dwelling unit shall not have more than four bedrooms. The height regulations of § 278-3B shall be applicable to accessory dwelling units permitted pursuant to this section. **[Added 1-18-2013 by L.L. No. 1-2013; amended 10-18-2013 by L.L. No. 21-2013]**

- (e) Accessory dwelling unit. One detached accessory dwelling unit designed for cooking and/or sleeping purposes, located on a property containing 60,000 square feet or more that is located in a residential district and which contains a primary single-family residence. Such accessory dwelling unit authorized in this subsection shall be limited as follows: (i) an accessory dwelling unit may have no more than two bedrooms; (ii) shall not exceed the maximum ground floor area for accessory structures, but shall be counted toward the ground floor area of the principal structure; (iii) the occupancy of an accessory dwelling unit shall be limited to the family and/or guests of the occupants of the primary single-family residence, and/or to employees working on the premises or working in the primary dwelling unit; and (iv) an accessory dwelling unit may not be rented separately from the primary dwelling unit. The accessory dwelling unit must meet the setback requirement of the principal structure. The use of any parcel of land for both a single-family residence and an accessory dwelling unit as provided in this subsection shall be a conforming use under the Code of the Village of East Hampton, and shall not be considered a prohibited use and/or nonconforming use pursuant to §278-1B(2)(e) of this Code, provided that a declaration of covenants and restrictions with respect to the parcel on which the accessory dwelling unit is located is recorded with the County Clerk which limits the use of the accessory dwelling as set forth herein. The height regulations of §278-3B shall apply to an accessory dwelling permitted pursuant to this subsection. The issuance of any building permit for such use shall require the installation of an innovative alternative septic system for all dwelling units on the subject real property. **[Added 8-20-2021 by Ord. No. 22-2021]**

C. Limited Office District.

- (1) Permitted uses. In any Limited Office District, a primary residential structure in existence on May 1, 1989, may be used for either two offices or one office on the first floor and one apartment on the second floor.
- (2) Design Review Board approval. Before any structure located in the Limited

Office District may be utilized in accordance with a permitted use, it must be approved by the Design Review Board pursuant to Chapter 121 of the Code of the Village of East Hampton.

(3) Parking.

- (a) ¹⁰⁵One parking space shall be provided for each 200 square feet of gross floor area. Notwithstanding the above, the Design Review Board shall have the right to waive and/or restrict the above-required parking spaces pursuant to the applicable provisions of Chapter 121, Design and Site Plan Review. No payment to the Village of East Hampton Public Off-Street Parking Trust Fund shall be required in the event that any parking spaces are waived or restricted. **[Added 1-20-1995 by L.L. No. 4-1995]**
- (b) The total number of employees, independent contractors and principal operators and tenants that occupy the building shall not exceed the lesser of eight or 75% of the parking spaces required by Subsection C(3)(a) above.

D. Commercial and Core Commercial Zoning Districts.

- (1) Permitted uses. In any Commercial Zoning District, buildings or premises may be used in whole or in part for any purpose permitted in any residential district and also for any of the following purposes:
 - (a) Retail store, provided that the display and sale of all goods or merchandise is confined to the interior of the building. **[Amended 11-20-1998 by L.L. No. 20-1998]**
 - (b) Bank.
 - (c) Office: business, utility, professional or sales.
 - (d) (Reserved)¹⁰⁶
 - (e) Nursery, greenhouse.
 - (f) Hospital (not for the insane or feebleminded).
 - (g) Telephone exchange.
 - (h) (Reserved)¹⁰⁷
 - (i) Public parking field.
 - (j) Printing shop.
 - (k) Apartment on second floor.

105. Editor's Note: Original Subsection C(3)(a), specifying certain parking provisions, was repealed 1-20-1995 by L.L. No. 3, 1995.

106. Editor's Note: Former Subsection D(1)(d), School, library, church or sports membership club, was repealed 2-17-2006 by L.L. No. 5-2006.

107. Editor's Note: Former Subsection D(1)(h), Public or charitable institution, was repealed 2-17-2006 by L.L. No. 5-2006.

- (l) Restaurant, but not fast-food restaurants or drive-ins.
 - (m) Personal service shop: barbershop, beauty parlor, travel agency or similar shop.¹⁰⁸
 - (n) Take-out food store. **[Added 4-17-2020 by L.L. No. 2-2020]**
- (2) Prohibited uses. The following uses are specifically prohibited in any Commercial Zoning District:
- (a) All manufacturing garages or garages in which machinery is used, stables, junkyards, new and/or used car lots and fuel filling stations.
 - (b) The wholesaling of merchandise, unless it is incidental and subordinate to a business dealing primarily in retail.
 - (c) All manufacturing, producing, processing, fabricating, converting, altering, finishing and assembling.
 - (d) The storage of gas in quantities exceeding 500 cubic feet or in quantities exceeding 50 cubic feet if the pressure is greater than 100 pounds per square inch.
 - (e) All automobile, truck, van or other vehicle rental businesses or franchises.
 - (f) All fast-food restaurants or drive-ins.
 - (g) Tents, whether or not temporary, including tents erected as accessory structures. **[Added 2-18-2005 by L.L. No. 3-2005]**
- (3) Apartments. Notwithstanding the above, apartments on the second floors of commercial structures shall be permitted, provided that the following conditions are satisfied:
- (a) Each apartment shall contain not less than 500 square feet nor more than 800 square feet of livable floor space.
 - (b) No apartment shall contain more than two bedrooms, and each bedroom shall be at least 100 square feet in size.
 - (c) Any structure in which an apartment is located shall contain a fire detection system in conformity with Article 12, Part 1060, of the New York State Uniform Fire Prevention and Building Code, and shall otherwise comply with all state and local building, construction and fire prevention codes affecting the Village of East Hampton.
 - (d) Notwithstanding anything to the contrary herein contained, no apartment shall be allowed in a building which contains a high-hazard occupancy as defined by the New York State Uniform Fire Prevention and Building Code.

108. Editor's Note: Former Subsection D(1)(n), Delicatessen, added 4-17-1992 by L.L. No. 9-1992, which subsection immediately followed this subsection, was repealed 3-20-2009 by L.L. No. 1-2009.

E. **Manufacturing-Industrial Zoning Districts. [Amended 1-21-2010 by L.L. No. 1-2011]**

- (1) Permitted uses. In any Manufacturing-Industrial District, buildings or premises may be used in whole or in part for any purpose permitted in any residential zoning district or commercial zoning district and also for any of the following purposes:
- (a) Warehouse: establishment used for interior warehousing and storage facilities, including self-storage facilities, but not including any outdoor storage of goods.
 - (b) Service trades: a place of work for building trade shops or contractors, including but not limited to electrician, plumbing, landscaping, building and construction contractors' shops.
 - (c) Ice plant: establishment engaged in manufacture and/or wholesale distribution or retail sales of ice.
 - (d) Laundry: establishment providing self-operated machines for washing and drying clothes or an establishment in the business of cleaning clothes, fabrics or rugs.
 - (e) Electric distribution center: establishment primarily engaged in the distribution of electric power received from a generation facility or the transmission system to the final consumer.
 - (f) Repair garage: establishment primarily engaged in vehicle repair, with no facilities for the sale of fuel.
 - (g) Light manufacturing: establishment primarily engaged in producing products from other materials, substances or components, including food products, apparel, furniture or upholstery, signs, or woodworking, but not including any manufacturing which is likely to emit smoke, noise, odor, dust, vibration or excessive light beyond the limits of its lot.
 - (h) Storage garage: a commercial use of land consisting of the rental of space within a building for the storage and sheltering of motor vehicles, conveyances or other machinery or equipment, but not including any form of outdoor storage nor any repair work.
 - (i) Wholesale: business engaged in wholesale distribution, which may or may not have a retail component.

§ 278-3. Area, setback and height regulations.

- A. Area, setback and coverage requirements. **[Amended 3-15-1991 by L.L. No. 3-1991; 5-17-1991 by L.L. No. 6-1991; 1-15-1999 by L.L. No. 1-1999; 6-16-2000 by L.L. No. 5-2000; 11-17-2000 by L.L. No. 7-2000; 3-15-2002 by L.L. No. 5-2002; 12-20-2002 by L.L. No. 19-2002; 3-21-2003 by L.L. No. 1-2003; 6-18-2004 by L.L. No. 7-2004; 3-14-2008 by L.L. No. 3-2008; 6-20-2008 by L.L. No. 5-2008; 4-17-2009 by L.L. No. 3-2009; 9-17-2010 by L.L. No. 11-2010; 5-18-2012 by L.L. No. 6-2012; 5-18-2012 by L.L. No. 9-2012; 12-21-2012 by**

L.L. No. 26-2012; 4-19-2013 by L.L. No. 11-2013; 6-19-2015 by L.L. No. 13-2015; 6-19-2015 by L.L. No. 14-2015; 9-18-2015 by L.L. No. 18-2015; 3-2-2017 by L.L. No. 6-2017]

- (1) Area requirements. No lot or parcel of land created after the effective date of this chapter shall be smaller in size than the following:

District	Size (square feet)
Residence District R-160	160,000
Residence District R-80	80,000
Residence District R-40	40,000
Residence District R-20	20,000

- (2) Minimum building line width. Every lot created after the effective date of this chapter shall have a minimum building line width as follows:

District	Width (feet)
Residence District R-160	160
Residence District R-80	160
Residence District R-40	100
Residence District R-20	100

- (3) Principal building front yard setback requirements. These restrictions apply to all lots located in residential districts regardless of the use of the structures thereon and to all lots used solely for residential purposes regardless of the classification of the underlying zoning district. Accessory dwelling units permitted pursuant to § 278-2B(7)(d) shall comply with principal building front yard setback requirements.

- (a) Except as hereinafter provided, no principal building shall extend within the following distances of any street line. Setbacks are according to the actual lot size within the following ranges:

Lot Size (square feet)	Distance (feet)
Less than 10,000	25
10,000 or greater but less than 20,000	30
20,000 or greater but less than 30,000	35
30,000 or greater but less than 40,000	40

Lot Size	Distance
(square feet)	(feet)
40,000 or greater but less than 80,000	50
80,000 or greater but less than 160,000	70
160,000 or greater	80

(b) The minimum front yard setback shall be at the applicable distances set forth above. However, where an existing residence is located inside the applicable front yard setback, that portion of the lot between the existing residence and the building envelope for the width of the existing residence is exempt from the required front yard setback, provided that side yard setbacks are met.

(4) Principal building side and rear yard setbacks. These restrictions apply to all principal buildings on lots located in residential districts regardless of the use of the structures thereon and to all lots used solely for residential purposes regardless of the classification of the underlying zoning district unless otherwise exempt pursuant to Subsection A(4)(b) below. Accessory dwelling units permitted pursuant to § 278-2B(7)(d) shall comply with principal building side and rear yard setback requirements.

(a) Except as hereinafter provided, no principal building shall extend within the following distances of any side yard or rear yard property line. Setbacks are according to the actual lot size within the following ranges:

Lot size	Distance
(square feet)	(feet)
Less than 10,000	20
10,000 or greater but less than 20,000	22
20,000 or greater but less than 30,000	24
30,000 or greater but less than 40,000	26
40,000 or greater but less than 80,000	34
80,000 or greater but less than 160,000	50
160,000 or greater	55

(b) Notwithstanding the table above, the following structures attached or connected to a single-family residence or multifamily residence shall comply with accessory structure side and rear yard setback requirements: cellar stairwells not exceeding five-foot width and eighteen-foot length,

chimneys not exceeding two-foot width and four-foot length, bulkhead enclosures not exceeding eight-foot length and five-foot width, window wells not exceeding four-foot width and four-foot length, stoops not exceeding six-foot width and three-foot length. Building roof eaves may penetrate the above-described setbacks by no more than 24 inches.

(5) Accessory building and structure setbacks. These restrictions apply to all residential accessory buildings and structures on lots located in residential districts and to all lots used solely for residential purposes regardless of the classification of the underlying zoning district.

(a) No accessory building or structure shall extend within the following distances of any front property line. Setbacks are according to actual lot size within the following ranges:

Lot Size	Distance
(square feet)	(feet)
Less than 20,000	35
20,000 or greater but less than 40,000	45
40,000 or greater but less than 80,000	55
80,000 or greater but less than 160,000	75
Greater than 160,000	85

(b) No accessory building or structure shall extend within the following distances of any side yard or rear yard property line. Setbacks are according to the actual lot size within the following ranges:

Lot Size	Distance
(square feet)	(feet)
Less than 20,000	10
20,000 or greater but less than 40,000	15
40,000 or greater	20

(c) The accessory building and structure setbacks required in § 278-3A(5)(b) shall be doubled for all playing courts, swimming pools, pool equipment and pool houses, which are not eligible for the relief provided in § 278-3A(6).

(d) Retaining walls that do not exceed four feet in height as measured from natural grade, pedestrian walkways and garbage bins are exempt from the above-described setbacks but shall be set back a minimum of three feet from any front, side or rear property line.

- (e) Fences, gates, driveways and one postman's walkway are exempt from all setback requirements under this chapter, but not the setback requirements of Chapter 101, Chapter 124 or Chapter 163.
 - (f) No portion of a detached garage shall be placed anywhere within a front yard.
 - (g) Dry wells and leaching pools installed for the purpose of controlling or retaining stormwater runoff or swimming pool discharge are exempt from the above described setbacks, but shall be set back a minimum of five feet from any front yard, side yard or rear yard property line and are not exempt from the setback requirements of Chapter 101, Chapter 124 or Chapter 163. **[Added 9-15-2017 by L.L. No. 15-2017]**
- (6) Relief provisions. In the case of lots which are nonconforming to current building line width as determined in § 278-3A(2), each side yard setback shall be reduced to 20% of the average lot width. The calculation shall be the average of two chords measured at the required front lot width and the required rear lot width. The minimum rear yard setback shall be at the applicable distance set forth in the table above or at a distance from the rear lot line equal to 20% of the average lot depth. This calculation shall be based upon the lot depth measured as two chords at the required side yard setback requirements. The flag pole portion of a flag lot shall not be used in calculating relief provisions. Diagrams illustrating the method of calculating the relief provisions are included at the end of this chapter as an attachment.
- (7) Ocean dune setbacks. Except as hereinafter provided, no building or structure shall be located within the following distance of a natural contour line at its nearest point to the mean high water mark of the Atlantic Ocean at the following elevation above the mean high water mark (See Chapters 101 and 124 of this Code for additional requirements.):

Location	Distance (feet)	Elevation (feet)
To the west of Old Beach Lane	100	15
To the east of Old Beach Lane	25	20-foot continuous line

- (8) Freshwater wetland setbacks. Except for docks, none of the following structures or activities shall be located within the following distances of the landward edge of any freshwater wetland (See Chapter 163 of this Code for additional requirements.):

Structure or Activity	Distance (feet)
Building	150
Septic or discharge system	200

Structure or Activity	Distance (feet)
Clearing of land, landscaping or fertilization	125

- (9) Permitted coverage.
 - (a) Except as otherwise provided, the maximum permitted coverage for all structures on any lot or parcel of land in a residential district shall be 20% of lot area, except lots whose size is less than 40,000 square feet, which may have a maximum permitted coverage of 20% of lot area plus 500 square feet. **[Amended 8-20-2021 by Ord. No. 23-2021]**
 - (b) Driveways serving residential property, walkways over dunes, and a postman's walkway are exempt from coverage. **[Amended 8-20-2021 by Ord. No. 23-2021]**
 - (c) The maximum permitted coverage for all structures on any lot or parcel of land in the Commercial or Manufacturing-Industrial District shall be 60%. The maximum permitted coverage for all structures on any lot or parcel of land in the Core Commercial District shall be 80%.

- (10) Fences and gates.
 - (a) No fence or gate shall be greater than 12 inches in depth, including its footing, or extend more than six feet in height as measured from natural grade, which shall not include any berms, preexisting or otherwise, except for fences designed in accordance with the following subsection.
 - (b) Posts supporting the fence may extend to not more than eight feet in height as measured from natural grade, provided they are not less than six feet apart, and smooth, nonelectric, dark or neutral-colored wire may be strung horizontally between the posts at a separation of at least 12 inches for a total height not in excess of eight feet from the natural grade.
 - (c) All fences shall have the face or finished side thereof facing the property line of the adjacent owner or adjacent street. The Building Inspector shall designate which side of the fence is the finished or face side of the fence.
 - (d) No component of a gate or gate key pad shall be located within a Village, county or state street right-of-way.

- (11) Single-family residence design standards.
 - (a) No part of a cellar shall extend beyond the exterior wall of the first story of the building in which it is located.
 - (b) No cellar shall extend more than 12 feet below natural grade.
 - (c) There shall be at least one common entrance on the ground floor, through which every room, other than a utility room, shall be readily accessible by passage through the interior of a single-family residence.

- (d) Any enclosed hallway, conditioned breezeway or other design element that functionally connects otherwise detached buildings shall have a width no less than half of its length.
 - (12) A single-family residence in a commercial or manufacturing district is subject to the dimensional requirements applicable to a lot of the same size in a residential zoning district.
 - (13) One-family and two-family detached dwellings.
 - (a) The maximum gross floor area for one-family and two-family detached dwellings, as permitted in all residential districts, shall be 10% of the lot area plus 1,000 square feet or 20,000 square feet, whichever is less. **[Amended 8-20-2021 by Ord. No. 20-2021]**
 - (b) Where a lot is improved with one or more one-family or two-family detached dwellings and/or where a lot is improved with a separate detached building or buildings containing cooking or sleeping facilities, regardless of whether each such building is suitable for occupancy by a separate family as an independent dwelling unit, the gross floor area of all such buildings shall be combined and includable within the maximum gross floor area permitted pursuant to this section.
 - (14) The maximum gross floor area for commercial buildings in all zoning districts shall be 10,000 square feet. For purposes of this section, if multiple buildings on the same lot or adjacent lots are operated as a single business, operation or enterprise or if the business or businesses within such individual buildings are owned, operated or controlled by a single entity, either directly or through affiliates, the maximum building area shall apply to all such buildings in the aggregate.
 - (15) In commercial buildings, the use of cellars, basements or any below-ground level and the use of attics for any purpose other than storage or mechanical equipment is prohibited.
 - (16) The installation of design modifications and accessibility improvements shall be exempt from any applicable front, side and rear lot setback or lot coverage requirements.
- B. Height regulations. **[Amended 12-20-2002 by L.L. No. 19-2002]**
- (1) Measurement. The height of a building or structure shall be measured from the average existing natural ground level within 10 feet of the building to the highest point of the roof or of any other structure on the roof, except chimneys. In determining average natural ground level, the level of driveways, areaways and entrances of abrupt change in elevation totaling 10% or less of the wall shall not be included. To determine natural ground level, the Building Inspector may require a topographical survey in two-foot increments. **[Amended 3-18-2005 by L.L. No. 7-2005]**
 - (2) Residence districts. **[Amended 10-19-2012 by L.L. No. 23-2012]**
 - (a) No principal residence or dwelling shall have a height exceeding the

following limits: **[Amended 2-15-2013 by L.L. No. 8-2013; 7-31-2019 by L.L. No. 8-2019]**

Parcel Size (square feet)	Height A (feet)
Less than 10,000	29
10,000 or greater but less than 20,000	30
20,000 or greater but less than 30,000	32
30,000 or greater but less than 40,000	33
40,000 or greater but less than 80,000	34
80,000 or greater but less than 160,000	35
160,000 or greater	36

- (b) Within nine feet of the maximum permitted roof height an area equivalent to no more than 15% of the gross floor area on the first floor of the building shall be permitted to have a low pitch roof. Any low pitch roof area within nine feet of the maximum height limit shall be indicated on a two-dimensional roof plan and measured to the outside of the roof edge (drip line). Safety railings required by New York State statutes, codes, rules and regulations not exceeding 12 inches in width shall not be included in calculation of height. **[Amended 8-20-2021 by Ord. No. 21-2021]**
 - (c) No low pitch roof area within nine feet of the maximum permitted roof height shall be located closer to a lot line than the permitted setback plus six feet.
 - (d) There shall be no average calculation of a roof pitch (using a steep pitch and a shallow pitch to arrive at an average pitch); however, the pitch of a conical, bell or dome cap shall be calculated as the average of slopes taken at six-inch intervals.
- (3) Commercial Districts. No flat-roofed building or structure shall exceed two stories or have a height exceeding 30 feet, and no building or structure with a roof other than a flat roof shall exceed two stories or have a height exceeding 35 feet. A "flat roof" is defined as a roof having no more than six inches of rise over 12 inches of run.
 - (4) Manufacturing-Industrial Districts. No flat-roofed building or structure shall exceed two stories or have a height exceeding 30 feet, and no building or structure with a roof other than a flat roof shall exceed two stories or have a height exceeding 35 feet.
- C. Lighting. There shall be no lighting of private tennis courts or private basketball courts within the residential areas of the Village. **[Added 9-16-1994 by L.L. No. 32-1994]**
 - D. Accessory building and structure design requirements. **[Added 3-15-2002 by L.L.**

No. 6-2002; amended 10-19-2012 by L.L. No. 23-2012; 1-18-2013 by L.L. No. 1-2013; 6-6-2013 by L.L. No. 14-2013; 6-19-2015 by L.L. No. 15-2015; 3-2-2017 by L.L. No. 6-2017]

- (1) No accessory building shall contain more than one room or, except for a garage or an accessory building permitted pursuant to § 278-2B(7)(d), exceed 250 square feet in gross floor area.
- (2) Pool house design requirements.
 - (a) A pool house or any portion of an accessory structure dedicated to such use shall not exceed 250 square feet of gross floor area.
 - (b) Interior plumbing fixtures shall be limited to a sink plus one powder room.
 - (c) Pool houses shall not contain indoor showers.
 - (d) All plumbing fixtures shall drain to a sanitary system in a conforming location.
 - (e) Pool houses shall not be insulated and/or heated, nor shall any pool house contain cooking or sleeping facilities.
- (3) A ground level pool house may be attached to an existing or proposed garage or located within a preexisting accessory structure in excess of 250 square feet of gross floor area when the following criteria are met:
 - (a) The preexisting accessory structure or the garage conforms with the required setbacks of § 278-3A(5)(c) and those of Chapter 101, Coastal Erosion Areas; Chapter 124, Preservation of Dunes; and Chapter 163, Freshwater Wetlands.
 - (b) There is no proposed enlargement of the preexisting accessory structure, unless the preexisting accessory structure is used solely as a garage with or without storage areas.
 - (c) The portion of the accessory structure to be utilized as a pool house is restricted to said use.
 - (d) The remaining portion of the preexisting accessory building is used as a garage or storage area and conforms with building and fire codes.
 - (e) The property owner shall file a declaration of compliance with this subsection and shall authorize an annual inspection by the Code Enforcement Officer on 24 hours' notice.
- (4) Garage design requirements:
 - (a) No habitable space, toilet, shower or bathtub shall be permitted inside a garage on any level.
 - (b) No plumbing of any kind shall be permitted on the second floor over a garage.

- (c) A garage shall be accessible by an improved driveway, designed and capable for use for the storage of motor vehicles owned and regularly used by or on behalf of the owner or tenant of the lot.
 - (5) No pedestrian walkway, as defined in this chapter, shall be located within 10 feet of a swimming pool, nor shall it be designed or intended to be used as a patio, deck or similar accessory structure.
 - (6) No accessory building shall exceed 14 feet in height, except a garage, which shall not exceed the following height limitations or the height limitations under § 278-3B(2), whichever is less.
 - (a) On lots of less than 10,000 square feet, a garage shall not exceed 16 feet in height.
 - (b) On lots greater than 10,000 square feet, but not more than 20,000 square feet, a garage shall not exceed 18 feet in height.
 - (c) On lots of more than 20,000 square feet, a garage shall not exceed 20 feet in height.
 - (7) The maximum gross floor area of all accessory buildings on a lot shall not exceed 2% of the lot area plus 200 square feet. **[Amended 8-20-2021 by Ord. No. 20-2021]**
- E. Transitional yards and screening. The following minimum required transitional yards and screening shall be provided on all lots in nonresidential districts that adjoin a residential district, except for those lots which adjoin nonresidential uses located within a residential zoning district, and on all lots within a residential district that are used for any use other than a one-family residential use, excluding those that adjoin nonresidential uses, in order to assure orderly and compatible relationships between residential and nonresidential properties. **[Added 6-21-2002 by L.L. No. 12-2002; amended 4-16-2010 by L.L. No. 4-2010]**
- (1) Minimum required transitional side and rear yards shall be 30 feet, or, in residential districts, the otherwise applicable principal structure setback, whichever is greater. No structure and no parked motor vehicles shall be permitted in a required transitional yard. **[Amended 11-15-2013 by L.L. No. 23-2013; 3-2-2017 by L.L. No. 6-2017]**
 - (2) Screening, such as fencing and/or landscape plantings, as approved by the Design Review Board, shall be installed and maintained in all required transitional side and rear yards. The purpose of the screening is to reduce to the greatest extent practicable the effects of the noise and light generated by nonresidential uses and their associated accessory uses, including parking, on adjacent residential properties. The Design Review Board shall require fencing and/or screening adequate to achieve this purpose, which may include a six-foot-tall fence along the property line(s) and an evergreen buffer a minimum of 20 feet wide, installed and maintained along the entire length of each residential property.
- F. On-site parking requirements for residential uses. Every lot used for a residential

use shall provide on-site parking for a minimum of two vehicles. **[Added 3-21-2003 by L.L. No. 2-2003]**

- G. Window displays in commercial buildings. The owner or tenant of every commercial premises that is vacant, which shall be deemed to include any unit that is closed for business for a period of more than two weeks, shall maintain a display in every ground-level or first-floor window facing a public right-of-way during the period of vacancy. The display may be of merchandise or it may consist of the installation of a screen with graphics or posters placed at least four feet inside the windows. Examples of displays that will meet these requirements without the necessity for any permit applications can be found in the Guidelines for Vacant and Closed Stores, available at Village Hall. When a real estate or contractor's sign is posted in a window of such premises, it shall be posted only in a lower corner on either side of the window. **[Added 6-7-2012 by L.L. No. 10-2012]**

§ 278-4. Signs.

A. General.

- (1) No sign shall be displayed unless in compliance with this section of the Code of the Village of East Hampton. **[Amended 5-15-1998 by L.L. No. 6-1998]**
- (2) Each commercial structure shall be entitled to a sign which shall only advertise the business conducted on the premises.
- (3) All commercial signs shall be placed on that portion of the structure in which the commercial activity listed in the sign is located, except directory signs, where permitted. **[Amended 1-20-2012 by L.L. No. 1-2012]**
- (4) Approval for all commercial signs and awnings must be obtained from the Design Review Board pursuant to Chapter 121 of the Code of the Village of East Hampton. **[Amended 10-2-1991 by L.L. No. 11-1991]**

B. Size. **[Amended 4-17-1992 by L.L. No. 9-1992; 5-15-1998 by L.L. No. 6-1998; 3-18-2005 by L.L. No. 10-2005]**

- (1) Where a commercial establishment occupies the ground floor of a commercial structure, it shall be entitled to a total sign area, including window signs, not to exceed one square foot for each horizontal foot of the storefront of that establishment, up to a maximum of 60 square feet. For the purpose of calculating sign area, the storefront of an establishment is the length of exterior wall corresponding to the ground floor space occupied by that establishment along the wall that contains its primary entrance. If an establishment has a second public entrance on a second wall, an additional sign area of a half square foot for each horizontal foot of that second storefront, up to a maximum of 40 square feet, shall be allowed as long as such additional sign area appears on that second storefront. No one sign shall exceed 30 square feet in area. Said sign or signs shall not project more than one foot from said wall and shall not be more than 20 feet above ground level. **[Amended 7-1-2005 by L.L. No. 15-2005]**
- (2) Where a commercial establishment occupies the second floor of a commercial

structure, it shall be entitled to a nameplate at the ground floor level access. In addition, it shall be entitled to one of the following permissible areas:

- (a) Two nameplates in second-floor windows, not to exceed two square feet in total size.
 - (b) One sign affixed to the second story exterior of the structure, not in excess of nine square feet.
- (3) The area of a sign shall be measured by the area of the largest rectangle required to enclose the sign or each face of a two-faced sign.
 - (4) Window signs shall not occupy more than 25% percent of the window area.
 - (5) Where one or more commercial establishments is accessed from Main Street, Newtown Lane or Park Place, but lacks frontage on any of those streets, a directory sign shall be permitted on the side of the building next to the street or streets from which access is taken. The directory sign may contain the name of a building or alleyway, one nameplate for each business and a directional arrow. Nameplates shall display the name of the business only. The total area of the directory sign, including the signboard, all trim, building name, place name, directional information and all business names shall not exceed two square feet per business. Directory signs shall be uniform in color and design. The area of the directory sign shall be subtracted from the allowable sign area of the storefront to which it is affixed. **[Added 1-20-2012 by L.L. No. 1-2012]**

C. Permits for signs.

- (1) Permanent signs.
 - (a) No person, firm or corporation shall erect, post, affix or maintain any sign, except as specifically permitted by this section, unless a permit has been granted therefor pursuant to Chapter 121 of this Code.
 - (b) A permit shall be granted for any sign or awning complying with the provisions of this section upon submission to the Building and Zoning Code Enforcement Officer of a completed application together with a fee of \$25. **[Amended 10-2-1991 by L.L. No. 10-1991; 9-18-1998 by L.L. No. 16-1998]**
 - (c) Every application for a sign permit shall be in writing, signed by the applicant, and shall be accompanied by a plan, in duplicate, showing the following:
 - [1] The size of the sign.
 - [2] The width of the structure on which the sign is to be located.
 - [3] The color, lighting, if any, and location of the sign.
 - [4] The type of construction and the method of attachment, both of which are subject to the approval of the Building Inspector.
- (2) Temporary signs. **[Amended 7-30-1993 by L.L. No. 10-1993]**

- (a) Permits shall be issued without a fee for temporary signs for public benefit, provided that such temporary signs shall not exceed an area of 32 square feet and shall not be maintained for a period exceeding 20 days.
 - (b) Said permits shall be issued by the Building Inspector upon written application indicating the nature and number of signs proposed.
- (3) Exceptions. The following signs shall be permitted without a permit, but may not be placed in any road, roadway right-of-way or on any other public property except as provided in § 250-9A: **[Amended 6-15-1990 by L.L. No. 5-1990; 3-15-1991 by L.L. No. 4-1991; 7-31-1991 by L.L. No. 7-1991; 7-30-1993 by L.L. No. 10-1993]**
- (a) Real estate signs. No more than one real estate sign may be placed within the boundaries of a lot that is for sale or rent, unless the lot to be sold or rented has no street frontage, in which case the sign may be placed within the area of a privately owned access easement. The sign shall have a maximum area of 18 inches by 18 inches and may have lettering on only one side. No objects shall be appended to the sign. It shall be posted parallel to the street. The top of the sign shall be posted at a height of not more than three feet above finished grade, including posts and frame, unless, in the case of commercial premises, it is posted in a window. The sign must be removed no later than the date of the transfer of the property. **[Amended 10-18-2002 by L.L. No. 18-2002; 6-15-2007 by L.L. No. 8-2007; 3-16-2012 by L.L. No. 4-2012¹⁰⁹]**
 - (b) Subdivision and acreage signs. For each subdivision or each parcel of land containing more than five acres, one nonilluminated sign not exceeding six square feet in area. These signs shall not be more than three feet in height and they shall only advertise the premises upon which they are placed. **[Amended 2-20-1998 by L.L. No. 3-1998]**
 - (c) Professional signs. These signs may not exceed two square feet in area and shall only bear the name and profession of the resident practitioner.
 - (d) Educational or religious institutional signs. These signs may not exceed 16 square feet in area and shall only indicate the name and address of the institution, together with other pertinent information.
 - (e) One sign per property announcing that the property on which the sign is posted is protected by a security system, provided that said sign does not exceed one square foot in size.
 - (f) Builder's, contractor's and landscaper's sign. For each lot for which a building permit has been issued and is in effect, one sign announcing or listing the builders, contractors, landscapers, subcontractors and material suppliers working on the lot pursuant to said building permit may be installed, which shall be one-sided only and may not exceed 18 inches by 18 inches in area, the top of which shall not be more than three feet in

109. Editor's Note: This local law provided that it would take effect upon filing with the Secretary of State but not before 6-1-2012.

height over finished grade, including posts and frame, unless, in the case of commercial premises, it is posted in a window. The sign shall be placed only parallel to the street. Notwithstanding the above, lots situate in the Historic District (Zone) shall first receive approval of the Design Review Board to erect a builder's or contractor's sign as set forth above. A builder's or contractor's sign shall be removed prior to the earlier of the issuance of a certificate of occupancy or completion of work for the work covered in the permit. **[Amended 6-15-2007 by L.L. No. 8-2007; 3-16-2012 by L.L. No. 4-2012¹¹⁰]**

- (g) Temporary legal notices. **[Amended 3-18-2005 by L.L. No. 10-2005]**
 - (h) House number of residence in compliance with § 104-11E.
 - (i) Names of the residents. For each residence one sign may be erected not exceeding four square feet listing the names of the residents occupying the residence.
 - (j) Decals affixed to windows or doors of commercial premises, provided that such decals do not occupy more than two square feet. **[Added 5-15-1998 by L.L. No. 6-1998]**
 - (k) Window signs on commercial premises pertaining to special sales or special events directly related to the business conducted on the subject premises, provided that such signs are not maintained for more than 21 days in a three-month period and provided that such signs do not, together with permanent window signs on such premises, occupy more than 25% of the window area. **[Added 5-15-1998 by L.L. No. 6-1998]**
 - (l) Signs on commercial premises stating hours of operation, provided that such signs do not occupy more than one square foot. **[Added 5-15-1998 by L.L. No. 6-1998]**
- D. Prohibited signs. **[Amended 1-18-1991 by L.L. No. 1-1991; 7-30-1993 by L.L. No. 10-1993]**
- (1) No sign shall be located on the roof of any structure. **[Amended 3-18-2005 by L.L. No. 10-2005]**
 - (2) No signs shall be flashing, mobile, reflecting or made of cloth. **[Added 5-15-1998 by L.L. No. 7-1998]**
 - (3) The intent of the Village in adopting this subsection is to eliminate all neon and neon-type light from the Village, therefore: **[Added 9-20-1996 by L.L. No. 20-1996]**
 - (a) No sign or window sign of neon or neon-type shall be permitted on the exterior of a building or within a building such that it is directly visible as viewed from a public right-of-way or any area outside the building.

110. Editor's Note: This local law provided that it would take effect upon filing with the Secretary of State but not before 6-1-2012.

- (b) All signs and designs consisting of glass tubing or other tubular arrangements containing gases which when permeated by an electrical charge result in the production of light shall be considered neon type.
 - (c) Neon signs in place as of August 15, 1996, may continue to be maintained, but may not be altered, enlarged, extended, relocated or modified in any way.
- (4) No signs or other advertising structures used to advertise or attract the attention of the public shall be displayed out of doors, except as permitted in this section.
 - (5) No back-lit awnings, whether containing advertising material or signage, shall be permitted.
 - (6) No signs or other advertising structures used to attract the attention of the public shall be located in any public place, road, roadway, right-of-way or on any other public property except as permitted in § 250-9A.
 - (7) Internally illuminated signs. **[Added 5-15-1998 by L.L. No. 7-1998]**
 - (a) No internally illuminated signs shall be permitted. Internally illuminated signs are signs, other than exit signs or others required by law to be internally illuminated, in which there is a source of illumination inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.
 - (b) Lawfully existing internally illuminated signs in place as of March 20, 1998, may continue to be maintained but may not be altered, enlarged, extended, relocated or modified in any way.
 - (c) Internally illuminated vending machines must be located inside a building and must not be visible from the exterior of the building.
- E. Detached and ground signs.
- (1) Detached and ground signs, excepting professional and temporary signs, are permitted in Commercial and Manufacturing-Industrial Districts. Such signs shall not exceed 16 square feet in area, except that both sides of a two-sided sign may have an aggregate area of not more than 24 square feet in area. The calculation of the area of such signs shall include the area of the structure supporting the sign, except that a structure of not more than two posts and one horizontal member (all not greater than five inches by five inches in cross-section), shall be excluded in the area calculation. Such signs shall not exceed eight feet in height above ground level and shall advertise only the business or businesses conducted on the property upon which the sign is located. **[Amended 8-21-1998 by L.L. No. 13-1998; 3-18-2005 by L.L. No. 10-2005]**
 - (2) No business or group of businesses on a single parcel of property shall be allowed more than one detached or ground sign. The square footage of any detached or ground sign shall be debited against the total wall sign surface area permitted pursuant to the provisions of this chapter.¹¹¹ **[Amended 8-21-1998 by L.L. No. 13-1998]**

- F. Marquees and signs thereon. No marquee shall be erected over any public street or sidewalk without the permission of the Board of Trustees as provided in Chapter 250, Streets and Sidewalks, § 250-13. **[Amended 7-30-1993 by L.L. No. 10-1993]**
- G. Awning sign. An awning sign is any visual message incorporated into an awning attached to a building. **[Added 12-15-1995 by L.L. No. 32-1995]**
- (1) No sign shall project from an awning.
 - (2) Awning graphics may be painted or affixed flat to the surface of the front or side valance and shall indicate only the name of the enterprise or premises. No description of products or services, addresses, telephone numbers or the like are permitted.
 - (3) Awning graphics shall be a single line of lettering and shall be debited against the total permitted wall sign surface area. (See § 278-4B.)
- H. Externally illuminated signs. Signs, if illuminated, shall be illuminated only by a white, steady, external, stationary light. The light shall be shielded and directed in such a manner that no glare shall extend beyond the property lines or disturb the vision of passing motorists or constitute a hazard to traffic. **[Added 5-15-1998 by L.L. No. 7-1998]**

§ 278-5. Swimming pools.

- A. Definitions. For the purpose of this section, certain words and terms shall have the following meanings:
- DRAINAGE — All swimming pools shall contain adequate facilities for drainage of said pools. Drainage shall be accomplished with a dry well, or series of dry wells set in sand, which shall be capable of draining the pool within 12 hours and which shall in no event permit or allow overflow of the water from the swimming pool into or onto adjoining properties or streets.
- FENCE — All pool fencing shall comply with all the current requirements of the Uniform Fire Prevention and Building Code of New York State. **[Amended 9-19-2008 by L.L. No. 9-2008; 9-15-2017 by L.L. No. 16-2017]**
- B. Permit required. No swimming pool shall be constructed until a building permit has been issued by the Building Inspector. Upon application for said permit, the applicant shall provide plans and specifications showing the following:
- (1) A fence and proper drainage facilities.
 - (2) The housing of filter units and heating units, if any.
 - (3) The pool shall be staked by a surveyor prior to excavation. **[Added 9-15-2017 by L.L. No. 16-2017]**
- C. No person, firm or corporation shall: **[Added 9-19-2008 by L.L. No. 9-2008]**

111. Editor's Note: Former Subsection E(3), which immediately followed, regarding pylon or pole signs, was repealed 3-18-2005 by L.L. No. 10-2005.

- (1) Permit or allow overflow of the water from the swimming pool into or onto adjoining properties or streets.
- (2) Maintain a swimming pool without the required fencing.
- (3) Maintain pool equipment unless it is fully enclosed.

§ 278-6. Parking requirements. [Amended 2-2-1995 by L.L. No. 5-1995; 2-2-1995 by L.L. No. 6-1995; 2-2-1995 by L.L. No. 7-1995; 2-2-1995 by L.L. No. 8-1995; 2-2-1995 by L.L. No. 9-1995; 2-2-1995 by L.L. No. 10-1995; 2-2-1995 by L.L. No. 11-1995; 3-3-1996 by L.L. No. 7-1996; 12-18-1998 by L.L. No. 21-1998]

- A. Definitions. For the purpose of this section, certain words and phrases shall have the following meanings:

INTENSIFICATION — Any principal or accessory structure or use of a property, which is hereafter introduced, changed, extended, expanded or altered. Intensification shall not include the reconstruction of an existing building; change of use from a nonconforming use to a permitted use; or a change of use to a different permitted use having the same parking requirements.¹¹²**[Amended 8-20-2021 by Ord. No. 25-2021]**

LOADING BERTH — An off-street space sufficient in size to permit the loading and unloading of vehicles and having an area of not less than 480 square feet.

PARKING SPACE — A dust-free, off-street space sufficient in size to accommodate one parked motor vehicle and having an area of not less than 180 square feet.¹¹³

UNIT —

- (1) For the purpose of computing parking in accordance with this section, a "unit" shall be defined as that portion of the gross floor area of a building or structure:
- (2) Set apart by a partition or wall.
- (3) Lawfully existing as a separate place of business.
- (4) Having a separate and dedicated means of egress in compliance with building and fire codes. However, a storage area shall not constitute a "unit."
- (5) For those properties where it is not possible to provide additional parking in accordance with applicable provisions, the gross floor area and number of existing units on each floor shall be maintained or reduced. However, where the owner of property in a commercial or manufacturing district has voluntarily reduced the number of units in a building from the number of units set forth on a certificate of occupancy, the property owner shall retain the right, at a later date, to reinstitute the same number of units authorized by the previously issued certificate of occupancy. **[Amended 12-18-2009 by L.L. No. 14-2009]**

112. Editor's Note: The former definition of "gross floor area," which immediately preceded this definition, was repealed 3-15-2013 by L.L. No. 10-2013. See § 278-1, Definitions.

113. Editor's Note: The former definitions of "special permit, commercial" and "special permit, noncommercial," which immediately followed this definition, were repealed 11-21-2014 by L.L. No. 23-2014.

- (6) The Code Enforcement Officer shall have the authority to render a determination in regard to the application of this definition. Where the criteria of this definition is not adequate to render such a determination, the Code Enforcement Officer shall rely upon such evidence as building permits, certificates of occupancy and on-site inspections as well as building and fire codes. **[Amended 12-18-2009 by L.L. No. 14-2009]**

B. General provisions.

- (1) The requirements of this section shall apply to all nonresidential properties and districts throughout the Village of East Hampton, including any and all properties subject to the issuance of a special permit.
- (2) In the interest of pedestrian and traffic safety and in order to alleviate an undue burden on public streets and minimize traffic congestion, any project which constitutes an intensification as defined herein shall comply with the applicable parking requirements of this section. **[Amended 5-16-2003 by L.L. No. 5-2003; 6-17-2005 by L.L. No. 14-2005; 3-17-2006 by L.L. No. 9-2006; 8-20-2021 by Ord. No. 25-2021]**
- (3) Preexisting nonconforming commercial uses shall comply with the same parking requirements as would otherwise apply to that use were it located in the Commercial or Manufacturing-Industrial District. **[Amended 11-21-2014 by L.L. No. 23-2014]**
- (4) Special permit uses shall be subject to the provision of reasonably adequate and appropriate parking as required by § 278-7D(3)(g). **[Amended 11-21-2014 by L.L. No. 23-2014]**
- (5) Size of parking spaces. Each parking space shall be a minimum of 10 feet in width and 18 feet in length or, at the discretion of the Design Review Board, a minimum of nine feet in width and 20 feet in length.
- (6) On-site circulation. All parking, loading and necessary circulation is to be accommodated on site. All parking spaces and loading berths shall be accessed by adequate driveways and turnarounds. Stacked parking and the use of public rights-of-way for immediate access to parking and loading is expressly not permitted.
- (7) Driveways and turnarounds. Aisles between rows of parking shall be no less than 24 feet wide. Minimum driveway width shall be 10 feet in width for one-way traffic and 20 feet in width for two-way traffic. All uses in the Limited Office District, together with all noncommercial special permit uses, shall be exempt from this requirement.
- (8) Parking on separate properties. Parking requirements for one piece of property may be satisfied by providing equivalent parking space on adjacent or neighboring property within 600 feet, as long as both pieces of property are in identical ownership.
- (9) Handicapped parking.
 - (a) The number of handicapped parking spaces in each parking lot shall be in

accordance with the following table:

Total Spaces on Lot	Handicapped Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20, plus 1% over 1,000

(b) A shopping center or facility having at least five separate retail stores and at least 20 off-street parking spaces shall have a minimum of 5% of such parking spaces for the handicapped or 10 spaces, whichever is less.

(10) Exemptions. A bulk fuel storage tank shall not be deemed a structure for the purposes of this section.

C. Commercial District and Core Commercial District. Where the application of the following requirements results in a fractional number, the required number of spaces will be rounded off to the next highest number. Wherever the parking requirement is based on the number of seats, a seating plan is required to be submitted in connection with any application for a building permit for such premises.

(1) The following requirements shall apply for restaurants, bars, nightclubs, discos, dance halls and places of public assembly:

(a) Restaurants: one parking space per three seats, plus one parking space per employee.

(b) Bars, nightclubs, discos and dance halls: two parking spaces per three seats, Plus one parking space per employee.

(c) Places of public assembly: one parking space per three seats, plus parking space per employee.

(2) Apartments: two parking spaces per apartment.

(3) All other uses permitted in the Commercial District and Core Commercial District shall provide one parking space for each 200 square feet of gross floor area. **[Amended 8-20-2021 by Ord. No. 25-2021]**

D. Manufacturing-Industrial District. **[Amended 2-3-2011 by L.L. No. 2-2010]**

- (1) All uses permitted in the Manufacturing-Industrial District which are also permitted in the Commercial District shall follow the parking requirements for the Commercial District.
- (2) All uses permitted exclusively in the Manufacturing-Industrial District shall provide one parking space per each 300 square feet of gross floor area and one loading berth per each 10,000 square feet of gross floor area, except for repair garages, which shall provide one parking space per each 200 square feet of gross floor area.
- (3) Mixed uses, where one or more element of an enterprise is devoted to a use permitted in the Commercial and Core Commercial Districts and one or more element is devoted to a use permitted solely in the Manufacturing-Industrial District, shall provide the number of parking spaces commensurate with the percentage of gross floor area devoted to each use, except that if any portion of a building is used for retail sales, one parking space for each 200 square feet of gross floor area shall be provided.
- (4) Notwithstanding any other provision of the Code of the Village of East Hampton to the contrary, for any mixed use located within 500 feet of a public mass transportation facility which contains workforce housing, no parking requirement shall be imposed for any gross floor area devoted to the workforce housing. **[Added 8-20-2021 by Ord. No. 25-2021]**

§ 278-7. Board of Appeals; variances; special permits; fees.¹¹⁴

- A. Board continued. The Board of Appeals created by the Board of Trustees, adopted on May 19, 1925, and in continuous existence since that time, is hereby continued. **[Amended 10-2-1991 by L.L. No. 9-1991]**
- (1) The Village Board of Trustees, at any time after the effective date hereof, may appoint to the Zoning Board of Appeals two alternate members.
 - (2) Role of alternate members. Alternate members shall, if appointed, serve in place of any member of the Zoning Board of Appeals who is absent or unable to attend a public hearing of the Zoning Board of Appeals. In the event that one of the alternate members does serve in place of a Board member, said alternate Board member shall serve in place of that Board member for the duration of the application (i.e., from the initial hearing of the concerned application to the ultimate decision and any rehearing thereof), and said alternate Board member shall ultimately cast one vote in connection with that application.
 - (3) Terms of members. The current members of the Zoning Board of Appeals and their terms of office shall continue as heretofore established. In addition, if, after the effective date of this chapter, the Village Board of Trustees shall at any time appoint the two alternate members authorized hereunder, one shall serve for a term of two years, and one shall serve for a term of three years.

¹¹⁴Editor's Note: On March 16, 2007, the Board of Trustees adopted a resolution requiring New York State mandated annual training for all Planning Board, Design Review Board, and Zoning Board of Appeals members. The resolution is on file in the office of the Village Clerk and available for public inspection during regular office hours.

Upon expiration of the terms of all present members and the terms of the two additional members authorized to be appointed hereby, all terms shall be of five years' duration.

- (4) Other. The method of appointment, terms of office and tenure of members shall be as prescribed by § 7-712 of the Village Law, unless and until this section shall have been amended pursuant to the authority of the Village Board of Trustees under the Municipal Home Rule Law.
- B. Jurisdiction. The Board of Appeals shall have jurisdiction to hear and decide the following:
- (1) Appeals. Applications brought by aggrieved persons from interpretations of provisions of this chapter made by the Building Inspector or from other determinations made by him.
 - (2) Interpretations. Applications brought directly to the Board of Appeals by any local agency for interpretations of provisions of this chapter.
 - (3) Variances. Applications brought by persons for variances from the strict application of provisions of this chapter or of Chapter 163 of this Code.
 - (4) Special permits. Applications brought by persons for special permits.
- C. Variances. **[Amended 4-17-1992 by L.L. No. 9-1992; 6-20-1997 by L.L. No. 12-1997]**
- (1) Use variances. "Use variances" shall mean the authorization of the Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this chapter, including but not limited to the conversion of a nonconforming use to a use other than one which is more conforming. **[Amended 11-21-2014 by L.L. No. 21-2014]**
 - (a) No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
 - [2] The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
 - [3] The requested use variance, if granted, will not alter the essential character of the neighborhood.
 - [4] The alleged hardship has not been self-created.
 - (b) The Board of Appeals, in the granting of use variances, shall grant the

minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

- (2) Area variances. "Area variances" shall mean the authorization by the Board of Appeals for the use of land which is not allowed by the dimensional or physical requirements of this chapter.
 - (a) In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board of Appeals shall also consider:
 - [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of the area variance.
 - [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - [3] Whether the requested area variance is substantial.
 - [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of an area variance.
 - (b) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
 - (c) Additional requirements for variances to § 278-6C and D shall be as follows:
 - [1] In addition to the criteria set forth above, the Board of Appeals, before granting a variance from the parking requirements in the business districts, shall also make an affirmative finding that the applicant has demonstrated practical difficulty and that significant economic injury would result from a denial thereof.
 - [2] Every decision of the Zoning Board of Appeals which grants a variance from the parking space requirements of § 278-6C and D for off-street parking shall clearly set forth the nature and extent of the reduction by specifying the number of spaces required to be provided pursuant to said section and the number of spaces required to be provided by the Zoning Board of Appeals, with the difference

constituting the number of spaces for which the variance is granted.

- [3] Every determination granted by the Zoning Board of Appeals which varies the requirements of § 278-6C and D for off-street parking, except for variances from § 278-6C and D granted specifically to allow for the construction of new affordable housing or the conversion of an existing building or a portion of an existing building into an affordable housing unit or units, shall be made subject to a condition requiring the payment to the Village of East Hampton of a sum of \$10,000, or such other amount as the Board of Trustees may hereafter affix by resolution, for each space or part of a space for which a variance is granted, which sum shall constitute a trust fund to be used by the Board of Trustees exclusively for public off-street parking purposes, including the acquisition and improvement of land for such purposes. "Affordable housing," for purposes of this subsection, shall mean housing for which a maximum monthly rental (excluding utilities) does not exceed 120% of the fair-market rent for existing housing promulgated for the Nassau-Suffolk primary metropolitan statistical area and published annually in the Federal Register by the Secretary of the United States Department of Housing and Urban Development. Variances granted from § 278-6C and D to allow the establishment of such affordable housing shall be exempt from payment of the fee otherwise required under this provision, but shall be subject to a condition that restrictions are recorded in the County Clerk's office to ensure the continued use of the premises as affordable housing. **[Amended 1-18-2013 by L.L. No. 3-2013]**
- [4] There is hereby continued a Village of East Hampton Public Off-Street Parking Trust Fund, to be used by the Board of Trustees exclusively for public off-street parking purposes, including the acquisition and improvement of land for such purposes.
- (d) Additional provisions related to applications for the extension, expansion or alteration of a nonconforming use or the buildings or structures related to a nonconforming use. **[Added 11-21-2014 by L.L. No. 21-2014]**
- [1] Applications for the extension or alteration of nonconforming uses and buildings and structures related to such uses and the erection of new buildings and structures on any lots used for nonconforming uses shall comply with the procedures and standards for area variance applications. All such applications, except those related to lots used solely for residential purposes, shall not be deemed complete, and therefore ready for a public hearing, until the Design Review Board has concluded its preliminary review pursuant to Chapter 121 of the Code.
- [2] With respect to a lot improved with a single-family residence which is deemed a nonconforming use solely because the lot is also improved with no more than one other building that might otherwise be characterized as an accessory building if it did not contain

cooking and/or sleeping facilities, no variance relief shall be required for the proposed extension or alteration of the principal single-family residence, as long as the single-family residence and the proposed expansion conform with all dimensional requirements. This exemption also applies to the construction of new accessory buildings and structures on such a lot, as long as they are permitted in the district and conform to all dimensional requirements. This exemption does not apply to any structures on a lot improved with more than one single-family residence, each of which may be occupied lawfully by separate, independent families, nor does it apply to the extension, expansion or alteration of a building containing sleeping or cooking facilities other than the principal one-family residence on the lot.

- [3] No variance shall be granted to permit the introduction of any outdoor use, including outdoor dining, to a preexisting nonconforming commercial use in a residential district, or to permit the expansion or extension of any such outdoor use, and any variance granted to permit the reconstruction or alteration of any such lawfully existing outdoor use shall not exceed 100% of the lawfully preexisting area of such outdoor use.

D. Special permits.

- (1) The Board of Appeals, as lead agency pursuant to the State Environmental Quality Review Act, upon application after due notice and public hearing, may issue special permits for the following uses which are allowed by special permit only. Any such application for a special permit shall not be deemed complete, and therefore ready for a public hearing, until the Design Review Board has concluded its preliminary review pursuant to Chapter 121 of the East Hampton Village Code. A special permit shall be required for: **[Amended 11-19-1993 by L.L. No. 23-1993; 10-18-1996 by L.L. No. 21-1996; 2-17-2006 by L.L. No. 5-2006; 1-18-2008 by L.L. No. 2-2008; 9-19-2008 by L.L. No. 11-2008; 10-1-2009 by L.L. No. 10-2009; 7-29-2011 by Ord. No. 7-2011; 7-31-2012 by L.L. No. 21-2012; 11-21-2014 by L.L. No. 21-2014]**
- (a) The conversion of an existing nonconforming use and the buildings or structures related to such use into a use more conforming, except that the conversion of an existing nonconforming use to a multiple-dwelling use, including but not limited to condominium or cooperative units, shall not be considered more conforming.
- (b) The construction, extension, conversion or alteration of public, private, institutional and charitable uses, including schools, public libraries, museums, churches, parish houses and Sunday school buildings, the buildings of membership clubs devoted to outdoor sports and social and recreational buildings and premises and soldiers' or sailors' memorial buildings, except those for which a chief activity is one customarily carried on as a gainful business, and public or charitable buildings not of a correctional nature.

- (2) Before issuing a special permit, the Board of Appeals must find that the proposed use will not:
- (a) Prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.
 - (b) Prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located or of permitted or legally established uses in adjacent use districts.
 - (c) Adversely affect the safety, health, welfare, comfort, convenience or order of the Village and will be in harmony with the general purposes of this Code and the Village's Comprehensive Plan. **[Amended 3-15-2002 by L.L. No. 4-2002]**
- (3) Before issuing a special permit, the Board of Appeals shall give consideration to:
- (a) The character of the existing and probable development of uses of the district and the suitability of the proposed use within that district.
 - (b) The desire to conserve property values and to encourage the most appropriate uses of land.
 - (c) The effect that the proposed use may have upon vehicular traffic congestion on public streets or highways.
 - (d) ¹¹⁵Whether the proposed use or materials incident thereto or produced thereby may give off obnoxious gases, odors, smoke or soot.
 - (e) Whether the proposed use will cause disturbing emissions of electrical discharges, dust, light, vibration or noise.
 - (f) Whether the operations in pursuance of the proposed use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing or if proposed by the Village or by another competent governmental agency.
 - (g) The necessity for bituminous-surfaced space for purposes of off-street parking of vehicles incidental to the proposed use and whether such space is reasonably adequate and appropriate and can be furnished by the owner of the plot sought to be used within or adjacent to the plot wherein the proposed use shall be made.
 - (h) Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason of or as a result of the proposed use or by the structures to be used therefor or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon said plot.

115. Editor's Note: Former Subsection D(3)(d), which required giving consideration to the availability of adequate facilities for the treatment, removal or discharge of sewage, refuse or other effluent, was repealed 2-17-2006 by L.L. No. 5-2006. Said local law also provided for the redesignation of Subsection D(3)(e) through (l) as Subsection D(3)(d) through (k).

- (i) Whether the proposed use or the structure to be used therefor will cause an overcrowding of the land or undue concentration of the population.
 - (j) Whether the plot area is sufficient, appropriate and adequate for the proposed use and the reasonably anticipated operation and expansion thereof.
 - (k) Whether the proposed use to be operated is unreasonably near to a church, school, theater, recreational area or any other place of public assembly.
- (4) In granting special permits, the Board of Appeals shall impose such conditions and safeguards as it may deem appropriate in preserving and protecting the spirit and objectives of this Code.
- (5) All special permits granted pursuant to this section shall be conditioned upon review by the Design Review Board in conformance with Chapter 121 of the East Hampton Village Code. **[Added 4-17-1992 by L.L. No. 9-1992; amended 10-18-1996 by L.L. No. 22-1996; 11-21-2014 by L.L. No. 21-2014]**
- E. Fees and other submission requirements. **[Amended 10-2-1991 by L.L. No. 12-1991; 9-18-1998 by L.L. No. 15-1998; 2-17-2006 by L.L. No. 6-2006; 7-31-2014 by L.L. No. 14-2014]**
- (1) All applications or appeals to the Board of Appeals shall be accompanied by a fee payable to the Incorporated Village of East Hampton, in an amount which shall be fixed from time to time by resolution of the Board of Trustees. **[Amended 2-16-2018 by L.L. No. 4-2018]**
 - (2) A stormwater pollution prevention plan (SWPPP), where required pursuant to Chapter 248, shall be required for approval of a coastal erosion management permit. The SWPPP shall meet the performance and design criteria and standards of Chapter 248, and the coastal erosion hazard area permit shall be consistent with the provisions of Chapter 248 of the Code.
- F. Administration of applications. The following Boards shall administer the following applications of this Code:
- (1) Design Review Board:
 - (a) Chapter 121, Design and Site Plan Review.
 - (b) Chapter 176, Preservation of Historic Areas.
 - (c) Chapter 278, Zoning.
 - [1] Sign permits.
 - [2] Uses in Limited Office District.
 - [3] Site plan review of special permit applications for nonresidential uses in residential districts.
 - (2) Planning Board:

- (a) Chapter 42, Planning Board.
- (b) Chapter 252, Subdivision of Land.
- (3) Zoning Board of Appeals:
 - (a) Chapter 101, Coastal Erosion Hazard Areas.
 - (b) Chapter 124, Preservation of Dunes.
 - (c) Chapter 160, Flood Damage Prevention.
 - (d) Chapter 163, Freshwater Wetlands. If an application is being administered by another agency and requires a permit pursuant to Chapter 163, that other agency shall have the responsibility of issuing the freshwater wetlands permit.

§ 278-8. Amendments.

- A. The Board of Trustees of the Village of East Hampton may from time to time, after public notice and hearing, amend, supplement or change these regulations or districts as provided by statute.
- B. (Reserved)¹¹⁶

§ 278-9. Penalties for offenses. [Amended 4-17-1992 by L.L. No. 9-1992]

- A. Violations. Where a violation of any provision of this chapter, including the terms or conditions of a Village board or department or official agency approval granted hereunder, the duly adopted rules of a Village board or department or official agency adopted hereunder, or a violation of any covenant or condition imposed by the Village Board of Trustees, the Zoning Board of Appeals, the Planning Board or the Design Review Board as a condition of any change of zone, permit, special permit, variance, grant, subdivision approval, certificate of appropriateness, site plan or design approval, or any other similar law, rule or regulation which is expressly and specifically incorporated by reference herein has been committed or shall exist, the owner and the agent or contractor of the building, structure or lot where such violation has been committed or shall exist, the lessee or tenant of the part of or the entire building, structure or lot where such violation has been committed or shall exist and the agent, architect, contractor, surveyor or any other person who takes part or assists in such violation or who maintains any building, structure or lot in which any such violation shall exist shall be guilty of a violation of this chapter. [Amended 7-27-2007 by L.L. No. 9-2007]
- B. A violation of the provisions of § 278-4C(3)(a) and § 278-5C of this chapter shall be punishable as follows: [Added 4-20-2015 by L.L. No. 10-2015¹¹⁷]
 - (1) A person or entity charged with any violation of the sections listed above shall be required to appear or answer within 15 days of the issuance of a ticket, and

116. Editor's Note: Former Subsection B, regarding applicability of amendments on pending applications, amended 5-20-2005 by L.L. No. 12-2005, was repealed 4-5-2007 by L.L. No. 2-2007.

117. Editor's Note: This local law also redesignated former Subsections B, C and D as Subsections C, D and E, respectively.

shall be subject to a minimum fine of \$150.

- (2) Upon the failure to answer or appear on the return date or any subsequent adjourned date or to pay the fine when due, a late penalty of \$75 shall be added to the minimum fine.
- (3) Upon the failure to pay the fine within 60 days of the issuance of a ticket, a late penalty of \$150 shall be added to the minimum fine.
- (4) Upon the failure to pay the fine within 90 days of its due date, a late penalty of \$200 shall be added to the minimum fine.

C. Criminal penalties.

- (1) Persons found guilty of a violation of any other provision this chapter or any covenant or condition imposed by the Village Board of Trustees, the Zoning Board of Appeals, the Planning Board or the Design Review Board as a condition of any change of zone, permit, special permit, variance, grant, subdivision approval, certificate of appropriateness, site plan or design approval shall be subject to: **[Amended 7-27-2007 by L.L. No. 9-2007; 4-20-2015 by L.L. No. 10-2015]**
 - (a) For the first offense within a period of 12 months, a fine not to exceed \$500 or imprisonment for not more than 15 days, or both, for each and every such violation.
 - (b) For the second offense within a period of 12 months, a fine not to exceed \$1,000 or imprisonment for not more than 15 days, or both, for each and every such violation.
 - (c) For a third offense within a period of 12 months, a fine of not more than \$1,500 or less than \$1,000 or imprisonment for not more than six months, or both, for each and every such violation.
- (2) After the date on which the Code Enforcement Officer or other Village official having jurisdiction shall have notified such person of any such violation, each week's continued violation shall constitute a separate and distinct additional violation for all purposes hereof.

- D. Administrative penalty. In addition to any other remedy available hereunder for violations of this chapter, in those cases where the Building Inspector shall have determined a violation to exist and shall have provided written notice of the same to one or more persons responsible under Subsection A hereof, after a period of 90 days shall have elapsed and said violation shall have continued to exist, the Building Inspector may certify the violation, in writing, to all other local agencies responsible for the issuance of approvals and permits hereunder. Such certification shall set forth the owner of the property on which the violation is located and the name of the person committing or maintaining the alleged violation and responsible for the same under Subsection A hereof, if other than the owner and known to the Building Inspector, the nature of the violation and the efforts made by the Building Inspector to obtain compliance. After receipt of any such certification of violation, no local agency, including the Building Inspector, shall accept, determine to be

complete or otherwise process or further process any application for approval made for such identified property or by any such identified person or persons or by any partnership, corporation or other organizational applicant of which any such identified person is an associate, partner or majority shareholder. Every such application shall be deemed to be defective, incomplete and not suitable for processing by the local agency, and any time period for such processing or for action on the application which is contained in the Village Law or in this chapter shall be deemed tolled for all purposes. This subsection shall not apply to an application brought to the Board of Appeals for an interpretation or for a variance which would remove or render legal the alleged violation. Upon removal of the violation or the granting of a variance therefor by the Board of Appeals or upon the dismissal by a competent court of all charges which may have been brought by the Building Inspector against such person as a named defendant in relation to such violation or upon acquittal of the defendant by such court, the Building Inspector shall immediately revoke the certification of violation previously issued and notify all local agencies, in writing, of the same, at which time the disability imposed hereunder shall be removed.

- E. Other remedies. In addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken by the Village of East Hampton to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, change, demolition, razing, moving, maintenance or use of any building, structure, lot or land or any activity in violation of this chapter or any covenant or condition imposed by the Village Board of Trustees, the Zoning Board of Appeals, the Planning Board or the Design Review Board as a condition of any change of zone, permit, special permit, variance, grant, subdivision approval, certificate of appropriateness, site plan or design approval being undertaken or carried out therein or thereon; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure, or lot; or to prevent any illegal act, conduct, business, trade or use in or about such premises. **[Amended 7-27-2007 by L.L. No. 9-2007]**

Derivation Table

Chapter DT

DERIVATION TABLE

Disposition List

Chapter DL**DISPOSITION LIST****§ DL-1. Disposition of legislation.**

Local Law	Adoption		
Number	Date	Subject	Disposition
1-2003	3-21-2003	Zoning amendment	Ch. 278
2-2003	3-21-2003	Zoning amendment	Ch. 278
3-2003	4-16-2003	Code enforcement administration amendment	Ch. 104
4-2003	5-1-2003	Vehicles and traffic amendment	Ch. 267
5-2003	5-16-2003	Zoning amendment	Ch. 278
6-2003	6-20-2003	Vehicles and traffic amendment	Ch. 267
7-2003	7-31-2003	Adoption of Code	Ch. 1, Art. I
8-2003	8-15-2003	Vehicles and traffic amendment	Ch. 267
9-2003	8-15-2003	Design and site plan review amendment	Ch. 121
10-2003	8-15-2003	Vehicles and traffic amendment	Ch. 267
11-2003	9-19-2003	Vehicles and traffic amendment	Ch. 267
12-2003	10-17-2003	Design and site plan review amendment	Ch. 121
13-2003	10-17-2003	Taxation amendment	Ch. 256
14-2003	11-21-2003	Vehicles and traffic amendment	Ch. 267
1-2004	2-20-2004	Vehicles and traffic amendment	Ch. 267
2-2004	2-20-2004	Vehicles and traffic amendment	Ch. 267
3-2004	4-16-2004	Code enforcement amendment	Ch. 104
4-2004	4-16-2004	Outdoor lighting	Ch. 188
5-2004	4-16-2004	Vehicles and traffic amendment	Ch. 267
6-2004	6-18-2004	Vehicles and traffic amendment	Ch. 267

Local Law	Adoption		
Number	Date	Subject	Disposition
7-2004	6-18-2004	Zoning amendment	Ch. 278
8-2004	6-18-2004	Vehicles and traffic amendment	Ch. 267
9-2004	7-30-2004	Disabilities accommodation	Ch. 104, Art. II
10-2004	7-30-2004	Vehicles and traffic amendment	Ch. 267
11-2004	7-30-2004	Vehicles and traffic amendment	Ch. 267
12-2004	8-17-2004	Vehicles and traffic amendment	Ch. 267
13-2004	8-17-2004	Vehicles and traffic amendment	Ch. 267
14-2004	8-17-2004	Vehicles and traffic amendment	Ch. 267
15-2004	8-17-2004	Vehicles and traffic amendment	Ch. 267
16-2004	8-17-2004	Vehicles and traffic amendment	Ch. 267
17-2004	9-2-2004	Vehicles and traffic amendment	Ch. 267
18-2004	10-15-2004	Vehicles and traffic amendment	Ch. 267
19-2004	11-8-2004	Zoning amendment	Ch. 278
20-2004	11-19-2004	Vehicles and traffic amendment	Ch. 267
1-2005	1-21-2005	Noise amendment	Ch. 196
2-2005	1-21-2005	Vehicles and traffic amendment	Ch. 267
3-2005	2-18-2005	Zoning amendment	Ch. 278
4-2005	2-18-2005	Vehicles and traffic amendment	Ch. 267
5-2005	2-18-2005	Vehicles and traffic amendment	Ch. 267
6-2005	3-18-2005	Code of Ethics amendment	Ch. 18
7-2005	3-18-2005	Zoning amendment	Ch. 278
8-2005	3-18-2005	Vehicles and traffic amendment	Ch. 267

Local Law Number	Adoption Date	Subject	Disposition
9-2005	4-15-2005	Vehicles and traffic amendment	Ch. 267
10-2005	3-18-2005	Zoning amendment	Ch. 278
11-2005	5-20-2005	Streets and sidewalks amendment	Ch. 250
12-2005	5-20-2005	Zoning amendment	Ch. 278
13-2005	6-17-2005	Zoning amendment	Ch. 278
14-2005	6-17-2005	Zoning amendment	Ch. 278
15-2005	7-1-2005	Zoning amendment	Ch. 278
16-2005	8-19-2005	Repeal of Introductory No. 14-2005 (Village-wide speed limit of 25 miles per hour)	NCM
17-2005	9-16-2005	Vehicles and traffic amendment	Ch. 267
18-2005	9-16-2005	Vehicles and traffic amendment	Ch. 267
19-2005	10-21-2005	Building construction amendment	Ch. 104, Art. I
20-2005	11-18-2005	Vehicles and traffic amendment	Ch. 267
21-2005	11-18-2005	Vehicles and traffic amendment	Ch. 267
22-2005	12-16-2005	Outdoor lighting amendment	Ch. 188
1-2006	2-17-2006	Vehicles and traffic amendment	Ch. 267
2-2006	2-17-2006	Streets and sidewalks amendment	Ch. 250
3-2006	2-17-2006	Design and site plan review amendment	Ch. 121
4-2006	2-17-2006	Design and site plan review amendment	Ch. 121
5-2006	2-17-2006	Zoning amendment	Ch. 278
6-2006	2-17-2006	Zoning amendment	Ch. 278
7-2006	2-17-2006	Design and site plan review amendment	Ch. 121
8-2006	2-17-2006	Subdivision of land amendment	Ch. 252

Local Law	Adoption		
Number	Date	Subject	Disposition
9-2006	3-17-2006	Zoning amendment	Ch. 278
10-2006	4-21-2006	Building construction amendment	Ch. 104, Art. I
11-2006	5-19-2006	Vehicles and traffic amendment	Ch. 267
12-2006	10-20-2006	Design and site plan review amendment	Ch. 121
13-2006	11-17-2006	Vehicles and traffic amendment	Ch. 267
14-2006	11-17-2006	Vehicles and traffic amendment	Ch. 267
15-2006	12-15-2006	Garage sales amendment	Ch. 167
16-2006	12-15-2006	Beach regulations amendment	Ch. 77, Art. I
17-2006	12-15-2006	Mass assemblages amendment	Ch. 71
1-2007	1-2-2007	Vehicles and traffic amendment	Ch. 267
Res.	3-16-2007	Planning Board amendment; design and site plan review amendment; zoning amendment	Ch. 42 (footnote only); Ch. 121 (footnote only); Ch. 278 (footnote only)
2-2007	4-5-2007	Zoning amendment	Ch. 278
3-2007	4-20-2007	Subdivision of land amendment	Ch. 252
4-2007	5-18-2007	Vehicles and traffic amendment	Ch. 267, Arts. I and VIII
5-2007	5-18-2007	Design and site plan review amendment	Ch. 121
6-2007	5-18-2007	Mass assemblages amendment	Ch. 71
7-2007	6-15-2007	Vehicles and traffic amendment	Ch. 267, Art. I
8-2007	6-15-2007	Zoning amendment	Ch. 278
9-2007	7-27-2007	Zoning amendment	Ch. 278
10-2007	7-27-2007	Code enforcement administration: building construction amendment	Ch. 104, Art. I

Local Law Number	Adoption Date	Subject	Disposition
11-2007	7-27-2007	Design and site plan review amendment	Ch. 121
12-2007	7-27-2007	Design and site plan review amendment	Ch. 121
13-2007	7-27-2007	Subdivision of land amendment	Ch. 252
14-2007	7-27-2007	Planning Board amendment	Ch. 42
15-2007	7-27-2007	Preservation of historic areas amendment	Ch. 176
16-2007	7-27-2007	Vehicles and traffic amendment	Ch. 267, Art. I
17-2007	8-17-2007	Vehicles and traffic amendment	Ch. 267, Art. I
18-2007	10-19-2007	Vehicles and traffic amendment	Ch. 267, Art. I
19-2007	10-19-2007	Vehicles and traffic amendment	Ch. 267, Art. I
20-2007	11-16-2007	Vehicles and traffic amendment	Ch. 267, Art. I
Res.	11-16-2007	Preservation of historic areas amendment	Ch. 176, table only
1-2008	1-18-2008	Zoning amendment	Ch. 278
2-2008	1-18-2008	Zoning amendment	Ch. 278
3-2008	3-14-2008	Zoning amendment	Ch. 278
4-2008	5-16-2008	Zoning amendment	Ch. 278
5-2008	6-20-2008	Zoning amendment	Ch. 278
6-2008	6-20-2008	Code enforcement administration: building construction amendment	Ch. 104, Art. I
7-2008	7-31-2008	Zoning amendment	Ch. 278
8-2008	8-22-2008	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
9-2008	9-19-2008	Zoning amendment	Ch. 278
10-2008	9-19-2008	Filming amendment	Ch. 142
11-2008	9-19-2008	Zoning amendment	Ch. 278
12-2008	11-21-2008	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I

Local Law Number	Adoption Date	Subject	Disposition
13-2008	12-19-2008	Solid waste: garbage and rubbish amendment	Ch. 246, Art. I
14-2008	12-19-2008	Streets and sidewalks amendment	Ch. 250
1-2009	3-20-2009	Zoning amendment	Ch. 278
2-2009	3-20-2009	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
3-2009	4-17-2009	Zoning amendment	Ch. 278
4-2009	4-17-2009	Zoning amendment	Ch. 278
5-2009	4-17-2009	Streets and sidewalks amendment	Ch. 250
6-2009	4-17-2009	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
7-2009	7-31-2009	Flood damage prevention amendment	Ch. 160
8-2009	7-31-2009	Vehicles and traffic: Main Street - Pantigo Road amendment	Ch. 267, Art. VIII
9-2009	8-21-2009	Zoning amendment	Ch. 278
10-2009	10-1-2009	Zoning amendment	Ch. 278
11-2009	10-16-2009	Zoning amendment	Ch. 278
12-2009	10-22-2009	Preservation of dunes amendment	Ch. 124
13-2009	12-18-2009	Zoning amendment	Ch. 278
14-2009	12-18-2009	Zoning amendment	Ch. 278
15-2009	12-18-2009	Zoning amendment	Ch. 278
1-2010	1-15-2010	Beach regulations amendment	Ch. 77, Art. I
2-2010	1-15-2010	Alarm systems amendment	Ch. 62
3-2010	4-16-2010	Flood damage prevention amendment	Ch. 160
4-2010	4-16-2010	Zoning amendment	Ch. 278
5-2010	6-3-2010	Streets and sidewalks amendment	Ch. 250
6-2010	6-18-2010	Zoning amendment	Ch. 278
7-2010	6-18-2010	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I

Local Law Number	Adoption Date	Subject	Disposition
8-2010	6-18-2010	Design and site plan review amendment	Ch. 121
9-2010	7-1-2010	Noise amendment	Ch. 196
10-2010	7-30-2010	2010 Retirement Incentive Program	NCM
11-2010	9-17-2010	Zoning amendment	Ch. 278
12-2010	10-15-2010	Noise amendment	Ch. 196
13-2010	11-19-2010	Subdivision of land amendment	Ch. 252
1-2011	1-21-2010	Zoning amendment	Ch. 278
2-2011	2-3-2011	Zoning amendment	Ch. 278
3-2011	4-15-2011	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
4-2011	4-15-2011	Peace and good order amendment	Ch. 211
5-2011	5-20-2011	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
6-2011	7-29-2011	Retail checkout bags	Ch. 231, Art.I
7-2011	7-29-2011	Zoning amendment	Ch. 278
8-2011	11-18-2011	Mass assemblies amendment	Ch. 71
9-2011	12-1-2011	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
10-2011	12-16-2011	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
11-2011	12-16-2011	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
1-2012	1-20-2012	Zoning amendment	Ch. 278
2-2012	1-20-2012	Zoning amendment	Ch. 278
3-2012	3-16-2012	Zoning amendment	Ch. 278
4-2012	3-16-2012	Zoning amendment	Ch. 278
5-2012	3-16-2012	Tax levy limit override	NCM
6-2012	5-18-2012	Zoning amendment	Ch. 278
7-2012	5-18-2012	Code enforcement administration: building construction amendment	Ch. 104, Art. I
8-2012	5-18-2012	Code enforcement administration: building construction amendment	Ch. 104, Art. I

Local Law	Adoption		
Number	Date	Subject	Disposition
9-2012	5-18-2012	Zoning amendment	Ch. 278
10-2012	6-7-2012	Zoning amendment	Ch. 278
11-2012	6-15-2012	Preservation of historic areas amendment	Ch. 176
12-2012	6-15-2012	Design and site plan review amendment	Ch. 121
13-2012	6-15-2012	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
14-2012	6-15-2012	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
15-2012	6-15-2012	Vehicles and traffic: general regulations amendment; Main Street - Pantigo Road amendment	Ch. 267, Arts. I and VIII
16-2012	6-15-2012	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
17-2012	6-15-2012	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
18-2012	6-15-2012	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
19-2012	6-15-2012	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
20-2012	7-31-2012	Coastal erosion hazard areas amendment	Ch. 101
21-2012	7-31-2012	Zoning amendment	Ch. 278
22-2012	10-19-2012	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
23-2012	10-19-2012	Zoning amendment	Ch. 278
24-2012	11-16-2012	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
25-2012	11-16-2012	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
26-2012	12-21-2012	Zoning amendment	Ch. 278
1-2013	1-18-2013	Zoning amendment	Ch. 278
2-2013	1-18-2013	Preservation of historic areas amendment	Ch. 176
3-2013	1-18-2013	Zoning amendment	Ch. 278

Local Law Number	Adoption Date	Subject	Disposition
4-2013	1-18-2013	Stormwater management and erosion and sediment control	Ch. 248
5-2013	1-18-2013	Subdivision of land amendment	Ch. 252
6-2013	1-18-2013	Design and site plan review amendment	Ch. 121
Res. No. 5-2013	1-18-2013	Timber-frame landmarks, 1700-1850	Ch. 176, table only
7-2013	2-15-2013	Zoning amendment	Ch. 278
8-2013	2-15-2013	Zoning amendment	Ch. 278
9-2013	3-15-2013	Code enforcement administration: building construction amendment	Ch. 104, Art. I
10-2013	3-15-2013	Zoning amendment	Ch. 278
11-2013	4-19-2013	Zoning amendment	Ch. 278
12-2013	5-2-2013	Tax levy limit override	NCM
13-2013	5-17-2013	Beach regulations amendment	Ch. 77, Art. I
14-2013	6-6-2013	Zoning amendment	Ch. 278
15-2013	7-31-2013	Mass assemblages amendment	Ch. 71
16-2013	7-31-2013	Zoning amendment	Ch. 278
17-2013	8-16-2013	Mass assemblages amendment	Ch. 71
18-2013	8-16-2013	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
19-2013	8-16-2013	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
20-2013	10-18-2013	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
21-2013	10-18-2013	Zoning amendment	Ch. 278
22-2013	11-15-2013	Information security breach notification	Ch. 24
23-2013	11-15-2013	Zoning amendment	Ch. 278
1-2014	2-6-2014	Police: disciplinary hearing procedures	Ch. 219, Art. I

Local Law Number	Adoption Date	Subject	Disposition
2-2014	4-17-2014	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
3-2014	4-17-2014	Noise amendment	Ch. 196
4-2014	5-1-2014	Tax levy limit override 2014-2015	NCM
5-2014	5-16-2014	Zoning amendment	Ch. 278
6-2014	5-16-2014	Solid waste: garbage and rubbish amendment	Ch. 246, Art. I
7-2014	6-20-2014	Shopping carts amendment	Ch. 235
8-2014	7-1-2014	Storm sewers	Ch. 247
9-2014	7-31-2014	Zoning amendment	Ch. 278
10-2014	7-31-2014	Stormwater management and erosion and sediment control amendment	Ch. 248
11-2014	7-31-2014	Freshwater wetlands amendment	Ch. 163
12-2014	7-31-2014	Animals: wildfowl	Ch. 68, Art. II
13-2014	7-31-2014	Coastal erosion hazard areas amendment	Ch. 101
14-2014	7-31-2014	Zoning amendment	Ch. 278
15-2014	8-15-2014	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
16-2014	8-15-2014	Preservation of dunes amendment	Ch. 124
17-2014	8-15-2014	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
18-2014	10-17-2014	Mass assemblages amendment	Ch. 71
19-2014	10-17-2014	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
20-2014	11-21-2014	Streets and sidewalks amendment	Ch. 250
21-2014	11-21-2014	Zoning amendment	Ch. 278
22-2014	11-21-2014	Zoning amendment	Ch. 278
23-2014	11-21-2014	Zoning amendment	Ch. 278
24-2014	12-19-2014	Streets and sidewalks amendment	Ch. 250

Local Law Number	Adoption Date	Subject	Disposition
25-2014	12-19-2014	Vehicles and traffic amendment	Ch. 267, Art. I
1-2015	2-5-2015	Environmental quality review amendment	Ch. 133
2-2015	2-5-2015	Subdivision of land amendment	Ch. 252
3-2015	4-20-2015	Beaches: beach regulations amendment	Ch. 77, Art. I
4-2015	4-20-2015	Garage sales amendment	Ch. 167
5-2015	4-20-2015	Noise amendment	Ch. 196
6-2015	4-20-2015	Peace and good order amendment	Ch. 211
7-2015	4-20-2015	Peddling and soliciting amendment	Ch. 214
8-2015	4-20-2015	Solid waste: garbage and rubbish amendment	Ch. 246, Art. I
9-2015	4-20-2015	Streets and sidewalks amendment	Ch. 250
10-2015	4-20-2015	Zoning amendment	Ch. 278
11-2015	5-15-2015	Tax levy limit override	NCM
12-2015	5-15-2015	Environmental quality review amendment	Ch. 133
13-2015	6-19-2015	Zoning amendment	Ch. 278
14-2015	6-19-2015	Zoning amendment	Ch. 278
15-2015	6-19-2015	Zoning amendment	Ch. 278
16-2015	6-19-2015	Zoning amendment	Ch. 278
17-2015	6-19-2015	Zoning amendment	Ch. 278
18-2015	9-18-2015	Zoning amendment	Ch. 278
19-2015	9-18-2015	Solid waste: garbage and rubbish amendment	Ch. 246, Art. I
20-2015	11-20-2015	Code enforcement administration: building construction amendment	Ch. 104, Art. I
21-2015	11-20-2015	Alarm systems amendment	Ch. 62
22-2015	12-3-2015	Lighting amendment	Ch. 188
23-2015	12-18-2015	Zoning amendment	Ch. 278
24-2015	12-18-2015	Freshwater wetlands amendment	Ch. 163

Local Law Number	Adoption Date	Subject	Disposition
1-2016	2-19-2016	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
2-2016	2-19-2016	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
3-2016	2-19-2016	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
4-2016	3-18-2016	Solid waste: garbage and rubbish amendment	Ch. 246, Art. I
5-2016	3-18-2016	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
6-2016	4-15-2016	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
7-2016	4-15-2016	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
8-2016	5-5-2016	Code enforcement administration: universal design	Ch. 104, Art. III
9-2016	5-20-2016	Tax levy limit override	NCM
10-2016	7-29-2016	Code enforcement administration: building construction amendment	Ch. 104, Art. I
11-2016	9-16-2016	Licensed occupations and entertainment: licensed occupations amendment	Ch. 185, Art. I
12-2016	10-21-2016	Preservation of historic areas amendment	Ch. 176
13-2016	11-18-2016	Beaches: beach regulations amendment	Ch. 77, Art. I
14-2016	11-18-2016	Beaches: beach regulations amendment	Ch. 77, Art. I
15-2016	11-18-2016	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
16-2016	11-18-2016	Filming amendment	Ch. 142
1-2017	1-20-2017	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
2-2017	1-20-2017	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
3-2017	1-20-2017	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I

Local Law Number	Adoption Date	Subject	Disposition
4-2017	1-20-2017	Taxation amendment	Ch. 256
5-2017	3-2-2017	Zoning amendment	Ch. 278
6-2017	3-2-2017	Zoning amendment	Ch. 278
7-2017	3-17-2017	Mass assemblages amendment	Ch. 71
8-2017	3-17-2017	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
9-2017	4-21-2017	Tax levy limit override	NCM
10-2017	5-19-2017	Village tax sales	Ch. 256, Art. VI
11-2017	6-16-2017	Vehicles and traffic: truck traffic amendment	Ch. 267, Art. X
12-2017	7-31-2017	Zoning amendment	Ch. 278
13-2017	8-18-2017	Freshwater wetlands amendment	Ch. 163
14-2017	9-15-2017	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
15-2017	9-15-2017	Zoning amendment	Ch. 278
16-2017	9-15-2017	Zoning amendment	Ch. 278
17-2017	10-20-2017	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
18-2017	10-20-2017	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
19-2017	10-20-2017	Beaches: beach regulations amendment	Ch. 77, Art. I
20-2017	11-17-2017	Vehicles and traffic: Railroad Avenue amendment	Ch. 267, Art. V
21-2017	11-17-2017	Vehicles and traffic: general regulations amendment	Ch. 267, Art. I
1-2018	2-16-2018	Design and site plan review amendment	Ch. 121
2-2018	2-16-2018	Freshwater wetlands amendment	Ch. 163
3-2018	2-16-2018	Subdivision of land amendment	Ch. 252
4-2018	2-16-2018	Zoning amendment	Ch. 278
5-2018	2-16-2018	Preservation of historic areas amendment	Ch. 176

Local Law Number	Adoption Date	Subject	Disposition
6-2018	2-16-2018	Vehicles and traffic: overnight parking of commercial vehicles	Ch. 267, Art. XI
7-2018	4-20-2018	Mass Assemblages Repealer; Events, Special	Ch. 71, reference only; Ch. 139
8-2018	4-20-2018	Polystyrene Items	Ch. 231, Art. II
9-2018	5-18-2018	Zoning Amendment	Ch. 278
10-2018	5-18-2018	Zoning Amendment	Ch. 278
11-2018	5-18-2018	Tax Levy Limit Override	NCM
12-2018	7-31-2018	Officers and Employees: Residency Requirement Amendment	Ch. 35, Art. I
13-2018	9-21-2018	Retail Checkout Bags, Polystyrene Items and Plastic Straws: Plastic Straws	Ch. 231, Art. III
14-2018	7-31-2018	Officers and Employees: Residency Requirement Amendment	Ch. 35, Art. I
15-2018	10-4-2018	Solid Waste: Garbage and Rubbish Amendment	Ch. 246, Art. I
16-2018	9-21-2018	Peace and Good Order Amendment	Ch. 211
1-2019	12-21-2018	Vehicles and Traffic Amendment	Ch. 267
2-2019	2-7-2019	Sanitary Systems	Ch. 233
3-2019	4-18-2019	Retail Checkout Bags, Polystyrene Items, Plastic Straws and Balloons: Balloons	Ch. 231, Art. IV
4-2019	4-18-2019	Streets and Sidewalks Amendment	Ch. 250
5-2019	5-17-2019	Tax Levy Limit Override	NCM
6-2019	7-31-2019	Licensed Occupations and Entertainment: Landscapers	Ch. 185, Art. III
7-2019	7-31-2019	Noise Amendment	Ch. 196
8-2019	7-31-2019	Zoning Amendment	Ch. 278
9-2019	7-31-2019	Beaches Amendment	Ch. 77
10-2019	7-31-2019	Beaches Amendment	Ch. 77

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
11-2019	8-16-2019	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	86
12-2019	8-16-2019	Vehicles and Traffic: Overnight Parking of Commercial Vehicles Amendment	Ch. 267, Art. XI	86
13-2019	11-15-2019	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	86
1-2020	1-17-2020	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	87
2-2020	4-17-2020	Zoning Amendment	Ch. 278	87
3-2020	4-17-2020	Alarm Systems; Emergency Access Amendment	Ch. 62	87
4-2020	5-15-2020	Tax Levy Limit Override	NCM	87
5-2020	8-21-2020	Solid Waste: Garbage and Rubbish Amendment	Ch. 246, Art. I	87
6-2020	12-18-2020	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	88
1-2021	1-15-2021	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	88
2-2021	1-15-2021	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	88
3-2021	1-15-2021	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	88
4-2021	2-19-2021	Stormwater Management and Erosion and Sediment Control Amendment	Ch. 248	88

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
5-2021	2-19-2021	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	88
6-2021	4-16-2021	Vehicles and Traffic: General Regulations Amendment; Vehicles and Traffic: Railroad Avenue Amendment; Vehicles and Traffic: Off-Street Parking Fee Zone Amendment; Vehicles and Traffic: Truck Traffic Amendment; Vehicles and Traffic: Overnight Parking of Commercial Vehicles Amendment	Ch. 267, Art. I; Ch. 267, Art. V; Ch. 267, Art. IX; Ch. 267, Art. X; Ch. 267, Art. XI	89
7-2021	4-16-2021	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	89
8-2021	4-16-2021	Outdoor Dining, Seasonal	Ch. 201	89
9-2021	4-16-2021	Beaches: Beach Regulations Amendment; Peace and Good Order Amendment	Ch. 77, Art. I; Ch. 211	89
10-2021	4-16-2021	Animals: Dog Control Amendment	Ch. 68, Art. I	89
11-2021	5-21-2021	Streets and Sidewalks Amendment	Ch. 250	89
12-2021	5-21-2021	Streets and Sidewalks Amendment	Ch. 250	89
13-2021	5-21-2021	Tax Levy Limit Override	NCM	89
14-2021	5-21-2021	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	89

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
15-2021	5-21-2021	Vehicles and Traffic: General Regulations Amendment	Ch. 267, Art. I	89
16-2021	6-18-2021	Parks and Recreation: Herrick Park Amendment	Ch. 208, Art. I	90
17-2021	7-30-2021	Licensed Occupations and Entertainment: Caterers	Ch. 185, Art. IV	90
18-2021	7-30-2021	Sanitary Systems	Ch. 233	90
19-2021	8-20-2021	Zoning Amendment	Ch. 278	90
20-2021	8-20-2021	Zoning Amendment	Ch. 278	90
21-2021	8-20-2021	Zoning Amendment	Ch. 278	90
22-2021	8-20-2021	Zoning Amendment	Ch. 278	90
23-2021	8-20-2021	Zoning Amendment	Ch. 278	90
24-2021	8-20-2021	Code Enforcement Administration: Building Construction Amendment	Ch. 104, Art. I	90
25-2021	8-20-2021	Zoning Amendment	Ch. 278	90
26-2021	10-15-2021	Police: Constables	Ch. 219, Art. II	91
27-2021	10-15-2021	Property Maintenance and Nuisance Abatement	Ch. 225	91

