THIS MAY NOT BE THE OFFICIAL AGENDA AS ADDITIONS AND DELETIONS MAY OCCUR.

AGENDA BOARD OF TRUSTEES' MEETING October 21, 2024

5:30 PUBLIC HEARING

To consider the adoption of the Village's Recodified Code.

THESE ARE NOT OFFICIAL MINUTES UNTIL SAME HAVE BEEN APPROVED BY THE MAYOR AND BOARD OF TRUSTEES, AS THEY MAY BE AMENDED OR CORRECTED.

DIRECTIVE

TO: Howard E. Colton, Village Attorney September 10, 2024

FROM: Pamela Walsh Boening, Village Clerk

The following directive is an excerpt from the Minutes of the Board of Trustees Meeting of September 9, 2024:

It was moved by Trustee Squeri, seconded by Deputy Mayor Ellerbe and carried that the following resolution be adopted:

NOTICE OF PUBLIC HEARING

RESOLVED, that the Board of Trustees of the Incorporated Village of Freeport, by virtue of the authority invested by law, shall conduct a public hearing to be duly held on the 23rd day of September 2024, at 5:30 P.M., to consider adoption of the Village's recodified code.

RESOLVED, that the proposed code is available for review on the Village website at www.freeportny.gov.

FURTHER RESOLVED, that the foregoing notice of public hearing shall be entered in the minutes of the Board of Trustees of the Incorporated Village of Freeport, and published in the Freeport Leader and a printed copy thereof posted conspicuously in at least three (3) public places in the Incorporated Village of Freeport, Nassau County, New York.

STATE OF NEW YORK, COUNTY OF NASSAU, VILLAGE OF FREEPORT, ss: I, PAMELA WALSH BOENING, Clerk of the Village of Freeport, Nassau County, New York, do hereby certify that the foregoing is a true and correct copy of said notice duly authorized by the Board of Trustees of the said Village at a meeting of the Said Board of Trustees, calling for a public hearing to be duly held in the Main Conference Room of the Municipal Building of the Village of Freeport, 46 N. Ocean Avenue, Freeport, New York on the 23rd day of September 2024 at 5:30 P.M., and of the whole thereof, as entered upon the minutes of the proceedings of the said Board kept by me as Village Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said Village this 9th day of September 2024.

Pamela Walsh Boening
Village Clerk

Dated: Freeport, New York
September 9, 2024

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	Excused
Trustee Squeri	In Favor
Trustee Sanchez	Excused
Mayor Kennedy	In Favor

---

cc:

X	Auditor	X	Electric Utilities	X	Registrar
X	Assessor	X	Fire Dept.	X	Rec. Center
X	Attorney	X	File	X	Treasurer
X	Bldg. Dept.	X	Personnel	X	Dep. Treasurer
	Board & Comm.	X	Police Dept.	X	Dep. V. Clerk
X	Claims Examiner	X	Publicity		OTHER
X	Comptroller	X	Public Works		
X	Court	X	Purchasing		

EXHIBIT B

NOTICE OF PUBLIC HEARING

RESOLVED, that the Board of Trustees of the Incorporated Village of Freeport, by virtue of the authority invested by law, shall conduct a public hearing to be duly held on the 23rd day of September 2024, at 5:30 P.M., to consider adoption of the Village's recodified code.

RESOLVED, that the proposed code is available for review on the Village website at www.freeportny.gov.

FURTHER RESOLVED, that the foregoing notice of public hearing shall be entered in the minutes of the Board of Trustees of the Incorporated Village of Freeport, and published in the Freeport Leader and a printed copy thereof posted conspicuously in at least three (3) public places in the Incorporated Village of Freeport, Nassau County, New York.

STATE OF NEW YORK, COUNTY OF NASSAU, VILLAGE OF FREEPORT, ss: I, PAMELA WALSH BOENING, Clerk of the Village of Freeport, Nassau County, New York, do hereby certify that the foregoing is a true and correct copy of said notice duly authorized by the Board of Trustees of the said Village at a meeting of the Said Board of Trustees, calling for a public hearing to be duly held in the Main Conference Room of the Municipal Building of the Village of Freeport, 46 N. Ocean Avenue, Freeport, New York on the 23rd day of September 2024 at 5:30 P.M., and of the whole thereof, as entered upon the minutes of the proceedings of the said Board kept by me as Village Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said Village this 9th day of September 2024.

Pamela Walsh Boening
Village Clerk

Dated: Freeport, New York
September 9, 2024

Exhibit C

RICHNER COMMUNICATIONS INC

www.liherald.com

Affidavit of Publication

State Of New York,
Nassau County

Mikala Coleman being duly sworn, deposes and affirms that he/she is the principal clerk of Richner Communications, Inc., publishers of the **Freeport Herald ,** a weekly newspaper published and mailed in the County of Nassau and which has been designated by the County as a newspaper of record for said County and that the notice AD# **148926** of which the annexed is a true copy was published in this newspaper on the following dates:

9/12

Mikala Coleman

Subscribed and sworn to before me this, September 12, 2024

Notary Signature

Inc. Village Of Freeport

Erin M Neeson
NOTARY PUBLIC, STATE OF NEW YORK
No. 01NE0016610
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES 11/18/27

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
RESOLVED, that the Board of Trustees of the Incorporated Village of Freeport, by virtue of the authority invested by law, shall conduct a public hearing to be duly held on the 23rd day of September 2024, at 5:30 P.M., to consider adoption of the Village's recodified code.
RESOLVED, that the proposed code is available for review on the Village website at www.freeportny.gov.
FURTHER RESOLVED, that the foregoing notice of public hearing shall be entered in the minutes of the Board of Trustees of the Incorporated Village of Freeport, and published in the Freeport Leader and a printed copy thereof posted conspicuously in at least three (3) public places in the Incorporated Village of Freeport, Nassau County, New York.
STATE OF NEW YORK, COUNTY OF NASSAU, VILLAGE OF FREEPORT, ss: I, PAMELA WALSH BOENING, Clerk of the Village of Freeport, Nassau County, New York, do hereby certify that the foregoing is a true and correct copy of said notice duly authorized by the Board of Trustees of the said Village at a meeting of the Said Board of Trustees, calling for a public hearing to be duly held in the Main Conference Room of the Municipal Building of the Village of Freeport, 46 N. Ocean Avenue, Freeport, New York on the 23rd day of September 2024 at 5:30 P.M., and of the whole thereof, as entered upon the minutes of the proceedings of the said Board kept by me as Village Clerk.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said Village this 9th day of September 2024.
Pamela Walsh Boening
Village Clerk
Dated: September 9, 2024
Freeport, New York
148926

RE: Public Hearing
RETURN TO: Pamela Walsh Boening

AFFIDAVIT OF POSTING

State of New York

County of Nassau

I, Brianna Montes, being duly sworn, deposes and states that on the 13th day of September 13, 2024 he/she posted copies of the attached notice in the following public places in the **INCORPORATED VILLAGE OF FREEPORT:**

MUNICIPAL BUILDING	**46 North Ocean Avenues**
MEMORIAL LIBRARY	**144 West Merrick Road**

AND FAXED/EMAILED TO THE FOLLOWING LOCATIONS FOR POSTING:

RECREATION CENTER	**130 E. Merrick Road**
FREEPORT HOSE CO. #1	**22 Southside Avenue**
FREEPORT HOSE CO. #2	**15 Broadway**
FREEPORT HOSE CO. #3	**375 South Bayview Avenue**

Bri Montes
Deponent

Sworn to before me this 13 day of September 2024

Lisa M DeBourg
Notary Public

LISA M DEBOURG
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DE6294362
Qualified in Nassau County
My Commission Expires December 16, 2025

100% POST CONSUMER
RECYCLED PAPER

EXHIBIT E

VILLAGE OF FREEPORT
Department of Buildings
Recommendation

Notice

✓ **Negative Declaration** ____ **Positive Declaration**

In accordance with Section 8-0113, Article 8 of the New York Environmental Conservation Law and Chapter 110 of the Village Code, this Department has conducted an initial review to determine whether the following project may have a significant effect on the environment and on the basis of that review hereby finds:

x **The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Statement.**

____ **The proposed project may have a significant effect on the environment and therefore requires the preparation of an Environmental Impact Statement. (See reasons below)**

Project : Recodification of the Freeport Village Code

Building Permit App. _____

Location: Village of Freeport

Applicant: Village of Freeport

Description: The Village of Freeport is undergoing a full recodification of the Freeport Village Code.

Lead Agency: Department of Buildings for the Board of Trustees Village of Freeport 46 North Ocean Avenue

Agency Contact Person: Superintendent of Buildings (516) 377-2242

REASON(S) FOR DETERMINATION

This finding is based upon Section 617.10 of Article of the New York Environmental Conservation Law, the criteria for determining what actions may have a significant effect on the environment, as follows:

A) _____

B) Possible environment effects identified:
(only if positive determination)

DATED: **Freeport, New York**

07-29-2024

Sergio Mauras
Superintendent of Buildings

IMPORTANT: **This declaration and supporting attachments are open for inspection and public response at the office of the Superintendent of Buildings.**

EXHIBIT F

VILLAGE OF FREEPORT
VILLAGE ATTORNEY
46 NORTH OCEAN AVENUE
FREEPORT, NEW YORK 11520
(516) 377-2249 FAX (516) 377-2366

ROBERT T. KENNEDY
MAYOR

HOWARD E. COLTON
VILLAGE ATTORNEY

August 13, 2024

Mr. Martin Katz
Nassau County Planning Commission
100 County Seat Drive
Mineola, New York 11501
via e-mail: MKatz@nassaucountyny.gov

RE: Recodification of Freeport Village Code

Dear Mr. Katz:

Please be advised that the Village of Freeport is in the final stages of a recodification the Village Code. There are some minor changes proposed to Chapter 210, Zoning. These changes involve amendments and additions to general definitions, a change in a maximum fine for violations of the zoning code, a minor change to a permitted use in residential districts, an increase in the height of buildings permitted in Residence Apartment zone, a change to the clearance needed for hedges at corner properties, changes to definitions in the Signs section of the code, as well as an addition to the code specifying the permitted materials to be used for signs, changes and additions to the section of the code regarding display of street numbers and business names, and a change permitting pools to be installed in rear and side yards.

These changes are being submitted to the Nassau County Planning Commission pursuant to General Municipal Law §239-m. It is respectfully requested that this request be placed on the next Nassau County Planning Commission calendar.

Enclosed for your review are the following items:

- A spreadsheet detailing the proposed changes
- A negative declaration under SEQRA

If you have any questions, please do not hesitate to contact me at 516-377-2297.

Very truly yours,

Jennifer Ungar

Jennifer Ungar
Village Attorney

Cc: Gregory Hoesl
via e-mail: GHoesl@nassaucountyny.gov

Section	Title	Change From	Change To / Add
210-3	Definitions "Lot, Plot or Parcel"	"A portion of land considered as a unit or occupied by a building or a group of buildings which are united by a common interest or use and the customary accessories and open spaces belonging to the same, provided that said portion of land is not dissected by a street, dedicated or not, a public or private way or by any easement over which the public has a right of passage"	"A portion of land considered as a unit or occupied by a building or a group of buildings which are united by a common interest or use and the customary accessories and open spaces belonging to the same, provided that said portion of land is not dissected by a street, dedicated or not, a public or private way or by any easement over which the public has a right of passage. In the case of a waterfront property for the purpose of calculating buildable area, only the portion of terrestrial land between the streeline and the bulkhead line may be considered for a primary or secondary building"
210-3	Definitions "Adjusted Grade"	Only in areas mapped in a floodplain by FEMA FIRM maps. Adjusted grade is the average of established grade and elevation 10 established by FEMA and NGVD 1929.	Only in areas mapped in a floodplain by FEMA FIRM maps. Adjusted grade is the average of established grade and the Design Flood elevation as established by FEMA, the Incorporated Village of Freeport, and the North American Vertical Datum of 1988 (NAVD88)
210-3	Add Definition "Design Flood Elevation"		Add "The base flood elevation plus the freeboard requirement"
210-3	Add "Freeboard"		Add "An additional amount of height above the Base Flood Elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The Freeboard requirement for the Village is four feet or two feet above the State of New York Freeboard requirement, whichever is greater."
210-3	Add "NAVD 1988"		Add "North American Vertical Datum of 1988 Plane. Elevation dataum currently used by FEMA and the Inc. Village of Freeport for the determination of flood elevations, FIRM Maps, and mean high tide"

210-9		For every violation of the provisions of this chapter or any section or provision thereof, or of any condition or regulation imposed by the Board of Appeals in granting a permit or variance, the owner, agent, contractor or agent of the contractor of a building premises where such violation has been committed or shall exist and the owner, agent, contractor or agent of the contractor, lessee or tenant of any part of a building or premises on which such violation has been committed or shall exist and the agent, architect, builder, contractor or agent of the contractor or any person who commits, takes part or assists in such violation or who maintains any building or premises in which such violation shall exist shall, upon conviction, be subject to a fine in an amount not to exceed $1,000, imprisonment for not more than 15 days, or both such fine and imprisonment. Each and every day (twenty-four-hour period) that such violation continues shall constitute a separate violation.	For every violation of the provisions of this chapter or any section or provision thereof, or of any condition or regulation imposed by the Board of Appeals in granting a permit or variance, the owner, agent, contractor or agent of the contractor of a building premises where such violation has been committed or shall exist and the owner, agent, contractor or agent of the contractor, lessee or tenant of any part of a building or premises on which such violation has been committed or shall exist and the agent, architect, builder, contractor or agent of the contractor or any person who commits, takes part or assists in such violation or who maintains any building or premises in which such violation shall exist shall, upon conviction, be subject to a fine in an amount not to exceed $4,000, imprisonment for not more than 15 days, or both such fine and imprisonment. Each and every day (twenty-four-hour period) that such violation continues shall constitute a separate violation.
210-29F		Customary home occupations, such as the office of a physician, dentist, surgeon or other professional person, provided that such use is incidental to the primary residence use of such professional persons, and provided that such use shall be conducted in the principal building.	Customary home occupations, such as the office of a physician, dentist, surgeon, real estate broker or other professional person, provided that such use is incidental to the primary residence use of such professional persons, and provided that such use shall be conducted in the principal building.
210-47(A)	Building Height	Generally. All buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of more than 35 feet nor have more than three stories, and apartment houses shall not exceed 32 feet in height nor have more than 2 1/2 stories, including the basement.	Generally. All buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of more than 35 feet nor have more than three stories, and apartment houses shall not exceed 50 feet in height nor have more than four stories, including the basement.
210-170	Corner Clearance	On corner lots in any Residence AA, Residence A or Residence Apartment District, no fence, hedge or other structure or plant, other than shade trees, more than three feet in height above established grade, shall be erected, placed or maintained within a triangular area formed by the intersecting street lines and a straight line joining the street lines at points 30 feet distant from the point of intersection and measured along the street lines.	On corner lots in any Residence AA, Residence A or Residence Apartment District, no hedge or other structure or plant, other than shade trees, more than three feet in height above established grade, shall be erected, placed or maintained within a triangular area formed by the intersecting street lines and a straight line joining the street lines at points 20 feet distant from the point of intersection and measured along the street lines.
210-204	Signs - Definitions	TEMPORARY SIGN "A sign which is designed to advertise or announce a particular event or series of events, to solicit political support or to announce the availability for sale of any type of property intended to be available for a limited period of time."	TEMPORARY SIGN "A sign which is designed to advertise or announce a particular event or series of events, to solicit political support or to announce the availability for sale of any type of property. Such Temporary signs may be maintained for a period of no greater than 60 calendar days."
210-204	Signs - Definitions	WALL SIGN "A sign which is attached directly to or painted on the building wall and is parallel to the building wall."	WALL SIGN "Any sign which is attached directly to or painted on the building wall and is parallel to the building wall."

210-206A(1	Design Review		Add 210-206A(14) - The material of all signs shall be no thinner than 1/4" thick, shall be made of solid plastic, metal, or wood, and shall not be of flexible banner type material
210-221	Change title	Display of street numerals	Display of street numerals and business name
210-221	Move 221 to 221A	210-221 Any provision of this Code to the contrary notwithstanding, all structures situate within the Village of Freeport shall prominently display the numerals of the street address of said premises. Such numbers are to be clearly visible from the street adjacent thereto.	210-221A Any provision of this Code to the contrary notwithstanding, all structures situate within the Village of Freeport shall prominently display the numerals of the street address of said premises. Such numbers are to be clearly visible from the street adjacent thereto.
210-221	Add 210-221B		Any provision of this Code to the contrary notwithstanding, all businesses occupying a streetfront within the Village of Freeport shall have a code compliant sign prominently displaying the business name of said business.
210-221	Add 210-221C		Any provision of this Code to the contrary notwithstanding, all businesses within the Village of Freeport containing a rear door shall have the business name and/or address displayed on said rear door.
210-223(A)	Swimming Pools	Location. Such pool is installed in the rear yard of the premises.	Location. Such pool is installed in the rear or side yard of the premises.

VILLAGE OF FREEPORT
Department of Buildings
Recommendation

Notice

✓ **Negative Declaration** ____ **Positive Declaration**

In accordance with Section 8-0113, Article 8 of the New York Environmental Conservation Law and Chapter 110 of the Village Code, this Department has conducted an initial review to determine whether the following project may have a significant effect on the environment and on the basis of that review hereby finds:

x **The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Statement.**

____ **The proposed project may have a significant effect on the environment and therefore requires the preparation of an Environmental Impact Statement. (See reasons below)**

Project : Recodification of the Freeport Village Code
Building Permit App. ____

Location: Village of Freeport
Applicant: Village of Freeport
Description: The Village of Freeport is undergoing a full recodification of the Freeport Village Code.

Lead Agency: Department of Buildings
for the Board of Trustees
Village of Freeport
46 North Ocean Avenue

Agency Contact Person:
Superintendent of Buildings
(516) 377-2242

REASON(S) FOR DETERMINATION

This finding is based upon Section 617.10 of Article of the New York Environmental Conservation Law, the criteria for determining what actions may have a significant effect on the environment, as follows:

A) ____

B) Possible environment effects identified:
(only if positive determination)

DATED: Freeport, New York

07-29-2024

Sergio Mauras
Superintendent of Buildings

IMPORTANT: This declaration and supporting attachments are open for inspection and public response at the office of the Superintendent of Buildings.

EXHIBIT G

The Following Resolution was moved by Trustee _____, seconded by Trustee _____, who moved its adoption:

WHEREAS, the Board of Trustees of the Incorporated Village of Freeport, as lead agency, has determined that the proposed action described below, will not have a significant effect on the environment and neither a draft environmental impact statement nor a final environmental impact statement will be prepared; and

WHEREAS, the proposed action is to consider the adoption of a local law for the codification of the Village code; and

WHEREAS, this Board determines that the proposed action is an unlisted action, as that term is defined in the New York State Environmental Quality Review Act, herein after referred to as SEQRA. After careful consideration, the Board has concluded that the proposed action will not have a significant effect on the environment for the following reasons:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality, traffic or noise level, will not affect solid waste production, and will not affect erosion, flooding, leaching or drainage problems.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna nor interfere with the movement or any resident or migratory fish or wildlife species, nor impact on a significant habitat area, nor result in any other significant adverse effect to natural resources.

3. The proposed action will not encourage or attract a large number of people.

4. The proposed action is consistent with the community's current plans and goals for enforcement of Village laws.

5. The proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources of the Village.

6. The proposed action will not bring about a major change in the use of either the quantity or type of energy.

7. The proposed action will not create a hazard to human health.

8. The proposed action will not produce a substantial change in the use or intensity of land, including cultural or recreational resources, or its capacity to support existing uses.

9. The proposed action will not create a material demand for other actions that would result in any of the above consequences.

10. The proposed action will not change two or more elements in the environment, which when considered together could result in a substantial adverse impact on the environment.

11. When considered cumulatively with other actions, the proposed action will not have a significant effect on the environment or meet one of the above criteria.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Freeport, after reviewing the above criteria has determined that the proposed action is not environmentally significant.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	VOTING
Trustee Martinez	VOTING
Trustee Squeri	VOTING
Trustee Sanchez	VOTING
Mayor Kennedy	VOTING

EXHIBIT H

The Following Resolution was moved by Trustee _____, seconded by Trustee _____, who moved its adoption:

WHEREAS, the Board of Trustees of the Incorporated Village of Freeport, as lead agency, has determined that the proposed action described below, will not have a significant effect on the environment and neither a draft environmental impact statement nor a final environmental impact statement will be prepared; and

WHEREAS, the proposed action is to consider the adoption of a local law for the codification of the Village code; and

WHEREAS, this Board determines that the proposed action is an unlisted action, as that term is defined in the New York State Environmental Quality Review Act, herein after referred to as SEQRA. After careful consideration, the Board has concluded that the proposed action will not have a significant effect on the environment for the following reasons:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality, traffic or noise level, will not affect solid waste production, and will not affect erosion, flooding, leaching or drainage problems.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna nor interfere with the movement or any resident or migratory fish or wildlife species, nor impact on a significant habitat area, nor result in any other significant adverse effect to natural resources.

3. The proposed action will not encourage or attract a large number of people.

4. The proposed action is consistent with the community's current plans and goals for enforcement of Village laws.

5. The proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources of the Village.

6. The proposed action will not bring about a major change in the use of either the quantity or type of energy.

7. The proposed action will not create a hazard to human health.

8. The proposed action will not produce a substantial change in the use or intensity of land, including cultural or recreational resources, or its capacity to support existing uses.

9. The proposed action will not create a material demand for other actions that would result in any of the above consequences.

10. The proposed action will not change two or more elements in the environment, which when considered together could result in a substantial adverse impact on the environment.

11. When considered cumulatively with other actions, the proposed action will not have a significant effect on the environment or meet one of the above criteria.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Freeport, after reviewing the above criteria has determined that the proposed action is not environmentally significant.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	VOTING
Trustee Martinez	VOTING
Trustee Squeri	VOTING
Trustee Sanchez	VOTING
Mayor Kennedy	VOTING

Exhibit I

OFFICIALS

OF THE

VILLAGE OF FREEPORT

Municipal Building
46 North Ocean Avenue
Freeport, New York 11520
Telephone: (516) 377-2300

_____

2024

_____

ROBERT T. KENNEDY	**Mayor**
RONALD J. ELLERBE	**Trustee**
JORGE A. MARTINEZ	**Trustee**
CHRISTOPHER L. SQUERI	**Trustee**
EVETTE B. SANCHEZ	**Trustee**
PAMELA WALSH BOENING	**Village Clerk**
ISMAELA M. HERNANDEZ	**Treasurer**
HOWARD E. COLTON	**Village Attorney**
ROBERT R. FISENNE	**Superintendent of Public Works**
SERGIO A. MAURAS	**Superintendent of Buildings**

PREFACE

The Village of Freeport has, like many other municipalities, passed through the struggles that characterize most American communities in their early history. While only a few simple laws were necessary at the time of the incorporation of the Village, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed ordinances for the proper function and government of the Village. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Ordinances must be more than mere chronological enactments reposing in the pages of old records. They may be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Board of Trustees ordered the following codification of ordinances.

Contents of Code

The various chapters of the Code contain all currently effective legislation (local laws, ordinances and resolutions) of a general and permanent nature enacted by the Board of Trustees of the Village of Freeport. In accordance with recognized codification procedures used in the State of New York, any revisions or amendments made in existing legislation in the course of the codification were enacted by separate legislation prior to the enactment of the local law adopting the Code.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

FREEPORT CODE

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains all legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal boards or departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other legislation of a regulatory nature. Legislation in this part generally imposes penalties for violation of the provisions contained therein, whereas that in Part I does not.

Table of Contents

The Table of Contents details the arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several articles are listed beneath the chapter title in order to facilitate location of the individual item of legislation.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 would be § 6-1, while the fourth section of Chapter 53 would be § 53-4.

PREFACE

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

General References

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index should be supplemented and revised from time to time as new legislation is added to the Code.

Appendix

Certain forms of local legislation do not fall into the categories as established for Parts I and II of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New ordinances and amendments will be included and repeals will be indicated as soon as possible after passage.

Acknowledgment

The assistance of the Village Counsel, Michael Solomon, Esq., is gratefully acknowledged.

The codification of the ordinances of the Village of Freeport reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

TABLE OF CONTENTS

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   - Article II Highway Commission
   - Article III (Reserved)
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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code[1]

[Upon the Village's adoption of the 2024 Code, the new adoption ordinance will be placed as Ch. 1, Art. I.]

§ 1-1. through § 1-13. (Reserved)

ARTICLE II
General Penalty

§ 1-14. Penalties for offenses. [Added 2-26-1979 by L.L. No. 1-1979; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

An offense against a chapter or article of this Code in which no other penalty is provided shall constitute a violation under the Penal Law and shall be punishable, for each offense, by a fine of not more than $1,000 and/or 15 days' imprisonment.

1. **Editor's Note: Former §§ 1-1 through 1-13, adopted by L.L. No. 1-1979, the adoption ordinance of the 1979 Code, as amended 1-23-2006 by L.L. No. 1-2006, was repealed during the 2024 codification project.**

Chapter 7

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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Environmental Commission
[Adopted 6-21-1971 by L.L. No. 5-1971]

§ 7-1. Legislative intent.

The preservation and improvement of the quality of the natural and man-made environment within the Village of Freeport in the face of population growth, urbanization and technological change, with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Village of Freeport. It is recognized that the biological integrity of the natural environment on which man is dependent for survival and natural and functional beauty of our surroundings which

condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the Village of Freeport working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of a commission for conservation of the environment is a necessary step in fostering unified action on environmental problems.

§ 7-2. Establishment of Commission.

The Board of Trustees of the Village of Freeport hereby creates a commission which shall be known as the "Freeport Commission for Conservation of the Environment," hereinafter called the Commission.

§ 7-3. Membership.

A. The Commission shall consist of five members who shall be appointed by the Mayor. Persons residing within the Village of Freeport who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as members of the Commission. Of the members first appointed to the Commission, one shall hold office for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years from and after his appointment. Successors to first appointed members of the Commission shall be appointed for a term of five years from and after the expiration of the terms of their predecessors in office. A vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.

B. The Mayor, the members of the Board of Trustees, the Chairman of the Planning Board and other officials that may be hereafter designated by the Board of Trustees shall be ex officio members of the Commission.

§ 7-4. Officers, meetings and committees.

The Mayor shall designate a member of the Commission to act as Chairman thereof. At the first meeting of the Commission, its members shall elect from among themselves a Recording Secretary. The Commission shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report with the Mayor and Board of Trustees.

§ 7-5. Powers and duties.

A. The powers and duties of the Commission shall be to:

(1) Advise the Board of Trustees on matters affecting the preservation, development and use of the natural and man-made features and conditions of the Village of Freeport insofar as beauty, quality, biological integrity and other environmental factors are concerned and, in the case of man's activities and developments, with regard to any major threats posed to environmental quality so as to enhance the long-range value of the environment to the people of the Village of Freeport.

(2) Develop and, after receiving general approval by resolution of the Board of Trustees, conduct a program of public information in the community, which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.

(3) Conduct studies, surveys and inventories of the natural and man-made features within the Village of Freeport and such other studies and surveys as may be necessary to carry out the general purposes of this article.

(4) Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the municipality, including, but not limited to, natural landmarks, glacial and other geomorphic or physiographic features; streams and their floodplains, swamps, marshlands and other wetlands; unique biotic communities; scenic and other open areas of natural or ecological value; and of the ownership, present use and proposed use of such open areas so as to provide a base of information for recommendations by the Commission for their preservation and/or use.

(5) Seek to coordinate, assist and unify the efforts of private groups, institutions and individuals within the Village of Freeport in accord with the purposes of this article.

(6) Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Commission. Specific requests may be made to local organizations to designate one of their members as liaison officer to the Commission.

(7) Work in cooperation with the Planning Board, recommend from time to time to the Board of Trustees features, plans and programs relating to environmental improvement for inclusion in the Master Plan of the Village of Freeport and, similarly, recommend to the Board of Trustees appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws and ordinances.

(8) Prepare, print and distribute books, maps, charts and pamphlets in accordance with the purposes of this article.

(9) Obtain and maintain, in orderly fashion, maps, reports, books and other publications to support the necessary researches of the Commission into local environmental conditions.

B. When authorized by resolution of the Board of Trustees of the Village of Freeport, the Commission may accept, by gift, grant, devise, bequest or otherwise, property, both real and personal, in the name of the Village of Freeport as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Village of Freeport. Such real property may be accepted in fee for land and water rights or as any lesser interest, development right or easement, including conservation easement, covenant or other contractual right, including conveyance with limitations or reversions.

§ 7-6. Compensation and expenses.

The members of the Commission, excluding ex officio members, shall receive compensation for their services as determined by the Board of Trustees and shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

§ 7-7. Interpretation.

This article shall be deemed an exercise of the powers of the Village of Freeport to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This article is not intended and shall not be deemed to impair the powers of any other public corporation.

ARTICLE II
Highway Commission
[Adopted 6-8-1967 by L.L. No. 2-1967]

§ 7-8. Commission created.

There is hereby created a Highway Commission to be composed of a Chairman and four members, all of whom are to be appointed by the Board of Trustees.

§ 7-9. Appointment of Chairman and members.

A. The first Chairman shall be appointed for a term to expire at the end of the official year, and a successor shall be appointed for each successive year for a full term to expire at the end of the official year. No such term shall exceed one year.

B. The first appointment of members shall be for terms so fixed that at least one will expire at the end of each official year and continue in succeeding years until the entire original appointments run out. Successors to form appointees, the term of whose offices have expired, shall be appointed for a full term of five years. No such term shall exceed five years.

§ 7-10. Duties of Commission.

It shall be the duty of this Commission to act in an advisory capacity and make recommendations to the Board of Trustees with regard to the following:

A. Care, maintenance, operation, control, supervision and management of the municipal garage.

B. Care, maintenance, operation, control, supervision and management of the Highway Department.

§ 7-11. Additional duties. [Amended 8-14-1997 by L.L. No. 5-1997]

It shall also be the duty of this Commission to act in an advisory capacity and make recommendations to the Board of Trustees with regard to the installation and removal of traffic control devices and:

A. To analyze the design, construction and repairing of public roads, streets and highways.

B. To recommend the paving, repaving, resurfacing and repairing of public roads, streets and highways within the Village.

C. To recommend the installation or removal of public roads, streets and highways within the Village.

ARTICLE III
(Reserved)[1]

§ 7-12. (Reserved)

ARTICLE IV
Removal of Members
[Adopted 8-20-1973 by L.L. No. 2-1973]

§ 7-13. Removal for nonattendance.

It shall be grounds for the removal of any member of a board or commission of the Incorporated Village of Freeport if said member has, without being excused therefrom, failed to attend either three or more consecutive meetings or more than 25% of the regularly scheduled meetings of said board or commission within any one calendar year.

§ 7-14. Reports of nonattendance; appointments of successors.

The Chairman or Acting Chairman of said commission or board shall report said nonattendance to the Board of Trustees, who may remove said member and appoint a successor as otherwise provided by law.

ARTICLE V
Traffic Safety Commission
[Adopted 3-17-1997 by L.L. No. 6-1997]

§ 7-15. Commission created.

There is hereby created a Traffic Safety Commission to be composed of a Chairman and four members, all of whom are to be appointed by the Board of Trustees.

1. **Editor's Note: Former Art. III, Board of Park Commissioners, of the 1979 Code, adopted 12-30-1950 by L.L. No. 1-1951, was repealed 8-17-2009 by L.L. No. 3-2009.**

§ 7-16. Appointment of Chairman and members.

A. The first Chairman shall be appointed for a term to expire at the end of the official year, and a successor shall be appointed for each successive year for a full term to expire at the end of the official year. No such term shall exceed one year.

B. The first appointment of members shall be for terms so fixed that at least one will expire at the end of each official year and continue in succeeding years until the entire original appointments run out. Successors to form appointees, the term, of whose offices have expired, shall be appointed for a full term of five years. No such term shall exceed five years.

§ 7-17. Duties of Commission.

It shall be the duty of this Commission to act in an advisory capacity and make recommendations to the Board of Trustees with regard to the following:

A. Analyze traffic accidents and problems and recommend remedial measures.

B. Investigate traffic conditions and plan the operation and regulation of traffic on the streets and highways of the Village.

C. Review the traffic control devices located upon Village-owned roadways.

D. Receive and evaluate requests from residents for the installation of stop signs or other traffic control devices.

E. Develop ways and means of improving traffic conditions and to recommend temporary or experimental regulations to cover emergencies or specific conditions.

F. Promote, investigate, analyze and recommend all highway and traffic safety measures for the preservation of good order, peace, health, protection and welfare of the inhabitants of the Village.

ARTICLE VI

Planning Board

[Adopted 7-19-1999 by L.L. No. 8-1999; amended in its entirety 8-17-2009 by L.L. No. 4-2009]

§ 7-18. Members.

A. The Planning Board shall consist of seven members. The appointment of any member of the Planning Board shall be made pursuant to § 7-718 of the Village Law of the State of New York.

B. The Mayor shall appoint, subject to the approval by the Board of Trustees, two alternate members of the Planning Board. Said alternates shall serve one-year terms. An alternate member shall serve as a full voting member of the Planning Board where absences or conflicts of interest make it impossible to obtain a quorum. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. No such alternate member shall take part in the consideration of any matter for which an application was on file with the Planning Board at the time of his or her appointment.

Chapter 13

ELECTIONS

ARTICLE I
Runoff Elections

§ 13-1. Procedure.

§ 13-2. Statutory authority.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport: Art. I, 1-3-1983 by L.L. No. 1-1983.[1] Amendments noted where applicable.]

ARTICLE I
Runoff Elections
[Adopted 1-3-1983 by L.L. No. 1-1983]

§ 13-1. Procedure.

In any Village election, in the event that all eligible persons in the number remaining to be elected receive for the same offices an equal number of votes, there shall be a runoff election pursuant to this article. Such runoff election shall be held on the first Tuesday, at least 10 days after the final certification of such tie result. Such runoff election shall in all ways comply with the Election Law of the State of New York pertinent to Village runoff elections.

§ 13-2. Statutory authority.

This article is adopted pursuant to § 15-126 of the Election Law.

1. **Editor's Note: This local law was originally adopted as Ch. 54, but was renumbered as Ch. 13 10-17-1983 by L.L. No. 7-1983.**

Chapter 16

ETHICS, CODE OF

§ 16-1. Legislative intent.
§ 16-2. Definitions.
§ 16-3. Compliance.
§ 16-4. Standards of conduct.
§ 16-5. Permissible claims.
§ 16-6. Distribution.
§ 16-7. Penalties for offenses.
§ 16-8. Board of Ethics.
§ 16-9. Powers and duties of Board.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 2-8-1971 by L.L. No. 1-1971. Amendments noted where applicable.]

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§ 16-1. Legislative intent.

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Incorporated Village of Freeport 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 Incorporated Village of Freeport. These rules shall serve as a guide for official conduct of the officers and employees of the Incorporated Village of Freeport. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any provisions 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.

§ 16-2. Definitions. [Amended 9-15-1997 by L.L. No. 8-1997]

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

AGENCY — Includes any board, commission, authority, office, committee, department, branch, bureau or other administrative subdivisions of the Village of Freeport consisting of one or more persons, paid or unpaid, which perform any function related to the business of the government of the Village of Freeport.

COMPENSATION — Includes salaries, wages, fees, commissions and receipt, directly or indirectly, of any other thing of value.

INTEREST — A pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE — An officer or employee of the Incorporated Village of Freeport, whether paid or unpaid, including members of any administrative board, commission or other agency thereof or of any authority, the members of which are appointed by the Mayor or by the Mayor and the Board of Trustees and the employees thereof. No

person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

§ 16-3. Compliance.

It shall be deemed a condition of employment of all officers and employees to subscribe their intention, prior to entering upon their respective duties, to be bound by the applicable provisions of this chapter by signing their name to the appropriate form provided therefor.

§ 16-4. Standards of conduct. [Amended 11-25-1971 by L.L. No. 2-1974; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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

A. Gifts. They shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value in excess of the amount permitted by General Municipal Law § 805-a, Subdivision 1, 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 them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.

B. Confidential information. They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.

C. Representation before one's agency. They 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 they are an officer, member or employee or of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. They 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 their municipality whereby their compensation is to be 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.

E. Disclosure of interest in legislation. To the extent that they know thereof, a member of the Board of Trustees and any officer or employee of the Incorporated Village of Freeport, 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 or on any matter being considered by any other official, board, agency, commission or officer of the Incorporated Village of Freeport shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

F. 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; however, where the investment is relatively minimal, this shall be disclosed to the Board of Trustees and the Board of Trustees shall pass on the propriety of his existing official action in the related matter.

G. Private employment. They shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of their official duties.

H. Future employment. They shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Incorporated Village of Freeport in relation to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.

I. Appearance before administrative body. They shall not, within two years after the termination of service or employment with such municipality, appear before any board or agency of the Incorporated Village of Freeport in relation to any case, proceeding or application if any of the board or agency members were appointed by or whose appointment was influenced by a former officer or employee. This prohibition shall not apply to an appearance before a board or agency on behalf of one's personal case, proceeding or application.

§ 16-5. Permissible claims. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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 Incorporated Village of Freeport or any agency thereof on behalf of themself or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 16-6. Distribution. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Mayor of the Incorporated Village of Freeport shall cause a copy of this chapter to be distributed to every officer and employee of the Incorporated Village of Freeport within 60 days after the effective date 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. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

§ 16-7. 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.

§ 16-8. Board of Ethics.

There is established a Board of Ethics consisting of five members appointed by the Mayor of the Incorporated Village of Freeport, subject to confirmation by the Board of Trustees and who shall serve without compensation. Of the members first appointed to the Board, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years from and after his appointment. Successors to such first appointed members of the Board of Ethics shall be appointed for a term of five years from and after the expiration of the terms of their predecessors in office. The members of the Board of Ethics shall elect a Chairman from their group. A majority of such members shall be persons other than officers or employees of the Incorporated Village of Freeport but shall include at least one member who is an elected or appointed officer or employee of the Incorporated Village of Freeport.

§ 16-9. Powers and duties of Board.

The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Incorporated Village of Freeport with respect to Article 18 of the General Municipal Law and any code of ethics adopted pursuant to such article under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of amendments to the Code of Ethics under request of the Board of Trustees of the Incorporated Village of Freeport. All requests for opinions must be submitted to the Board in writing and such opinions shall be rendered only to the person duly requesting it. Such Board shall promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings.

Chapter 23

GRIEVANCE PROCEDURE

§ 23-1. Definitions.
§ 23-2. Basic principle.
§ 23-3. Initial presentation.
§ 23-4. Second stage.
§ 23-5. Third stage; Grievance Board.
§ 23-6. Appeals to Grievance Board.
§ 23-7. Amendments.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 8-19-1963 by L.L. No. 3-1963. Amendments noted where applicable.]

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§ 23-1. Definitions.

As used herein, the following terms shall have the following meanings:

DAYS — All days other than Saturdays, Sundays and legal holidays. Saturdays, Sundays and legal holidays shall be excluded in computing the number of days within which action must be taken or notice given within the terms of this chapter.

DEPARTMENT — Any office, department, board, commission or other agency of the government of the Village of Freeport.

EMPLOYEE — Any person directly employed and compensated by the Village of Freeport, except persons employed in the legislative or judicial branch thereof.

GRIEVANCE — Any claimed violation, misinterpretation or inequitable application of the existing laws, rules, procedures, regulations, administrative orders or work rules of the Village of Freeport or a department thereof, which relate to or involve employee health or safety, physical facilities, materials or equipment furnished to employees or supervision of employees; provided, however, that such term shall not include any matter involving an employee's rate of compensation, retirement benefits, disciplinary proceeding or any other matter which is otherwise reviewable pursuant to law or any rule or regulation having the force and effect of law.

IMMEDIATE SUPERVISOR — The employee or officer on the next higher level of authority above the employees in the department wherein the grievance exists and who normally assigns and supervises the employee's work and approves his time record or evaluates his work performance.

§ 23-2. Basic principle.

Every employee of the Village of Freeport shall have the right to present his grievance in accordance with the procedures provided herein, shall be free from interference, coercion, restraint, discrimination or reprisal and shall have the right to be represented by a person of his own choosing at all stages of the grievance procedure.

§ 23-3. Initial presentation.

A. An employee who claims to have a grievance shall present his grievance orally to his immediate supervisor within two days after the grievance occurs.

B. The immediate supervisor shall discuss the grievance with the employee, shall make such investigation as he deems appropriate and shall consult with his superiors to such extent as he deems appropriate, all on an informal basis.

C. Within three days after presentation of the grievance to him, the immediate supervisor shall make his decision and communicate the same to the employee presenting the grievance and to the employee's representative, if any.

§ 23-4. Second stage.

A. If any employee presenting a grievance is not satisfied with the decision made by his immediate supervisor, he may, within five days thereafter, request a review and determination of his grievance by the department head. Such request shall be in writing and shall contain a statement to the specific nature of the grievance and the facts relating to it. Such request shall be served upon both the department head and the immediate supervisor to whom the grievance was originally presented. Thereupon and within two days after receiving such request, the immediate supervisor shall submit a written statement of his information concerning the specific nature of the grievance and the facts relating to it to the department head.

B. The department head or his nominee may, and at the request of the employee shall, hold a hearing within five days after receiving the written request and statement from the employee. The employee and his representative, if any, may appear at the hearing and present oral statements or arguments.

C. Within five days after the close of the hearing or within eight days after the grievance has been submitted to him, if there be no hearing, the department head or his nominee shall make his decision and communicate the same to the employee presenting the grievance and to the employee's representative, if any.

§ 23-5. Third stage; Grievance Board.

A. A Grievance Board of three members is hereby established to hear appeals from decisions of department heads on grievances.

B. The members of this Board shall be appointed by the Board of Trustees to serve at the pleasure of the Board of Trustees.

C. A hearing of any matter before the Grievance Board may be conducted by any one or more members of the Board designated by the Board to act on its behalf; provided, however, that if less than the full Board presides at such a hearing, the member or members thereof conducting such hearing shall render a report thereon to the full Board and the full Board shall thereupon make its report.

D. Two concurring votes shall be necessary to determine any official report or action of the Grievance Board.

E. Necessary funds, supplies, facilities and personnel to implement the operation of the Grievance Board shall be provided by the Board of Trustees.

F. The Grievance Board may make and amend rules and regulations for the conduct of its proceedings not inconsistent with the provisions of this chapter. A complete and up-to-date set of rules and amendments shall be kept on file in the Village Clerk's office.

§ 23-6. Appeals to Grievance Board.

A. An employee may appeal from the decision of the department head or nominee of the department head within 15 days after notice of such decision. The appeal shall be taken by submitting to the Grievance Board a written statement signed by the employee taking the appeal and containing:

(1) The name, residence address and department of employment of the employee presenting the grievance.

(2) The name, residence address and department of employment of each other employee or official involved in the grievance.

(3) The name and address of the employee's representative, if any, and his department of employment if he is a fellow employee.

(4) A concise statement of the nature of the grievance, the facts relating to it and the proceedings and decisions on the grievance up to the time of the appeal.

(5) A request for a review of the decision of the department head or his nominee.

B. The Grievance Board may request the department head to submit a written statement of facts, including a summary of the record of the hearing if there was a hearing, and the original or a true copy of any other record or document used by the department head or his nominee in making his decision. Such written statement shall be submitted within three days after request by the Grievance Board.

C. The Grievance Board shall hold a hearing within 10 days after receiving the written request for a review. It shall give at least three days' notice of the time and place of such hearing to the employee, the employee's representative, if any, and the department head or his nominee, all of whom shall be entitled to be present at the hearing.

D. The hearing on the appeal may be held in public or in private as determined by the Grievance Board.

E. New evidence, testimony or argument as well as any documents, exhibits or other information submitted to the department head or his nominee at the hearing held by him may be introduced at the hearing by the employee, by the department head or his nominee or upon the request of the Grievance Board.

F. The hearing may be adjourned from time to time by the Grievance Board if, in its judgment, such adjournment is necessary in order to obtain material evidence. The total of all such adjournments, however, shall not exceed 10 days, except that adjournments consented to by both the employee and the department head shall not be counted in determining the total days of adjournments as herein limited.

G. The Grievance Board shall not be bound by formal rules of evidence.

H. A written summary shall be kept of each hearing held by the Grievance Board.

I. The Grievance Board shall make its report, in writing, within five days after the close of the hearing. It shall immediately file its report and the written summary of the proceedings with the Village Clerk and shall at the same time send a copy of the report to the employee, the employee's representative, if any, the department head, the Board of Trustees and the local civil service commission, if appropriate. The report shall include a statement of the Board's findings of fact, conclusions and advisory recommendations.

J. The report of the Grievance Board shall be final.

§ 23-7. Amendments.

This chapter may be amended at any time in accordance with the general procedures and requirements in effect at such time for the amendment of a chapter.

Chapter 27

LIABILITY OF VILLAGE

§ 27-1. Prior written notice.

§ 27-2. Damage or injuries due to defects in recreation areas.

§ 27-3. Damage or injuries due to defects in other public areas.

§ 27-4. Method of service of due notice.

[1][HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1983 by L.L. No. 9-1983. Amendments noted where applicable.]

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§ 27-1. Prior written notice. [Added 5-16-1994 by L.L. No. 4-1994[2]; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Pursuant to the provisions of the Municipal Home Rule Law of the State of New York, which provide that a village may supersede the provisions of a general law [Municipal Home Rule Law § 10, Subdivision 1(ii)e(3)] in accordance with Municipal Home Rule Law § 22, this section has been adopted to change and supersede General Municipal Law § 50-e, Subdivision 4, so that prior written notice to the Village has been and continues to be required in instances as set forth below in §§ 27-2 and 27-3. The requirement of prior written notice in each of the instances described in said sections of the Village Code has been deemed to be in the best interest of the Incorporated Village of Freeport. It is clearly the intent of the Mayor and Board of Trustees of the Incorporated Village of Freeport that this section have a retroactive application.

§ 27-2. Damage or injuries due to defects in recreation areas.

No civil action shall be maintained against the Incorporated Village of Freeport for damages or injuries to person or property sustained by reason of any defective beach area, swimming or wading pool or pool equipment, playground or playground equipment, skating rink, recreation center or recreation equipment, parks or park property, no matter where situated, being defective, out of repair, unsafe, dangerous or obstructed or in consequence of the existence of snow or ice on or about any beach area, swimming or wading pool or pool equipment, playground or playground equipment, skating rink, recreation center or recreation equipment, parks or park property, unless prior written notice of the defective, unsafe, dangerous or obstructed condition of the defective beach area, swimming or wading pool or pool equipment, playground or playground equipment, skating rink, recreation center or recreation equipment, parks or park property was actually served upon the Village Clerk and there was a failure or neglect within a reasonable time after due notice to repair or remove the defect, danger or obstruction complained of. Under no circumstances shall the Incorporated Village of Freeport be liable for injuries or damages to person or property due to defective conditions of the aforesaid Village property in the absence of prior written notice

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1. **Editor's Note: Previous legislation regarding the liability of the Incorporated Village of Freeport, designated as Ch. 32, Liability of Village, was adopted 1-24-1983 by L.L. No. 3-1983 and repealed 5-9-1983 by L.L. No. 8-1983.**

2. **Editor's Note: This local law also provided for the renumbering of former §§ 27-1, 27-2 and 27-3 as § 27-2, 27-3 and 27-4.**

to the Village Clerk of the existence of the defective condition causing the said injuries or damages.

§ 27-3. Damage or injuries due to defects in other public areas.

No civil action shall be maintained against the Incorporated Village of Freeport for injuries or damages to person or property sustained by reason of any defect whatsoever in its traffic signs, streets, parking fields, sidewalks, walkways, footpaths or bicycle pathways or in consequence of the existence of snow or ice upon any of its traffic signs, streets, parking fields, sidewalks, walkways, footpaths or bicycle pathways, unless said traffic signs, streets, parking fields, sidewalks, walkways, footpaths or bicycle pathways, no matter where situated, have been constructed or are maintained by the village, pursuant to statute, and prior written notice of said defect causing the injuries or damages was actually given to the Village Clerk in accordance with § 27-4 hereof, 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 prior written notice hereof, specifying the particular place, location and condition, was actually given to the Village Clerk 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 prior written notice.

§ 27-4. Method of service of due notice.

Such due notice shall only be effective if in writing to the Village Clerk. Service of due notice of any defect described in this chapter shall be accomplished by personal service or by service by registered or certified mail.

Chapter 31

LOCAL LAWS, ADOPTION OF

§ 31-1. Procedure; notice of hearing.
§ 31-2. Public hearing.
§ 31-3. Filing of proof of publication.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-12-1941 by L.L. No. 1-1941. Amendments noted where applicable.]

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§ 31-1. Procedure; notice of hearing.

Before voting upon the proposed enactment of a local law, the Board of Trustees shall fix a day, within 30 days after the presentation of a local law to it, for a public hearing thereon, and within 20 days after such local law shall have been presented to it, the Board of Trustees shall cause a notice of the time and place of such hearing to be given. Such public notice shall be given by the Village Clerk by causing the same to be published once in the official newspaper at least three days prior to the day fixed for such hearing. In case there is, at any time, no official newspaper, the Board of Trustees shall designate the manner of giving such public notice. Such notice shall also contain the title of the proposed local law and a brief explanatory statement thereof, prepared by the Clerk and approved by the Village Attorney.

§ 31-2. Public hearing.

The Board of Trustees shall attend at the time and place appointed for such hearing, which shall be within the Village and reasonable of access and at a reasonable hour, and shall afford an opportunity for a public hearing concerning such proposed local law.

§ 31-3. Filing of proof of publication.

Proof of publication of such notice of public hearing shall be filed in the office of the Village Clerk.

Chapter 36

NEWSPAPER, OFFICIAL

§ 36-1. Designation by Trustees.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 12-22-1975 by L.L. No. 11-1975. Amendments noted where applicable.]

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§ 36-1. Designation by Trustees.

The Board of Trustees shall have the power to designate, by resolution, from time to time, a newspaper as the official newspaper of the Incorporated Village of Freeport for the publication of notices, resolutions, ordinances, local laws or other proceedings of the Board of Trustees or other boards or commissions for the purpose of publication as required by law.

Chapter 42

PERSONNEL BENEFITS AND REGULATIONS

ARTICLE I
Tuition Costs

§ 42-1. Deduction from compensation.
§ 42-2. Approval required.
§ 42-3. Reimbursement of costs.

ARTICLE II
Uniforms and Equipment

§ 42-4. Payment of costs by Village.

ARTICLE III
Residency of Employees

§ 42-5. Legislative declaration.
§ 42-6. Use of terms.
§ 42-7. Residency requirement.
§ 42-8. Termination of service.
§ 42-9. Waiver of requirements.
§ 42-10. Distribution.

ARTICLE IV
Reimbursement for Expenses

§ 42-11. Payment or reimbursement of expenses of travel, interview and relocation.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Tuition Costs

[Adopted 4-11-1966 by L.L. No. 1-1966; amended in its entirety 2-22-1971 by L.L. No. 3-1971]

§ 42-1. Deduction from compensation.

The Mayor and Board of Trustees of the Incorporated Village of Freeport may, upon application of any employee of the Incorporated Village of Freeport, authorize the deduction from compensation paid to said employee of a sum of money equal to the amount required as tuition for courses, correspondence or otherwise which are a prerequisite to advancement.

§ 42-2. Approval required.

The approval of the Mayor and the Board of Trustees of an application by any employee for said deduction must be obtained prior to the deduction for said tuition from compensation.

§ 42-3. Reimbursement of costs.

Reimbursement of any tuition deducted from the employee's compensation shall be made directly to said employee upon proof of the successful completion of the course or courses for which tuition was deducted.

ARTICLE II
Uniforms and Equipment
[Adopted 11-27-1961 by L.L. No. 1-1961]

§ 42-4. Payment of costs by Village.

The Board of Trustees may, at its option, determine that the Village shall pay all or part of the cost of uniforms and necessary equipment for Village employees where, in the judgment of said Board of Trustees, such uniforms are necessary for the proper performance of such employees' duties.

ARTICLE III
Residency of Employees
[Adopted 1-16-1978 by L.L. No. 3-1978]

§ 42-5. Legislative declaration.

The Board of Trustees of the Incorporated Village of Freeport notes that unemployment within the community is currently excessive. It is further recognized that emergency work situations arise which require employees of the Village to be near their place of employment and to assume the continuation of public services to protect the health, safety and general welfare of the people. Through the adoption of this article, the Board of Trustees makes a legislative determination that those who are residents of the Village take a greater interest in promoting the public safety and health and in the future of this community than do nonresidents whose families reside in areas unaffected by Village services. The Board of Trustees further declares that such a quality is desirable for its employees. The legislative body considers that residency by its employees and officers within a community will strengthen the economic status of the Village and will encourage stability in its neighborhoods and assure continuation of essential public services. Pursuant to the authority of law and pursuant to determinations by the State Public Employment Relations Board, the Board of Trustees determines that the public need is sufficient to require that employees hired after the effective date of this article be residents of the Village of Freeport.

§ 42-6. Use of terms.

"Residency" shall mean, for the purpose of this article, the actual principal domicile of an individual where he or she normally eats or sleeps and maintains usual personal household effects.

§ 42-7. Residency requirement. [Amended 9-12-1983 by L.L. No. 14-1983]

A. The Board of Trustees hereby establishes a residency requirement for all prospective employees of the community. Every person hired as an employee by the Village on or after the effective date of this article, i.e., January 16, 1978, shall be a resident of the Village of Freeport or shall become a resident of the Village within six months of satisfactorily completing the probationary period of service for the Village. During the period of permanent service of such employee, no individual shall cease to be a resident of the Village.

B. This article shall be applicable to all employees regardless of civil service classification.

§ 42-8. Termination of service.

Should it be alleged that an employee, subject to the provisions of § 42-7 of this article, is no longer a resident of the Village, the employee's supervisor, the personnel officer or other appropriate municipal official, upon becoming aware of the allegation, shall provide the employee with written notice of his alleged violation and shall allow the employee seven calendar days in which to respond. Regardless of whether or not a response is received, a hearing date shall be determined to examine the charge of nonresidency. The employee shall be sent a notice of the hearing date 15 days prior to the hearing. Upon a determination by a hearing officer or by a board conducting the hearing that the employee is a nonresident in violation of this article, the employee will be deemed to have voluntarily resigned.

§ 42-9. Waiver of requirements.

A. In the event that the Board of Trustees determines that it is in the best interests of the public employer to do so, the provisions of § 42-7 may be waived with respect to a particular person or particular position in accordance with the following standards:

(1) Lack of applicants. The requirement of residency may be waived in those instances where the employer had difficulty hiring because of the residency requirement.

(2) Necessity for nonresidency. The requirement of residency may be waived in those instances where it is determined that residency is not in the best interests of the employer.

B. Such a waiver shall not in any way affect the application of § 42-7 of this article upon any other person or position.

§ 42-10. Distribution.

A copy of this article shall be provided to all employees; however, the failure of the employer to do so shall not affect the applicability of this article to any person who is an employee after its effective date. A copy of this article shall also be posted on all notice boards normally used by the employer for employee communications.

ARTICLE IV

Reimbursement for Expenses
[Adopted 8-13-1984 by L.L. No. 7-1984]

§ 42-11. Payment or reimbursement of expenses of travel, interview and relocation.

The Board of Trustees is authorized to pay for or to reimburse the reasonable costs of travel, interview and relocation of new employees or prospective new employees of the Village.[1]

1. **Editor's Note: Former Art. V, Early Retirement Program, of the 1979 Code, which immediately followed this section, adopted 8-21-2000 by L.L. No. 4-2000, as amended 6-24-2002 by L.L. No. 5-2002, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 46

POLICE

ARTICLE I
Retirement

§ 46-1. Retirement age.
§ 46-2. Effect.

ARTICLE II
(Reserved)

ARTICLE III
(Reserved)

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Retirement
[Adopted 3-2-1959 by L.L. No. 1-1959]

§ 46-1. Retirement age.

The provisions of the Retirement and Social Security Law, § 70, Subdivision b, are hereby superseded and changed as follows:

A. In the Incorporated Village of Freeport, Nassau County, New York, no member of the police force who is or hereafter attains the age of 65 years shall continue to serve as a member of such force but shall be retired.

§ 46-2. Effect.

Except as herein superseded and changed, all other provisions of § 70 of the Retirement and Social Security Law shall remain in full force and effect.

ARTICLE II
(Reserved)[1]

ARTICLE III
(Reserved)[2]

1. **Editor's Note: Former Art. II, Special Policemen, of the 1979 Code, adopted 5-24-1971 by L.L. No. 6-1971, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2. **Editor's Note: Former Article III, Abolition of Position, adopted 6-13-1977 by L.L. No. 7-1977, was removed from the Code in accordance with a resolution of the Board of Trustees adopted 6-2-1980, which resolution provided for the reinstatement of the position of Chief of Police as of 6-20-1977 in compliance with the judgment of the Supreme Court of Nassau County, entered 11-11-1978, as affirmed by the Appellate Division, Second Department, by decision dated 5-5-1980.**

Chapter 50

PUBLIC INFORMATION BULLETIN

§ 50-1. Distribution of bulletins.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 7-10-1967 by L.L. No. 4-1967. Amendments noted where applicable.]

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§ 50-1. Distribution of bulletins.

The Village Treasurer is hereby authorized to enclose a copy of the public information bulletin of the Village entitled "Village News" with any statement of moneys due the Village of Freeport or with any tax bill or notification of a tax to be assessed or levied by the Village of Freeport.

Chapter 53

PUBLICITY FUND

§ 53-1. Establishment of fund; purpose; source.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 1-27-1975 by L.L. No. 1-1975. Amendments noted where applicable.]

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§ 53-1. Establishment of fund; purpose; source.

There is hereby established a Publicity Fund to be expended for the purpose of advertising the advantages of the Incorporated Village of Freeport as a summer resort community, as a fishing and boating community and for the commemoration of programs of historical events or otherwise. Said fund shall include necessary and legitimate expenses of securing the designation of the Incorporated Village of Freeport as a place for the holding of a convention or meeting of any organization or society and for such other and additional purposes as may tend to promote the general, commercial and industrial welfare of the Village, and, for this purpose, the Incorporated Village of Freeport may raise the necessary fund by taxation, which amount is to be assessed, levied and collected in the same manner that other Village taxes are assessed, levied and collected.

Chapter 58

SALARIES AND COMPENSATION

ARTICLE I
Community Development Agency

§ 58-1. Compensation of members.
§ 58-2. (Reserved)

ARTICLE II
Boards and Commissions

§ 58-3. Compensation of Chairperson.
§ 58-4. Compensation of members.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Boards and commissions — See Ch. 7.

ARTICLE I
Community Development Agency[1]

[Adopted 6-7-2021 by L.L. No. 3-2021]

§ 58-1. Compensation of members.

The annual compensation of the members of each of the separate boards and commissions of the Incorporated Village of Freeport shall be as set forth in the adopted budget for the Incorporated Village of Freeport, New York.

§ 58-2. (Reserved)

ARTICLE II
Boards and Commissions

[Adopted 4-22-1963 by L.L. No. 2-1963, effective 5-17-1963; amended in its entirety 2-9-1998 by L.L. No. 4-1998]

§ 58-3. Compensation of Chairperson.

The annual compensation of the Chairperson of each of the separate boards and commissions of the Incorporated Village of Freeport, New York, shall be as set forth in the adopted budget for the Incorporated Village of Freeport, New York.

1. **Editor's Note: Former Art. I, Mayor and Board of Trustees, adopted 1-6-1964 by L.L. No. 1-1964, as amended, was repealed 1-21-1980 by L.L. No. 1-1980.**

§ 58-4. Compensation of members.

The annual compensation of the members of each of the separate boards and commissions of the Incorporated Village of Freeport shall be as set forth in the adopted budget for the Incorporated Village of Freeport, New York.

Chapter 63

TRAFFIC VIOLATIONS BUREAU

§ 63-1. Establishment authorized.

§ 63-2. Functions of Bureau; preservation of rights.

§ 63-3. Record of violations.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Art. I of Ch. 17 of the 1966 Code. Amendments noted where applicable.]

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§ 63-1. Establishment authorized.

The Police Justice of the Village is hereby authorized to establish a Violations Bureau to dispose of offenses in relation to traffic violations.[1] Such Bureau shall be in charge of such person or persons and shall be open at such hours as the aforesaid court designates.

§ 63-2. Functions of Bureau; preservation of rights.

A. Generally. A Traffic Violations Bureau so established shall be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when offenses shall not constitute the crime of speeding, reckless driving or the commission of a misdemeanor or felony by permitting a person charged with an offense, within the limitations herein stated, to answer, within 10 days, at the Traffic Violations Bureau, either in person or by written power of attorney, by paying such fines as are permitted by statute and imposed by the Police Justice and, in writing, waiving hearing in court, pleading guilty to the charge and authorizing the person in charge of the Bureau to make such a plea and pay such fine in court.

B. Rights and duties of violator. All persons charged with traffic violations, as herein provided, are hereby declared entitled to all of the protection and subject to all the limitations and requirements imposed by the General Municipal Law, §§ 371 and 372.

§ 63-3. Record of violations.

The Traffic Violations Bureau, as hereby authorized and established, shall comply with all of the provisions of the aforesaid statute and, in addition, shall keep a record of all violations in conformity with § 373 of the General Municipal Law.

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1. **Editor's Note: The vehicle and traffic regulations of the Village are printed in pamphlet form and are on file in the office of the Village Clerk.**

PART II

GENERAL LEGISLATION

Chapter 70

ACCESS TO RECORDS

ARTICLE I
Village Access to Criminal History Records

§ 70-1. Legislative intent.
§ 70-2. Criteria.
§ 70-3. Procedure.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable]

ARTICLE I
Village Access to Criminal History Records
[Adopted 2-4-1985 by L.L. No. 2-1985]

§ 70-1. Legislative intent. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This article is enacted in accordance with a policy requirement of the Division of Criminal Justice Services of the State of New York as a prerequisite for the Village Clerk of the Incorporated Village of Freeport to apply to and obtain from the Division of Criminal Justice Services of the State of New York and the Federal Bureau of Investigation the criminal history records of employees and applicants for employment with the Village of Freeport, or any corporation, agency or department thereof, of members and applicants for membership in the Volunteer Fire Department or licensees and applicants for licenses or renewals thereof relating to certain activities or occupations licensed or regulated by provisions of the Code of the Village of Freeport, New York, which provisions authorize or require an investigation of the applicant before a license is issued or renewed, including, but not limited to, the following:

Activity or Occupation to Be Licensed	Section of Code of the Village of Freeport
Hawkers and peddlers	§ 158-6
Pawnbrokers	§ 151-1
Places of public assembly	§§ 165-3 and 165-6
Secondhand dealers	§§ 173-2 and 173-4
Taxicab	§§ 188-5 and 188-14
Taxi drivers	§§ 188-5, 188-14 and 188-15

§ 70-2. Criteria.

A. In order to determine the kind of past conduct which may preclude a person from employment or the continuation of employment with the Village of Freeport, or any corporation, agency or department thereof, from membership or the continuation of membership in the Volunteer Fire Department or from obtaining a license or continuing to hold same or obtaining renewal thereof, the following criteria shall aid in such determination: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(1) Whether the person has been convicted of any offense denominated a felony or misdemeanor by and in violation of the laws of the United States or any of its territories or possessions, of another state or of the State of New York or any political subdivision of this state.

(2) Whether the person has been found by any court or administrative tribunal of the United States or any of its territories or possessions, of another state or of the State of New York or any political subdivision of this state to have practiced any fraud, deceit or misrepresentation in the conduct of any occupation, business or profession.

(3) Whether the person has had his/her license, which was duly issued under any of the chapters of the Code of the Village of Freeport, revoked at any time during the year prior to the time of the application for such license.

(4) Whether the person has had his/her license, which was duly issued under any of the chapters of the Code of the Village of Freeport, suspended, and the period of such suspension has not expired at the time of the application for such license.

B. For the purposes of this article, the terms "person," "member," "licensee" and "applicant" include any natural person, association, partnership, corporation or other legal entity and also include any principal, agent, fiduciary, partner, officer, director or shareholder where the particular licensing provisions authorize or direct a criminal background investigation of said individuals.

C. The criteria set forth in Subsections A and B of this section shall constitute sufficient legal bases for obtaining the criminal history of said person.

§ 70-3. Procedure.

In accordance with the criteria set forth in § 70-2 of this article, the Village Clerk is authorized to secure the fingerprints of the applicant, employee, member or licensee and shall thereupon send the fingerprints, together with a check or money order in the required amount made payable to the New York State Division of Criminal Justice Services to cover the cost of searching said person's criminal history with the Division and with the Federal Bureau of Investigation, to the Division of Criminal Justice Services for the processing and return of a criminal history record.

Chapter 72

ALARM SYSTEMS

§ 72-1. Purpose and intent.

§ 72-2. Definitions.

§ 72-3. Requirements for permits.

§ 72-4. Denial, suspension or revocation of permit; hearing.

§ 72-5. Fees.

§ 72-6. False alarms prohibited.

§ 72-7. Fire alarm activation; response.

§ 72-8. Nuisance alarms.

§ 72-9. Determination of fire false alarm; rebuttable presumption.

§ 72-10. Determination of police false alarm; rebuttable presumption.

§ 72-11. Fire Department repository unit required.

§ 72-12. Keys required.

§ 72-13. Access to Fire Department repository unit.

§ 72-14. Limitation of liability.

§ 72-15. Permit fees.

§ 72-16. Penalties for offenses; enforcement.

§ 72-17. Severability.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 8-9-2010 by L.L. No. 2-2010.[1] Amendments noted where applicable.]

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§ 72-1. Purpose and intent.

A. The unregulated transmission of automatic alarm systems to police headquarters in the Village has, from time to time, resulted in the overtaxing of facilities and in the impairment of the ability of the Police and Fire Departments of the Village to respond to true emergencies. Additionally, the continued and unnecessarily prolonged emission of sound from audible alarm systems to the surrounding community and the difficulties and delays encountered in silencing such systems have disturbed the rest and repose of residents of the Village and have caused police, fire, and other Village personnel to spend excessive amounts of time both in the investigation of those alarms and in the attempted silencing of them, thereby preventing the devotion of such time to the protection and general welfare of the inhabitants of the Village.

B. It is necessary to the general welfare, peace and repose of the Village to protect its residents through the establishment of controls of various types of fire, intrusion, holdup, and other emergency signals from fire and police alarm devices which require Fire Department or Police Department response, investigation or safeguarding of property at the location of an event reported by a signal transmitted by telephone or radio or otherwise relayed to the Police Department or the Fire Department by an alarm device requiring investigation or other action by any person acting in response to a signal activated by any alarm device.

C. The purpose and intent of this chapter is to decrease the number of emergency service requests for dispatch or response attributable to false alarms and to improve the

1. **Editor's Note: This local law also repealed former Ch. 72, Alarm Systems, adopted 3-8-1993 by L.L. No. 1-1993.**

availability of police, fire, and other personnel for the handling of emergency situations. It is hereby declared that the noise emanating from audible alarms which continue to sound either without the existence of an emergency situation or after the emergency situation has ended constitutes a public nuisance.

§ 72-2. Definitions.

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

ALARM SYSTEM — Any transmission to a privately operated central alarm station; or any device which transmits without human initiative an alert to the Village of Freeport police, fire, or any emergency service that an emergency exists or that a dispatch or response is requested at a particular premises, location not a premises, or a vehicle at a public road. "Alarm system" shall also mean any alarm device which automatically emits an audible, visual or other response upon the occurrence of any hazard or emergency and is intended to alert persons outside the building to the existence of said hazard or emergency. "Alarm system" shall not include personal panic medical alarms or any alarm triggered by the failure of a human physiological system.

ALARM SYSTEM INSTALLER — Any person that installs, repairs, maintains or in any manner makes operable an alarm system. A qualified fire alarm technician shall be an alarm system installer for purposes of this chapter.

ALARM SYSTEM SUBSYSTEM — That portion of an alarm system designed for a particular type of detection, such as intrusion detection, fire detection, fire suppression, flooding, hazardous gas detection, vehicular crash detection, and any other type detection. Detection types shall be determined by the type of hazard monitored and not by the technology used by the sensor.

ALARM USER — Any person or entity that contracts with a central alarm station, controls an alarm system or is in control of a premises that is protected by an alarm system. "Alarm user" shall also include any person or entity that installs an alarm system after the effective date of this chapter who has not filed a permit application for said installation or has not completed the requirements for issuance of a valid permit within 30 days of said installation.

AUTHORIZED RESPONDER — For each emergency service the commanding officer at the alarm location or a member of the emergency service at the alarm location empowered by a command officer of the responding service to determine the cause of the alarm for reporting purposes and including for the determination of a false alarm.

CENTRAL ALARM STATION — Any facility connected to a fire, police or other emergency service alarm system, which facility is manned by operators who receive, record or validate alarm signals and relay information about such validated signals to the Police Department, Fire Department, or other emergency service.

COOPERATIVE SECURITY SYSTEM — An alarm system that allows for the simultaneous monitoring by a Village emergency service or that, upon notification from a central alarm station or from the alarm user, allows the emergency service to view images or data related to the alarm notification collected from the alarm system's sensors or cameras in use at the protected location.

DISPATCH — A discretionary decision whether to direct police, fire, or other emergency units to a location where there has been a request, made by whatever means, for police assistance or investigation, fire control, ambulatory service, or hazardous material containment or control. A recall or cancellation of the alert or message prior to the arrival of the first responder shall not be a dispatch for the purposes of this chapter.

EMERGENCY NUMBER — Any telephone number designated by the Village as a telephone number through which members of the public may report an emergency or request public assistance.

EMERGENCY SERVICE — The Police Department, Fire Department, ambulance/ emergency medical service operated by the Village or the Village Office of Emergency Management, or any emergency service that is not operated by the Village but is requested to respond within the Village and does so respond.

FALSE ALARM — Any dispatch or response at which an authorized responder for the responding emergency service has determined is not the result of a fire, holdup, robbery or other crime or emergency pursuant to the criteria promulgated by the emergency service for the determination of causes for reporting purposes or according to the criteria set out in this chapter.

FIRST RESPONDER — Any member of the emergency service arriving at the requested alarm location as the result of a dispatch or response, for each service dispatched or responding.

KEY BOX — A UL-listed box, size and style approved by the Fire Official, that meets the requirements and uses the same security key code adopted by the Fire Department.

MAYOR — The Mayor of the Village, who shall exercise supervision over the conduct of the Police Department, Fire Department, and any Village emergency service.

MONITORED SYSTEM — Any alarm system monitored by a central alarm station.

NUISANCE FIRE ALARM — A false alarm determined to be caused by mechanical failure, malfunction, improper installation, lack of proper maintenance or any other cause which in the judgment of the authorized responder requires a repair of the device or reinstallation of any portion of the alarm system.[2]

PERSON — An individual, corporation, partnership, joint venture, association, company, trust, unincorporated organization or other entity, and shall include any other person that has a substantial interest in or effectively controls such person, as well as the individual officers, directors, general partners, trustees, or other individuals in control of the activities of each such person.

PREMISES — That portion of a structure where there is a unity of control by the alarm user over the alarm system.

2. Editor's Note: The definition of "pernicious offender," of the 1979 Code, which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

QUALIFIED FIRE ALARM TECHNICIAN — Any person who inspects, installs, repairs, or performs maintenance on fire alarm systems or the fire detection portion of an alarm system. This person shall be any one of the following:

A. Factory trained and certified;

B. National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified; or

C. Licensed or certified by state or local authority.

RESPONSE — Either a dispatch or any answer to an alert or message from an alarm system or from a central alarm station which results in the deployment of police, fire, ambulatory service, or hazardous material containment or control services to the location requested. A recall or cancellation of the alert or message prior to the arrival of the first responder shall not be a response for the purposes of this chapter.

SECURITY CAP — A Fire Department connection (FDC) plug and cap approved for use in the Village by the Fire Department utilizing two-and-one-half-inch National Standard thread pattern.

SECURITY PADLOCK — A padlock approved by the Fire Department that utilizes the approved key code utilized by the Fire Department.

VILLAGE — The Incorporated Village of Freeport.

§ 72-3. Requirements for permits.

A. Permits required; duration; renewals; time frame for compliance.

(1) It shall be unlawful and a violation of this chapter for an alarm user to operate or maintain in operable condition an alarm system protecting a premises within the Village without first obtaining a valid alarm system permit issued by the Village Clerk. An alarm system is in operable condition if it is capable of sending an alarm signal or transmission, or creating a visual or audio alert. All alarm systems shall be monitored by a central alarm station unless this requirement is expressly waived by the emergency service approving the permit.

(2) A separate permit is required for each premises protected by an alarm system, said permit to have a duration of one or three years, depending on the option selected. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(3) A permit shall expire one or three years from the date of issuance and may be renewed for additional one- or three-year periods, depending on the option selected, by the submission of a renewal application and payment of permit renewal fees as required by this chapter. Subpermits may be issued at any time for up to one or three years, but the duration may not extend beyond the expiration date of the permit. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(4) Alarm systems operating previous to the effective date of this chapter must be in compliance with the provisions of this chapter, excepting the rapid entry requirements, within four months of said effective date.

B. It shall be unlawful for an alarm system installer to install an alarm system protecting a premises within the Village prior to filing a completed permit application with the Village Clerk on behalf of the alarm user unless the installer has confirmed that the user already holds a permit for the type of alarm system or subsystem to be installed. Notwithstanding the provisions of this section, the alarm user, not the alarm system installer, shall be deemed the permit applicant and permit holder for all purposes. An alarm permit may not be transferred or assigned to another person without the filing of a new permit application.

C. No alarm system permit shall be issued unless approved by the commanding officer of the emergency service whose dispatch or response may be requested by the alarm system or central station. Each emergency service shall designate the information to be collected on the permit application as is reasonably necessary to carry out the intent and purpose of this chapter, and the Village Clerk, in consultation with and with the approval of the Village Attorney, shall include such on the alarm permit application. The Village Clerk shall have authority to determine the document handling and storage procedures for all alarm systems permits.

D. As a prerequisite to the issuance of a permit, an officer of the central alarm station named in the permit application must provide written consent to the Village Clerk confirming that the subject premises is being monitored and agreeing to abide by the requirements of this chapter or the regulations and rules promulgated by the Police and Fire Departments pursuant to this chapter.

E. Prohibition against false statements; notification of changes.

(1) It shall be unlawful and a violation of this chapter to make any material statement or provide materially false information on the alarm system application. An alarm system installer filing on behalf of an alarm user declaration based upon all information of which the installer has any knowledge.

(2) It shall be the continuing duty of the alarm user to notify the Clerk of any change of material information relating to the permitted alarm system. Failure to so notify the Clerk of a change in material information within 10 days of the effective date of such change is unlawful and a violation of this chapter.

(3) The Village Clerk shall advise the affected emergency service of any changes in the information contained in the permit application on an ongoing basis and as said changes shall occur. The Village Clerk is authorized to establish procedures for the collection of material information from alarm users and the dissemination of said information to the various emergency services. Said authorization shall extend, but not be limited to, the establishment of shared files, including electronic files, in a manner in which in the judgment of the Village Clerk will best achieve the collection and dissemination of material permit information.

§ 72-4. Denial, suspension or revocation of permit; hearing.

A. The Village Clerk may deny issuance of a permit or suspend an existing alarm permit for any of the following reasons:

(1) Upon a reasonable determination based upon any record of the Village or any filing with the Clerk that indicates that the alarm user is no longer in control of the alarm system.

(2) Upon the failure to pay within the prescribed time any fee or civil assessment authorized by this chapter.

(3) Upon the notice from an emergency service that the alarm user has failed to comply with an order to service or repair an alarm system.

(4) Upon notice from the Clerk of the Village Court that the alarm user has failed to pay a fine imposed by the Village Court as a sentence for a condition for a violation of this chapter.

(5) Upon discovery of a materially false statement on the alarm permit application.

B. Notice of suspension.

(1) Upon suspension of an alarm permit, the Village Clerk shall cause a notice of suspension to be served upon the alarm user at the address of record or other address obtained by the Clerk from any public record that the Clerk reasonably believes will provide actual notice.

(2) Said notice of suspension shall state the reason for the suspension, the identity or the source of the records relied upon to make the determination, the actions required to cure or reinstate the permit, including the time allotted for compliance, and the consequences of a failure to cure or reinstate the permit.

(3) The alarm user shall have 10 business days from the date of the notice of suspension to cure the reason(s) for the suspension.

C. Revocation of permit.

(1) It shall be unlawful and a violation of this chapter to operate an alarm system with a revoked permit.

(2) The Village Clerk may revoke an alarm system permit for any of the following reasons:

(a) There has been no compliance with the requirements set forth in a notice of suspension served pursuant to this chapter.

(b) Upon notification by a licensing authority with coordinate jurisdiction over an alarm system or upon discovery by any means that the coordinate licensor has revoked its license due to any nonfinancial reason.[3]

3. Editor's Note: Former Section 72-4C(2)(c) of the 1979 Code, regarding conviction as a pernicious offender, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(3) A revoked permit may be reissued if the alarm user:

(a) Submits an updated permit application and pays the permit fee set by the Board of Trustees.

(b) Pays or otherwise disposes of all penalties and fines assessed to the person pursuant to this chapter.

(c) Submits proof that the alarm system has been inspected and properly maintained.

D. Hearing.

(1) A person whose alarm permit application, whether for initial issuance or renewal, has been denied or a person whose alarm permit has been revoked in accordance with the provisions of this chapter may request a hearing before a member of the Board of Trustees designated as the hearing officer by the Mayor. A request for such a hearing shall be made, in writing, to the Village Clerk, by a person whose alarm permit application has been denied or whose alarm permit has been revoked, not more than 30 days after notice of such denial or revocation has been mailed by the Village Clerk to said applicant or permit holder. Said hearing shall be conducted within 30 days of the filing of said appeal, unless for good cause shown said hearing is adjourned or rescheduled, either at the request of the person appealing or by the hearing officer on its own motion. At the hearing, the person shall be heard in his or her defense in person or by counsel and may offer evidence and testimony on his or her behalf. The hearing officer may administer oaths, take testimony, subpoena witnesses, and compel the production of books, papers, records, and documents deemed pertinent to the hearing. Within 30 days of the close of said hearing, the Board of Trustees shall issue a determination either upholding in whole or in part, modifying or overruling the determination of the Village Clerk in denying or revoking said permit. If the Board of Trustees fails to act within 30 days of the close of said hearing, the determination of the hearing officer is deemed to be upheld by the Board of Trustees and becomes the determination of the Board of Trustees. Said determination shall be filed in the office of the Village Clerk and a copy mailed to the appellant by the Clerk. Said determination shall be deemed final for purposes of appeal and judicial review pursuant to Article 78 of the Civil Practice Law and Rules.

(2) A determination in favor of the applicant by the hearing officer pursuant to the provisions of § 72-4D(1) authorizes the Mayor to approve said application and issue the permit.

E. For any service as required by this chapter, service by first class mail shall be sufficient service and shall be deemed served when the same is deposited in a post office or an official depository under the exclusive care and custody of the United States Postal Service within New York State.

§ 72-5. Fees.

A. The Board of Trustees, by resolution, shall adopt and from time to time may amend a schedule of fees payable by an alarm user, including fees on the occasion of

application, revocation, suspension, renewal, and subpermit fees and installing, operating or maintaining an alarm system, or any transfer, assignment, renewal or reinstatement thereof.

B. All departments, offices, agencies, and instrumentalities of the United States and the State of New York, as well as all political subdivisions of the State of New York, including school districts and special districts, shall be exempt from the payment of the fees adopted by the Board of Trustees.

§ 72-6. False alarms prohibited.

A. It shall be unlawful and a violation of this chapter for any person to intentionally, recklessly, negligently, carelessly or erroneously cause a false alarm. The permit holder, the owner or lessee of property having an alarm system on his or her premises, and any user of services or equipment furnished by the licensee under this chapter each shall be responsible for any false alarms; but the permit holder of the alarm system shall be ultimately responsible for any insufficient or inadequate instructions to tenants, employees, agents, children or others concerned with or having access to the operation of the alarm system. A determination made by an authorized first responder pursuant to §§ 72-9 and 72-10 herein shall be presumptive evidence of a violation of this section.[4]

B. Alarm activations excluded from the definition of the term "false alarm" as defined in § 72-2 of this chapter shall not be counted for the purposes of Subsection A of this section.

C. It shall be unlawful and a violation of this chapter for any central alarm station to send a residential intrusion alert to the Police Department without first attempting a verification of the intrusion.

§ 72-7. Fire alarm activation; response.

A. The alarm user shall be responsible for any alert sent by a fire alarm system.

B. Notification of user; verification of alert; cancellation.

(1) At the time of response, the authorized responder shall notify the designated agent for the alarm system and shall require such person to respond to the premises.

(2) In the event the fire alarm system is central-alarm-station-monitored, it is the responsibility of the central alarm system to notify the alarm user or agent.

(3) In the event the residential fire alarm system is central-alarm-station-monitored, it is the responsibility of the alarm system installer to offer the alarm user the option to verify the fire alert before dispatch.

4. Editor's Note: Former § 72-6B, Fees, of the 1979 Code, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(4) In the event the residential fire alarm system is a monitored system, it is the responsibility of the central alarm system to forward cancellation of a fire alert to the Fire Department.

C. The first responder shall serve the owner or authorized representative with a fire alarm activation report.

§ 72-8. Nuisance alarms.

A. In the event the activation of a fire alarm system is deemed by the enforcement official to be a nuisance fire alarm, the alarm user shall be served with a fire alarm activation report by the first responder or the Village Clerk, indicating that the activation was deemed to be the result of a nuisance fire alarm.

(1) This shall require the alarm user to return a completed report of service/repair to verify, to a reasonable satisfaction of the commanding officer, that:

(a) The fire alarm system has actually been examined by a qualified fire alarm technician; and

(b) A bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the nuisance fire alarm.

(2) Failure to return a report of service repair within said fifteen-day period, which is reasonably satisfactory to the commanding officer, is a violation subject to the penalties under §72-16. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. The police are authorized to disconnect or disable any alarm system, including a vehicular alarm system that is emitting an audible alert which, in the discretion of the desk officer, is causing an unjustified noise disturbance or meets the criteria of a police false alarm. An audible alarm sounding for more than 15 minutes measured from the time of the sending of the alert signal may be deactivated by the first responder.

§ 72-9. Determination of fire false alarm; rebuttable presumption.

A false alarm violation shall be determined using a rebuttable presumption that the following determinations made by the authorized responder in the fire alarm activation report are correct:

A. There is no evidence of a fire or that there are no conditions present which create a substantial risk of fire warranting a response.

B. That the alarm was likely caused by mechanical failure, improper installation or other nuisance alarm and requires service or repair.

C. That the alarm was caused by the improper use or preventable misuse of a facility monitored by the alarm system.

§ 72-10. Determination of police false alarm; rebuttable presumption.

A police false alarm violation shall be determined with the benefit of a rebuttable presumption that the following determinations made by the police authorized responder are correct:

A. There is no evidence of a crime or other activity that would warrant a call for immediate police assistance at the premises.

B. No individual who was on or near the premises or who has viewed a video communication from the premises called for a police dispatch or verified a need for an immediate police response; and

C. There is no evidence that violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user caused the activation of the alarm.

§ 72-11. Fire Department repository unit required.

A. The Mayor is authorized to implement a rapid-entry system designed to allow rapid entry by first responders to commercial and other nonresidential establishments located within the Village, said rapid-entry system as recommended by the emergency services of the Village.

B. The owner or person in control of the following types of buildings shall install and maintain a Fire Department repository unit of a type approved by the Chief:

(1) Any apartment building or other rental building containing four or more residential living units and in which access to the building or to common areas or mechanical or electrical rooms within the building is denied through locked doors.

(2) Any nonresidential building where a fire detection or suppression system is monitored by an alarm company or has an external audible alarm.

(3) Any building or facility containing a quantity of hazardous materials which would require compliance with Title III of SARA (Superfund Amendment Reauthorization Act).

C. Persons or entities who own existing buildings or structures which are subject to the requirements of this chapter shall have one year from the effective date of this chapter to comply with the requirements. Persons or entities who construct buildings or structures which would be subject to the requirements of this chapter shall comply with the requirements at the time of construction.

D. Sections 72-11, 72-12, and 72-13 shall become effective July 3, 2011. Compliance with §§ 72-11, 72-12, and 72-13 shall be required by July 1, 2012.

§ 72-12. Keys required.

A. The owner or person in control of buildings or facilities described in § 72-11 required to have a Fire Department repository unit shall cause to be placed in such repository unit a key to the following areas:

(1) Locked points of access in the exterior of the building or facility;

(2) Locked points of access to common areas, such as hallways or utility rooms, contained within such buildings or facilities;

(3) Locked mechanical rooms;

(4) Locked electrical rooms;

(5) All other locked areas, other than individual apartments or rented rooms, as directed by the Chief; and

(6) Elevators and elevator control rooms. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. The owner or person in control of any building or facility described in § 72-11 required to have a Fire Department repository unit shall do the following:

(1) Provide keys capable of access to such Fire Department repository unit at all times to the Fire Department.

(2) Maintain current information of hazardous materials stored in the building or facility in the Fire Department repository unit or, if the volume of material is too large to place in the repository unit, shall file said information with the Chief.

§ 72-13. Access to Fire Department repository unit.

The owner or person in control of any building or facility required to have a Fire Department repository unit shall be present, himself or through his agent, during access to such repository unit by the Fire Department except when the Fire Department has responded to an emergency at the property.

§ 72-14. Limitation of liability.

The Village assumes no liability for any of the following:

A. Any defects in the operation of the repository unit, of any of the keys contained within such repository unit or any information stored within the repository unit or otherwise provided to the Village;

B. The failure or neglect of any owner or person in control of a building or facility required to have a repository unit to provide access to the repository unit;

C. The security of any property required to have a repository unit due to access to the repository unit by any person.

D. No affirmative duty to respond to a call for assistance and no special relationship or specific duty is created between an alarm user and the Village or an emergency service thereof by the issuance of a permit or the payment of a fee for alarm monitoring.

E. In the event that an alarm system emitting an audible, visual or other similar response shall fail to be deactivated within the time limitation specified in § 72-8B hereinabove, the Village shall have the right to take such action as may be reasonably necessary in order to disconnect any such alarm without incurring any liability of a civil or criminal nature therefor.

§ 72-15. Permit fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for an alarm permit or a renewal thereof.

§ 72-16. Penalties for offenses; enforcement. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A violation of any of the provisions of this chapter shall constitute a violation as said term is defined by the Penal Law of the State of New York and be punishable as such by a fine of $750 for a first offense, $1,000 for a second offense, and $2,000 for any additional offenses, imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment. Each day's (twenty-four-hour period) continued violation of this chapter shall constitute a separate and distinct additional violation.

§ 72-17. Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

Chapter 73

SECURITY SYSTEMS

ARTICLE I
Security Gates within Business Districts

§ 73-1. Legislative intent.
§ 73-2. Definitions.
§ 73-3. Applicability; compliance.
§ 73-4. Restrictions.
§ 73-5. Permit required.
§ 73-6. Fee.
§ 73-7. Penalties for offenses.
§ 73-8. Enforcement.
§ 73-9. Severability.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Security Gates within Business Districts
[Adopted 11-10-1997 by L.L. No. 13-1997]

§ 73-1. Legislative intent.

The Board of Trustees of the Incorporated Village of Freeport declares and finds it to be in the public interest to provide for the regulation of the installation and maintenance of security gates within the Incorporated Village of Freeport in accordance with the aesthetic character of the area and to preserve safety and property values throughout the business district of the Village.

§ 73-2. Definitions.

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

BUSINESS DISTRICTS — Areas located wholly or partly within the following use districts, as defined in Chapter 210, Zoning, of this Code:

A. Business A.

B. Business AA.

C. Business B.

D. Service Business SB.

E. Marine Business.

F. Marine Industries.

G. Manufacturing.

H. Marine Commerce.

I. Industrial.

J. Industrial B.

K. Planned Unit Development District — Medium Density.

SECURITY GATE — A barrier, screen or cover located behind a door, window or other opening used for purposes of securing premises by preventing access or blocking passage to the interior of the premises but which enables the viewing of the interior of the premises from outside the premises.

§ 73-3. Applicability; compliance.

A. The provisions of this article shall apply only to security gates located behind doors, windows or other openings facing or fronting on a public road or highway located within a business district.

B. All security gates which have been installed in accordance with the permit process provided for in § 73-5 and which are in existence prior to the date of the adoption of this article and which do not comply with the provisions of said article shall be made to comply with the provisions of this article within four years of the date of adoption of this article or shall be removed.

§ 73-4. Restrictions.

A. No solid metal barrier, screen or cover shall be erected or maintained in front of or behind doors, windows or other openings facing or fronting on a public road or highway located within a business district. All metal barriers, screens or covers shall be installed only behind doors, windows or other openings facing or fronting on a public road or highway located within a business district.

B. All security gates shall be of such a type as will not prevent the viewing of the interior of the premises from outside the premises.

C. When a security gate is not in use, it shall be removed or stored in such a manner so as not to be visible from the exterior of the premises.

D. No security gate shall be placed in such a manner that it blocks any active emergency exit at any time in which the business is open to the public or to any employees.

E. All installation of any security gate must be in accordance with the standards set forth by the New York State Uniform Fire Prevention and Building Code, as interpreted by the Superintendent, Department of Buildings.

§ 73-5. Permit required.

A. It shall be unlawful for any person to commence work on the erection or alteration of or to erect, alter or maintain any security gate until a permit has been duly issued upon application therefor.

B. The Superintendent of Buildings shall require that the application for a permit shall be accompanied by a set of plans indicating the proposed location and dimensions of said security gate and a description of the type of said security gate.

C. No permit shall be issued until the Superintendent, Department of Buildings shall have examined and approved, in writing, the proposed security gate as complying with all the provisions of this article.

D. Permits shall expire three months following the date of issuance if no substantial work is begun and may be renewed upon written application to the Superintendent, Department of Buildings.

§ 73-6. Fee.

The fee for a permit for the erection, alteration or maintenance of a security gate shall be at the level fixed from time to time by resolution of the Board of Trustees. Said fee shall be submitted at the time the application is presented to the Superintendent of Buildings.

§ 73-7. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

For each and every violation of the provisions of this article, the owner, tenant, general agent or contractor of a building or premises where such violation has been committed or shall exist and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist and the general agent, architect, builder, contractor or any person who knowingly commits, takes part in, allows or assists in any violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a violation against this article, which violation shall be punishable by a fine not to exceed $1,000 or imprisonment for a period not to exceed 15 days, or both. Each day's continued violation shall constitute a separate and distinct additional violation.

§ 73-8. Enforcement.

It shall be the duty of the Superintendent of Buildings, and he is hereby given the power and authority, to enforce the provisions of this article.

§ 73-9. Severability.

In the event that any section or provision of this article is declared to be invalid by a court of competent jurisdiction, the validity of the article as a whole or any part thereof shall not be affected thereby.

Chapter 74

AMUSEMENTS, LICENSING

ARTICLE I
Bowling Alleys, Shooting Galleries and Rinks

§ 74-1. License required.
§ 74-2. License fee.
§ 74-3. Days and hours of operation; exception.
§ 74-4. (Reserved)

ARTICLE II
Rodeos, Circuses and Carnivals

§ 74-5. License required.
§ 74-6. Liability insurance requirements.
§ 74-7. License fees.
§ 74-8. Activities excluded from residential areas.

ARTICLE III
Dancing and Cabaret Shows

§ 74-9. License required; organizations excepted.
§ 74-10. License fees.

ARTICLE IV
(Reserved)

§ 74-11. through § 74-14. (Reserved)

ARTICLE V
Theaters

§ 74-15. License required.
§ 74-16. License fee.
§ 74-17. through § 74-20. (Reserved)

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 3 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
Bowling Alleys, Shooting Galleries and Rinks

§ 74-1. License required. [Amended 1-31-1972]

No person shall conduct any public bowling alley, shooting gallery or skating rink without first procuring an annual license therefor.

§ 74-2. License fee. [Amended 2-26-1990 by L.L. No. 3-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a license to operate a bowling alley, shooting gallery or skating rink or a renewal thereof.

§ 74-3. Days and hours of operation; exception. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

It shall be unlawful to keep any premises licensed hereunder open for business between the hours of 12:00 Midnight and 8:00 a.m., but a bowling alley may be kept open for business at any time, provided that, in so doing the peace and quiet of the neighborhood is not disturbed.

§ 74-4. (Reserved)[1]

ARTICLE II
Rodeos, Circuses and Carnivals

§ 74-5. License required.

No person shall exhibit for money for hire any rodeo or show depicting feats of horsemanship or present a circus, caravan of animals or carnival or maintain or operate a carousel or merry-go-round without first obtaining a license therefor.

§ 74-6. Liability insurance requirements. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Before any license shall be issued for any performance or amusement hereunder, a public liability insurance policy shall be filed with the Village Clerk, executed by the applicant and conditioned that the Village will be saved harmless for any injury to person or property because of fault or default by the licensee, said policy to be issued by a bonding company authorized to do business in New York State and in form approved by the Claims Examiner. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of liability insurance required.

§ 74-7. License fees.

A. Eleemosynary; similar organization. When an applicant hereunder is a charitable or religious organization, a school or a recognized group composed of American veterans of military or naval service or of volunteer firefighters or a parent-teacher association, no license fee shall be assessed.

B. Productions for private gain. When the applicant is engaged in such production for private gain or as a business enterprise, he shall first be required to obtain a license therefor. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a license to operate a rodeo, circus, carnival, carousel or merry-go-round. **[Amended 2-26-1990 by L.L. No. 4-1990]**

1. **Editor's Note: Former § 74-4, Sunday sports, was repealed 4-24-1989 by L.L. No. 1-1989.**

§ 74-8. Activities excluded from residential areas. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Under no circumstances shall any of the activities hereunder comprehended be conducted in any portion of the Village zoned for residential purpose or in any other zone within 300 feet of any residence unless the owner thereof grants his consent thereto, in writing, which shall be filed with the Village Clerk not less than three days before an exhibition or performance is given.

ARTICLE III
Dancing and Cabaret Shows

§ 74-9. License required; organizations excepted.

No person, other than a religious body, a school or a recognized association of war veterans, owning, leasing, managing, conducting or operating any theater, dance hall, cabaret or other place of amusement in the Village shall permit any dancing, cabaret show or other exhibition or performance therein without first procuring a license therefor.

§ 74-10. License fees. [Amended 2-26-1990 by L.L. No. 5-1990]

For permission to carry on a regular business of presenting dances, cabaret shows and other exhibitions and performances, an annual license fee shall be paid. If the application is for the temporary use of premises for such purpose, a license fee for each day during which the premises are so to be used shall be payable in advance thereof. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for said licenses or a renewal thereof.

ARTICLE IV
(Reserved)[2]

§ 74-11. through § 74-14. (Reserved)

ARTICLE V
Theaters

§ 74-15. License required.

No person shall maintain any theater or motion-picture house or building in which any theatrical performance or motion picture shall be given or shown without first obtaining an annual license therefor.

2. **Editor's Note: Former Art. IV, Parades and Processions, was repealed 9-27-1999 by L.L. No. 12-1999**

§ 74-16. License fee. [Amended 2-26-1990 by L.L. 6-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a license to maintain any theater or motion-picture house or building in which any theatrical performance or motion picture shall be given or shown and for the renewal thereof.

§ 74-17. through § 74-20. (Reserved)[3]

3. Editor's Note: Former Sections 74-17, Additional license for theater admitting children; 74-18, Issuance of license to admit children; 74-19, Seating of unaccompanied children; and 74-20, Licensing of theater matrons; duties; were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 78

ANIMALS AND FOWL

§ 78-1. Running at large prohibited.
§ 78-2. Dogs at large.
§ 78-2.1. Unattended animals.
§ 78-3. Impounding of dogs at large; redemption.
§ 78-4. Penalties for certain offenses.
§ 78-5. Horses on streets.
§ 78-6. Animal noises; definitions.
§ 78-7. Keeping of domestic animals.
§ 78-8. Animal nuisances.
§ 78-9. Poultry or fowl restricted.
§ 78-10. Dogs not permitted on parking fields.
§ 78-11. (Reserved)
§ 78-12. Number of dogs and cats limited.
§ 78-13. Dog license required; vaccinations; license fees.
§ 78-14. Enforcement.
§ 78-15. Penalties for other offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 4 of the 1966 Code. Amendments noted where applicable.]

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§ 78-1. Running at large prohibited.

No person shall cause, suffer or allow any animals or fowls to run at large or be at large within the Village.

§ 78-2. Dogs at large. [Amended 12-17-2018 by L.L. No. 2-2018]

A. Leashing of dogs; restraining dogs outdoors.

(1) No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places of the Village or upon the premises of anyone other than the owner or keeper unless the owner or occupant of such premises grants permission, and no dog shall be permitted in any public place or street within the Village unless it is effectively restrained by a chain or leash not exceeding six feet in length and unless it is attended by a person of adequate age and discretion properly to control its actions.

(2) No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to a stationary object outdoors, or cause such animal to be so restrained, for longer than two continuous hours in any continuous twelve-hour period. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash.

(3) Any person who tethers, leashes, fastens, secures, restrains, chains or ties a dog to a stationary object outdoors shall provide such animal with adequate food, water, and shelter, and shall restrain the dog with a device having swivels at both ends that is of adequate length for the type, age, and size of the dog being restrained;

provided, however, that the requirement to provide adequate food, water, and shelter shall not apply to a person who restrains a dog for a period of time that is 15 minutes or less in duration.

B. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain any dog for any amount of time with a device that:

(1) Is a choke collar or pinch collar, or similar collar that restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog which may cause choking or substantial discomforts to the dog;

(2) Is embedded, partially embedded or may become embedded in the dog's skin;

(3) Weighs more than 1/8 of the dog's total body weight, but in no event shall such weight exceed 10 pounds;

(4) Is less than 10 feet in length for a running cable trolley and 15 feet in length for a tether to a stationary object;

(5) Is too short to allow the dog continuous access to adequate food, water, and shelter or to urinate or defecate in an area separate from where it might eat, drink or lie down;

(6) Is not designated for dogs;

(7) Has weights attached or contains links that are more than 1/4 inch thick;

(8) Because of its design or placement is likely to become entangled around itself, the dog, objects, or other animals;

(9) Is long enough to allow the animal to move outside of its owner's property; and

(10) Would allow the restrained animal to move over an object, including, but not limited to, any type of fencing or barrier or edge that could result in the strangulation of or injury to such animal.

C. Notwithstanding the provisions of this section, any tether, leash, fastener, chain, tie, or restraint shall be attached to a properly fitting collar or harness designed for this purpose worn by the dog, with enough room between the collar and the dog's throat through which two adult fingers may fit; provided, however, that such collar or harness is in compliance with Subsection B(1).

D. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain any dog for any amount of time if such dog is under six months of age.

E. Notwithstanding the provisions of this section, no person shall tether, leash, fasten, chain, tie, secure or restrain more than one dog at a time on a permissible device.

F. Notwithstanding the provisions of this section, no person shall allow a tethered, leashed, fastened, chained, tied, secured, or restrained dog to be taunted, prod, hit, harassed, threatened, attacked or otherwise harmed by humans or other animals.

G. Upon a finding of any violation(s) of this section, any dog seized pursuant to the provisions of this chapter or any other state or federal law shall be returned to the owner or custodian only upon proof that the violations have been cured.

H. Violations of this section may be supported by evidence, including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.

I. The provisions of this section shall not be construed to prohibit the Department, the American Society for the Prevention of Cruelty to Animals, the Nassau County Society for the Prevention of Cruelty to Animals or any Law Enforcement Officer, Peace Officer, and Building Department personnel from enforcing any other law, rule or regulation regarding the humane treatment of animals.

§ 78-2.1. Unattended animals. [Added 12-17-2018 by L.L. No. 2-2018; amended 3-9-2020 by L.L. No. 1-2021]

A. It shall be a violation of this section for any person to place an animal or permit such animal to be placed or confined or remain in an unattended vehicle without sufficient ventilation or under other conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of water or such circumstances as reasonably may be expected to cause suffering, disability or death.

B. Nothing in this chapter shall be construed as to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

C. Any Police Officer, Peace Officer, employee of the Building Department or Dog Control Officer of the Village of Freeport who finds an animal in a motor vehicle in violation of Subsection A hereof may enter a motor vehicle, without civil or criminal liability, to remove the animal. The person removing the animal shall take said animal or cause said animal to be delivered to an animal shelter or other place of safekeeping in the Town of Hempstead. This section can be enforced by the American Society for the Prevention of Cruelty to Animals, the Nassau County Society for the Prevention of Cruelty to Animals or any Law Enforcement Officer, Peace Officer, Dog Control Officer of the Village of Freeport or the Freeport Department of Buildings.

D. In the event that the owner or custodian of said animal cannot otherwise be located, the person shall leave in a prominent place on or in the vehicle a written notice bearing his name and department and the address where the animal may be claimed by the owner thereof. The animal shelter that has custody of the animal shall make reasonable efforts to contact the owner and give notice that the animal is in its custody. The animal shall be surrendered to the owner if the owner claims the animal within 10 days from the time the animal was removed from the vehicle and pays all reasonable charges which have accrued for the maintenance of the animal. If the owner does not claim the animal within the specified time, the animal shelter may place the animal for adoption in accordance with provisions of this chapter and the Agriculture and Markets Law of the State of New York.

E. It shall be a violation of this section for any person to leave a dog unattended outdoors for over 30 minutes in inclement weather or under other conditions or for such a period of time as may endanger the health or well-being of such dog due to heat, lack of water or such other circumstances, such as a weather advisory by any federal, state, county, town, village government or as reasonably may be expected to cause suffering, disability or death. It shall be a rebuttable presumption that any temperature below 35° F. or above 85° F. constitutes inclement weather.

§ 78-3. Impounding of dogs at large; redemption. [Amended 1-22-1973; 11-26-1973; 11-22-1976 by L.L. No. 11-1976; 4-17-1978 by L.L. No. 9-1978; 7-9-1979 by L.L. No. 8-1979; 4-26-1982 by L.L. No. 7-1982; 2-26-1990 by L.L. No. 7-1990; 12-17-2018 by L.L. No. 2-2018; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Any person or officer authorized under Article 7 of the Agriculture and Markets Law, as amended, may enforce the provisions of such law, may enforce the provisions of this chapter and may take into his possession any dog found running at large to be disposed of in the same manner and under the same circumstances as provided for unlicensed or untagged dogs under the provisions of § 117 of the Agriculture and Markets Law, as amended.

B. The keeper of any pound under the control of the Village shall, on receiving any dog, immediately notify the owner or harborer of every such dog, if the owner or harborer is known to the poundkeeper or can, with reasonable diligence, be ascertained, that such animal has been and is impounded.

C. Any such dog so seized and held in a pound under the control of the Village may be redeemed by the owner of the same upon the payment of a redemption fee and proof of license with the Town of Hempstead to the Village Clerk who will issue to said owner an order to the keeper of the public pound for the delivery of such dog. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for the redemption of a dog at large which has been seized.

§ 78-4. Penalties for certain offenses. [Amended 4-17-1978 by L.L. No. 9-1978; 12-17-2018 by L.L. No. 2-2018]

Any person found guilty of violating any of the provisions of §§ 78-1 through 78-3 shall be subject to a fine of up to $1,000 and/or 15 days in the Nassau County Correctional Center.

§ 78-5. Horses on streets.

A. Pace limited to a walk. No person shall ride any horse or other animal on any street or in any public place at a pace other than a walk. The provisions of this section do not apply, however, to any show, parade, exhibition or other display of such animals as part of a performance or function duly authorized in the municipal stadium or other public place or park.

B. Sidewalks not to be used. No person shall ride or lead a horse, pony, donkey or mule along any sidewalk or footpath or upon private property without the consent of the owner or occupant thereof.

§ 78-6. Animal noises; definitions. [Amended 12-12-1983 by L.L. No. 19-1983]

A. No person shall own, possess, harbor, keep or maintain any animal, including a pet animal or pet bird, under his (her) control which frequently or for continued duration makes sounds which create unreasonable noise across a residential real property boundary or adjacent to or on the premises of or through the walls of any multiple dwelling, including an apartment house, townhouse, rooming house, cooperative apartment or condominium.

B. For purposes of enforcing and interpreting the provisions of this section; the following terms shall have the meanings indicated:

FREQUENTLY or FOR CONTINUED DURATION — A continual period of 10 minutes or an intermittent aggregate period of 20 minutes in a one-hour interval.

UNREASONABLE NOISE — Any excessive or unusually loud sound uttered by an animal or any animal sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities. Such sounds shall include barking, mewing, chirping, tweeting, whistling, screeching, hooting, growling, neighing, mooing, baying, whining, crying or any other unreasonably loud sound capable of being uttered by an animal.

§ 78-7. Keeping of domestic animals. [Amended 4-17-1978 by L.L. No. 9-1978]

No person within the Village limits shall keep or maintain any goats, pigs, horses, sheep or cattle within 200 feet of any residence other than the residence of the person so keeping or having such animals.

§ 78-8. Animal nuisances. [Amended 11-27-1972; 4-17-1978 by L.L. No. 9-1978]

A. Nuisances by animals. No person owning, harboring, keeping, in charge of or having the right and ability to prevent shall knowingly or carelessly or negligently permit any dog or other animal to commit any nuisance upon any sidewalk, thoroughfare, passageway, bypath, play area, park or any place where people congregate or walk or on any public property whatsoever or upon the floor of any hall of any apartment house which is used in common by the tenants thereof or upon the fences of any premises or the walls or stairways of any building abutting on a public street, avenue, park, public square or place or upon the floor of any theater, store, factory or any building which is used in common by the public, including all public rooms or places therewith connected, or upon the floor of any depot or station or upon the station platform or stairs of any railroad or other common carrier or upon the roof of any apartment house used in common by tenants thereof or upon the floor of any hall, stairway or office of any hotel or lodging house which is used in common by the guests thereof nor shall any person omit to do any reasonable and proper act or take any reasonable and proper

precaution to prevent any such dog or other animal from committing such a nuisance in, on or upon any of the places or premises herein specified.

B. The restriction in this section shall not apply to that portion of street lying between the curblines, which shall be used to curb such dog under the following conditions:

(1) The person who so curbs such dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the health authority.

(2) The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed, in accordance with the provisions of this subsection, in a sanitary manner approved by the health authority.

C. Sidewalk. The term "sidewalk" shall mean the area between the curbline and the abutting property owners' line.

§ 78-9. Poultry or fowl restricted. [Added 8-28-1967; amended 4-17-1978 by L.L. No. 9-1978]

A. It shall be unlawful for any person, firm, corporation or other entity within the Village limits to keep, harbor or maintain any live poultry or fowl, including, but not limited to, chickens, ducks and geese, except that not more than two poultry or fowl may be kept as household pets.

B. Notwithstanding the provisions of Subsection A hereof, it shall be unlawful for any person within the Village limits to keep, harbor or maintain any live rooster.

§ 78-10. Dogs not permitted on parking fields. [Added 1-8-1968]

It shall be unlawful for any person owning or harboring a dog to permit, suffer or allow said animal to go into or enter upon the following parking fields within the Village of Freeport at any time:

A. Municipal parking field located at the southeast corner of North Ocean Avenue and Randall Avenue.

B. Municipal parking field located in the middle of the block on the west side of North Grove Street between Brooklyn Avenue and Randall Avenue.

§ 78-11. (Reserved)[1]

1. **Editor's Note: Former § 78-11, Keeping of bees; penalty, of the 1979 Code, added 1-24-1977 by L.L. No. 1-1977, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 78-12. Number of dogs and cats limited. [Added 8-28-1978 by L.L. No. 17-1978; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

It shall be unlawful for any person to keep or harbor a combined total of either five dogs or cats in any residential housing or dwelling unit or on its grounds.

§ 78-13. Dog license required; vaccinations; license fees. [Added 12-4-1978 by L.L. No. 20-1978; amended 7-9-1979 by L.L. No. 8-1979; 2-26-1990 by L.L. No. 8-1990; 7-15-2002 by L.L. No. 6-2002; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Any dog four months of age or older harbored or otherwise kept within the Village of Freeport shall have a dog license. No license shall be required for any dog which is under the age of four months and which is not at large. The related identification tag shall be suspended from a dog's collar and worn at all times both on and off the dog owner's premises. A license shall be renewed after a period of one year, beginning with the first day of the month following the date of issuance, and shall be renewable annually thereafter prior to the expiration date. All applications for a dog license must be made to the Town of Hempstead.

B. All dogs must have proper rabies vaccinations.

§ 78-14. Enforcement. [Added 2-11-2002 by L.L. No. 2-2002; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Superintendent of Buildings and/or his duly authorized agent, the Freeport Police Department, and, by agreement, the Nassau County Society for the Prevention of Cruelty to Animals, shall have full authority to enforce the provisions of this chapter.

§ 78-15. Penalties for other offenses. [Added 4-17-1978 by L.L. No. 9-1978; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person who shall violate any of the provisions of §§ 78-5 through 78-13 shall be subject to the penalties set forth in § 1-10 of the Code of the Village of Freeport.

Chapter 79

BAMBOO

§ 79-1. Purpose and intent.
§ 79-2. Definitions.
§ 79-3. Presumption.
§ 79-4. Applicability.
§ 79-5. Prohibition.
§ 79-6. Removal from property.
§ 79-7. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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§ 79-1. Purpose and intent.

The purpose of this chapter is to preserve and protect private and public property from the damaging spread of running bamboo, to protect indigenous plant materials from the invasive spread of running bamboo and to maintain the general welfare of the residents of the Village of Freeport.

§ 79-2. Definitions.

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

BAMBOO OWNER — Any property owner, resident, or occupant who has planted and/or grows bamboo, or who maintains bamboo on the property, or who permits bamboo to grow or remain on the property even if the bamboo has spread from an adjoining property. Any property owner, resident, or occupant at whose property bamboo is found will be considered a bamboo owner, except any property owner or resident who:

A. Did not plant or grow or cause bamboo to be planted or grown on his property, and has provided satisfactory proof to the Village of Freeport that, within a reasonable period of time after discovering the encroachment of bamboo onto the property from an adjoining or neighboring property, advised the owner of such property of an objection to the encroachment of the bamboo; and

B. Has initiated steps for the removal of the bamboo from the property, including remedies at law.

CLUMPING BAMBOO — Hereinafter defined as any tropical or semi-tropical or sympodial podial (pachymorph) grasses which typically send off rhizomes near the base of the plant, including, but not limited to, Bambusa, Chusquea, Dendrocalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrostachys and Yushania.

RUNNING BAMBOO — Hereinafter defined as any tropical or semi-tropical grasses with monopodial (leptomorph) rhizome (root) systems which typically send off rhizomes far away from the plant, including, but not limited to, the following plant genera: arrow bamboo, Arundinaria, Bambusa, Chimonobambusa, common bamboo, golden bamboo, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.

§ 79-3. Presumption.

In the event 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." This presumption shall be rebuttable.

§ 79-4. Applicability.

For the purposes of this section, bamboo found growing upon a property shall constitute presumptive evidence that the bamboo was planted and/or grown by and/or with the consent of the bamboo owner.

§ 79-5. Prohibition.

Upon the effective date of this provision the planting of or the maintaining of any bamboo on any private or public property shall be expressly prohibited. Any person who thereafter plants or causes to be planted or maintains any such bamboo within the Village of Freeport shall be deemed to be in violation of this section and shall be subject to such penalties as are set forth hereunder.

§ 79-6. Removal from property.

Upon inspection by the Freeport Building Department, a ten-day notice to cure is to be issued to the bamboo owner as defined in § 79-2C, ordering for the removal and proper disposal of the "running bamboo." The notice is to be either personally served, sent by electronic format, or by regular mail.

§ 79-7. Penalties for offenses.

Any person or entity violating any provisions of §§ 79-5 and 79-6 prohibiting the planting and/or maintaining of running bamboo shall be guilty of an offense and, upon conviction, shall be subject to a fine of not less than $500 nor more than $1,500. Each day's continued violation shall constitute a separate additional offense.

Chapter 82

BICYCLES

ARTICLE I
(Reserved)

§ 82-1. through § 82-9. (Reserved)

ARTICLE II
Bicycle Operation

§ 82-10. Observance of traffic regulations.
§ 82-11. Traffic control signs and signals.
§ 82-12. Keeping to right; use of paths; hand signals.
§ 82-13. Speed.
§ 82-14. Yielding right-of-way.
§ 82-15. Carrying of packages.
§ 82-16. Parking of bicycles.
§ 82-17. Operation on sidewalks.
§ 82-18. Required equipment.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 5 of the 1966 Code; amended in its entirety 6-21-1982 by L.L. No. 8-1982. Subsequent amendments noted where applicable.]

ARTICLE I
(Reserved)[1]

§ 82-1. through § 82-9. (Reserved)

ARTICLE II
Bicycle Operation

§ 82-10. Observance of traffic regulations.

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this Village applicable to the driver of a vehicle,[2] except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

1. **Editor's Note: Former §§ 82-1, Applicability and purpose, through 82-9, Reports of transfers of ownership, codified as Art. I, Licensing and Regulation, of the 1979 Code, as amended 10-18-1982 by L.L. No. 14-1982, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2. **Editor's Note: The vehicle and traffic regulations of the Village are printed in pamphlet form and are on file in the office of the Village Clerk.**

§ 82-11. Traffic control signs and signals.

A. Required. Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a Police Officer.

B. Turns. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such signs.

§ 82-12. Keeping to right; use of paths; hand signals.

A. Generally. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction.

B. Riding abreast. Persons riding bicycles upon a roadway shall not ride more than one abreast in single file, except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. Use of paths. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such paths and shall not use the roadway.

D. Hand signals required. Before turning or changing the direction of any bicycle upon any street, highway, parkway or public place, it shall be the duty of the bicycle rider to give a signal by the extension of the hand to indicate the direction he is intending to proceed.

§ 82-13. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

§ 82-14. Yielding right-of-way.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

§ 82-15. Carrying of packages.

No person operating a bicycle shall carry any package or bundle or article which prevents the rider from keeping at least one hand on the handlebars.

§ 82-16. Parking of bicycles.

No person shall park a bicycle upon a street, other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle, or against a building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

§ 82-17. Operation on sidewalks.

A. Restricted. No person over the age of 10 years shall ride a bicycle upon any sidewalk in the Village. No person shall ride a bicycle on a sidewalk within a business district.

B. Right-of-way. Whenever any person is riding a bicycle upon the sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

§ 82-18. Required equipment.

A. Lamps and reflectors. Every bicycle when in use between one hour after sunset and one hour before sunrise shall be equipped with a lamp on the front, which shall emit a white light visible from a distance of at least 500 feet to the front, and with a red reflector on the rear, of a type which shall be visible from all distances from 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

B. Sound device. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

C. Brake. Every bicycle shall be equipped with a brake adequate to control the movement of and stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.

Chapter 86

BUILDING CONSTRUCTION

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Table of Height and Area Limits

Table I - Allowable Working Stresses for Wood Beams, Girders and Similar Structural Purposes

Table II - Allowable Working Stresses for Posts and Timber Columns

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 7 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
Scope

§ 86-1. Matters covered.

All matters concerning, affecting or relating to the construction, alteration, demolition or removal of structures erected or to be erected in this Village are presumptively provided for in this chapter, except insofar as such provisions are contained in the Village Law, the Labor Law, the Industrial Code or other laws of the State of New York or the rules promulgated in accordance with the provisions of this article by the Superintendent of Buildings.

§ 86-2. Provisions remedial.

This Code is hereby declared to be remedial and shall be construed liberally to secure the beneficial interests and purposes thereof, and where there are practical difficulties in the way of carrying out the strict letter of the law, the spirit of the law shall be observed and public safety secured and substantial justice done.

§ 86-3. New work to conform.

A. Every structure or part thereof hereafter constructed, and the plumbing or other equipment of any structure or premises, so far as provided for in this Code, shall, in the Village of Freeport, be constructed, altered or demolished in conformity with the provisions of this Code.

B. The construction, alteration or demolition of any structure in any manner violating any provision of this Code or any approval of the Superintendent of Buildings made and issued thereunder is forbidden, except that the raising or lowering of any structure to meet a change of grade in the street on which it is located shall be permitted, provided that the structure is otherwise unaltered.

§ 86-4. Structures affected.

All provisions of this Code shall apply with equal force to municipal and private structures, except as may be otherwise specifically provided by law.

§ 86-5. Inconsistencies.

Where any inconsistencies occur between the provisions of the Zoning Laws of the Village of Freeport[1] and this Building Code, the more restrictive provisions shall prevail.

1. **Editor's Note: See Ch. 210, Zoning.**

ARTICLE II
Administrative Provisions

§ 86-6. Applications for permits.

A. Permits for construction or alteration.

(1) Before the construction or alteration of any structure, including waterfront structures, or any part of a structure, and before the construction or alteration of the plumbing or electric system of any structure or premises is commenced, the owner or lessee or the architect, engineer or builder employed by the owner or lessee shall submit to the Superintendent of Buildings a statement in triplicate, on appropriate blanks furnished by the Superintendent, describing the proposed work, together with such computations. plans and detail drawings as the Superintendent of Buildings may require. Such statement constituting an application for a permit shall be accompanied by a further statement, in writing, sworn to before a notary public or commissioner of deeds, giving the full name and residence of each of the owners of the structure, proposed structure or premises and, except as otherwise herein provided, by a diagram of the lot or plot on which the construction is to be made, showing the exact location of any proposed new construction and all existing structures that are to remain, including information as to the occupancy of such structures. **[Amended 9-30-1972]**

(2) In the case of an interior alteration or a minor exterior alteration to an existing structure, the filing of a lot diagram shall not be required unless the Superintendent of Buildings deems it to be necessary because of special conditions.

(3) In the case of minor alterations which do not involve a structural change and which, in the opinion of the Superintendent of Buildings, do not require the filing of plans, a statement describing such minor alterations shall be submitted to the Superintendent on such form as he may designate.

(4) When plans are required to be filed and such plans contemplate structural changes or structural work affecting public health or safety, they shall be accompanied by an affidavit of a licensed architect or a licensed professional engineer, stating that he has supervised the preparation of the plans and that, to the best of his knowledge and belief, the structure, if built in accordance with the plans, will conform to this Code and will not be in conflict with any provision of the laws of the State of New York, the Zoning Ordinance[2] or any other provision of law applicable thereto, except as specifically noted otherwise.[3]

(5) If a licensed professional engineer has been employed in the preparation of the structural or mechanical design, the structural or mechanical plans shall be accompanied by his affidavit, stating that the structural or mechanical design drawings prepared under his supervision, to the best of his knowledge and belief,

2. Editor's Note: See Ch. 210, Zoning.

3. Note: The submission of plans and specifications shall be governed by the requirements of the State Education Law.

conform with the laws governing building construction, except as specifically noted otherwise.[4]

B. Authorization of owner to perform work. If the construction or plumbing or gas piping is to be executed by any person other than the owner of the land in fee, the person intending to make such construction or to construct such plumbing shall, either as lessee or in any representative capacity, accompany the application for a permit with a statement, in writing, sworn to as aforesaid, giving the full name and residence of each of the owners of the land, structure or proposed structure or premises and reciting that he is duly authorized to perform the work described. Such statement may be made by the agent, architect or engineer of the person hereinbefore required to make the statement.

C. Permit to demolish a structure. Before any structure or part of a structure is demolished, a statement in writing, on appropriate blanks to be furnished by the Superintendent of Buildings constituting a notice to demolish, shall be submitted to the Superintendent by the owner or any person authorized by the owner, giving the full name and residence of each of the owners of the structure to be demolished, the name and address of the person who is to do the work and such other information respecting the structure as the Superintendent may require. Such notice shall be submitted before the work of demolition is commenced, and a permit shall be issued by the Superintendent upon approval of such notice. The Superintendent shall not issue a permit to demolish unless the Nassau County Department of Health certifies, in writing, that the premises to be demolished was inspected and that no evidence of rodent infestation was found at the time of inspection. **[Amended 2-26-1968]**

D. Permit to move an existing structure. Before any existing structure may be moved from one location to another, the owner or his agent shall submit an application for a permit, giving the full name and residence of each of the owners of the structure to be moved, the name and address of the person who is to move the structure, a description of the method to be used and such other information as the Superintendent of Buildings may require.

E. Application for modification.

(1) If there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the law, the licensed architect or licensed professional engineer employed by the owner or lessee shall submit to the Superintendent of Buildings as statement in triplicate, on appropriate blanks furnished by the Superintendent, stating the nature of such difficulties or hardships and the proposed means to overcome them.

(2) The Superintendent of Buildings shall have the power to modify a provision of the code with respect to a particular structure and may grant such a modification, provided that the spirit of the law shall be observed and public safety secured, and provided further that the particulars of each application and of the decision of

4. Note: Plans for the construction or alterations of all factories, mercantile establishments and places of public assembly over which the New York State Department of Labor has jurisdiction must be filed with and approved by the Department of Labor before a permit can be issued by the Superintendent of Buildings.

the Superintendent of Buildings thereon shall be entered upon the records of the Department of Buildings.

F. Amendments to applications. Nothing in this Code shall prohibit the filing of amendments to any application at any time before the completion of the work for which a permit was sought, and such amendments, after approval, shall be made part of the application and filed as such.

G. Ordinary repairs excepted from permit. Ordinary repairs to structures or to the plumbing or drainage thereof may be made without notice to the Superintendent of Buildings, but such repairs shall not be construed to include the cutting away of any wall or any portion thereof; the removal or cutting of any beams or supports; the removal, change or closing of any stairway or required means of exit; the alteration of any house sewer, private sewer or drainage system; or the construction of any waste pipe.

§ 86-7. Issuance of permits.

A. Approval of applications.

(1) It shall be the duty of the superintendent of buildings (or their designee) to examine applications for permits or amendments thereto within a reasonable time after filing. **[Amended 8-20-1990 by L.L. No. 44-1990; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(2) Whenever the permit shall include an excavation for a structure within a business or industrial district, except for one- or two-family residence structures, or an excavation for a multiple dwelling, the owner of the premises in which such excavation is to be made shall furnish the Village with a bond of a surety company, approved by the Board of Trustees in form and approved by the Village Attorney, for an amount fixed and determined by the Superintendent of Buildings to secure the filling in of such excavation or foundation in the event it becomes abandoned. A deposit in cash may be made in lieu of such bond.

(3) In addition to the foregoing, in all cases, other than applications for permits for minor alterations and/or interior alterations, the Superintendent of Buildings shall require compliance with the State Environmental Quality Review Act (SEQRA) and Chapter 210 of the Code of the Village of Freeport, New York, so that he may take into account and vary or request modifications in the qualifying criteria for the issuance of the permit so that any adverse environmental impact which may be created by or result from the proposed construction is mitigated to the extent reasonably possible, provided that such variation, modification and/or mitigation is consistent with all applicable statutes, laws, ordinances, rules and regulations. **[Added 8-20-1990 by L.L. No. 44-1990]**

B. Approval of applications in part. Nothing in this section shall be construed to prevent the Superintendent of Buildings from approving and issuing a permit for the construction of part of a building or structure when plans and detailed statements have been presented for the same before the entire plans and detailed statements of said building or structure have been submitted or approved.

C. Signature to permit. Every permit issued by the Superintendent of Buildings under the provisions of this Code shall have his signature affixed thereto, but this shall not prevent the Superintendent from authorizing any subordinate to affix such signature.

D. Expiration of permit by limitation.

(1) Any permit issued by the Superintendent of Buildings under the provisions of this article, but under which no work has commenced within three months from the time of issuance, shall expire by limitation. If the work has not begun within the original three-month period, the Superintendent of buildings, upon receipt of a written request showing good cause, may allow an additional three-month extension.

(2) Any project which was begun but not completed within two years from the date of issuance of a building permit shall be deemed abandoned. A new building permit must be obtained if an abandoned project is to be continued. There will not be any refund of any fees if the building permit is forfeited due to reasons of abandonment or limitation. **[Amended 5-22-1972]**

E. Compliance with plans, laws and regulations.

(1) The construction of any structure or of any plumbing shall be in accordance with the approved detailed statement of specifications and plans for which the permit was issued or any approved amendment thereof. The Superintendent of Buildings may require a certified copy of the approved plans to be kept at all times on the premises from the commencement of the work to the completion thereof, except that this requirement may be waived by the Superintendent where compliance is not deemed necessary.

(2) Permits for construction or equipment of a structure issued by the Superintendent of Buildings shall be deemed to incorporate the proviso that the applicant, his agent, employees or contractors shall use only approved materials, appliances and methods of construction and shall carry out the work in accordance with the approved plans and with all requirements of this Code and any other laws, ordinances or regulations applicable thereto, whether specified or not.

F. Adherence to diagrams. The location of any new structure or of any extension to an existing structure shown on the diagram filed, as required by § 86-6, Applications for permits, or on any approved amendment thereof shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of any lot or plot, a diagram of which has been filed with an application to construct or alter and has been used as the basis for a permit, unless the structure for which the permit was issued complies in all respects with the requirements of this Code for structures located on plots of such diminished area; provided, however, that this shall not apply to any case m which the lot area is reduced by reason of any street opening or widening or any other public improvement.

G. Revocation of permits. The Superintendent of Buildings may revoke any permit or approval issued under the provisions of this Code in the case of any false statement or any misrepresentation as to a material fact in the application on which the permit or approval was based or any permit or approval issued in error where conditions are such that a permit or approval should not have been issued.

H. Notification of work commencing. The Building Department shall be notified, in writing, at least 24 hours prior to the starting of work under the building permit. **[Amended 5-22-1972]**

I. Freeport Plaza Urban Renewal Area. **[Added 7-20-1992 by L.L. No. 4-1992]**

(1) On May 4, 1992, after numerous and extensive public hearings, the Board of Trustees adopted an urban renewal plan known as the "Urban Renewal Plan for the Freeport Plaza Urban Renewal Area" (hereinafter "the plan" and "the Urban Renewal Area," respectively). On the same date, the Board of Trustees, by resolution, created the Freeport Plaza Architectural Review and Revitalization Board (hereinafter "the Architectural Board"). Pursuant to said Urban Renewal Plan and for its duration, within said Urban Renewal Area the Architectural Board shall exercise the following authority, duties and responsibilities:

(a) To develop design and specification guidelines for all structural work, facades and signage of buildings and structures to be rehabilitated or constructed in said Urban Renewal Area and for the design, construction and landscaping of all off-street parking facilities, whether public or private, located within said Urban Renewal Area; and

(b) To review for consistency with said guidelines and approve all site plans and building permit applications for all structural, facade, signage, parking and landscape design work to be performed within said Urban Renewal Area prior to the final approval of said site plans and permit applications by the Superintendent of Buildings.

(2) As a condition precedent to said review by the Architectural Board, the applicant shall file with the Architectural Board a certification from the Agency that the application and work proposed therein are consistent with the provisions of the Urban Renewal Plan. The Architectural Board shall submit said guidelines to the Agency for final review, modification, approval and adoption by the Agency; and following said adoption, the Agency shall cause said guidelines to be published.

(3) Pursuant to said Urban Renewal Plan and for its duration, within said Urban Renewal Area the Superintendent of Buildings shall continue to exercise his authority and responsibility to review and approve all applications for building permits and all site plans and other plans required to be submitted in conjunction therewith. However, for the duration of the plan, the Architectural Board shall have final approval of all building permits and site plans for all construction, reconstruction or rehabilitation activity or work within the Urban Renewal Area; and no building permit shall be approved, issued or denied and no site plan shall be approved unless and until the Agency shall have certified to the Architectural Board that such proposed construction and use and such site plan are consistent with the plan.

(4) In addition to the foregoing, within the Urban Renewal Area and upon the review and approval of the Architectural Board, the Board of Trustees for the Incorporated Village of Freeport may grant variances from existing Village of Freeport Building Code requirements pursuant to the provisions of Articles 15 and 15-A of the General Municipal Law, provided that the spirit of said Building

Code is followed in granting said variances, and provided further that the exercise of said discretion by the Board of Trustees is reasonable and consistent with all other applicable federal and state laws, rules and regulations.

(5) Any determination by the Architectural Board, the Superintendent of Buildings or the Agency with respect to the approval or denial, in whole or in part, of an application for a building permit, a site plan or a variance from the Village's Building Code with respect to any structural, facade, signage, parking and landscape design work to be performed within the Urban Renewal Area and certification as to plan compliance may be appealed by the applicant, the Architectural Board, the Superintendent of Buildings or the Agency within 30 days of the date of said determination and upon notice to all other parties to the Board of Trustees for final determination. A hearing, on not less than 15 days' published notice, shall be held upon such application.[5]

§ 86-8. Certificates of occupancy.

A. Certificates of occupancy for new structures.

(1) The occupation or use or permitting the occupation or use of any structure hereafter erected, in whole or in part, for any purpose whatsoever is forbidden until a certificate of occupancy shall have been issued by the Superintendent of Buildings, certifying that such structure conforms substantially to the approved plans and specifications and the requirements of the laws governing building construction applicable to structures of its class and kind.

(2) Upon completion of the installation of foundation walls on all new construction, the owner or his agent shall submit a diagram, prepared by a licensed land surveyor, of the lot or plot on which the foundation has been placed, showing the exact location of newly completed foundations and all other existing structures, and no superstructure shall be erected upon such new foundations until the Superintendent of Buildings shall have approved, in writing, said diagram.

(3) Before such certificate of occupancy shall be issued, the owner or his agent shall submit a diagram, prepared by a licensed land surveyor, of the lot or plot on which the construction has been made, showing the exact location of the newly completed structure and all other existing structures, street grades, sidewalk and curb locations and elevation: the finished grade elevation at the front wall of the structure; and first floor elevation. No such certificate shall be issued until a sidewalk, in full conformity with Village requirements, has been laid or, in the alternative, unless a bond covering the full cost of such sidewalk shall have been posted with the Village for the completion thereof within a reasonable time and certification has been made by the Water Department to the Superintendent of Buildings that the bill for the water used for construction has been paid in full.

5. Editor's Note: Former § 86-7.1, Moratorium on telecommunications towers, of the 1979 Code, which immediately followed this section, as amended 4-22-2002 by L.L. No., 4-2002, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B. Certificates of occupancy for altered structures. The occupancy or use, in whole or in part, for any purpose whatsoever of any structure hereafter altered, which was vacant during the progress of the work of alteration, is forbidden until a certificate of occupancy shall have been issued by the Superintendent of Buildings, certifying that the work for which the permit was issued has been completed substantially in accordance with the approved plans and specifications and the provisions of the laws governing building construction applying to such an alteration, and when the occupancy or use of a structure has continued during the work of alteration, the occupancy or use of the structure shall not continue for more than 30 days after completion of the alteration, unless such certificate shall have been issued.

C. Certificates of occupancy for existing structures. The present legal occupancy and use of any existing structure may continue, except as may be specifically prescribed by this Code or as may be necessary for the safety of life, health or property. Upon written request from the owner, the Superintendent of Buildings shall issue a certificate of occupancy for any existing structure, certifying, after verification by inspection, the occupancy or use of such structure, provided that at the time of issuing such certificate there are no notices of violation or other notices or orders pending in the Department of Buildings. (See § 86-131E.)

D. Change of occupancy. Changes of occupancy or use inconsistent with the last issued certificate of occupancy are forbidden in any structure. Any change of occupancy in an existing structure which would bring it under some special provisions of the laws governing construction is forbidden, unless a certificate is issued by the Superintendent of Buildings, certifying that such structure conforms to the provisions of the laws governing building construction for the proposed new occupancy and use and the proposed use will not be in conflict with any provisions of the laws of the State of New York or the Zoning Ordinance.[6]

E. Temporary certificates of occupancy. Upon request of the owner or his authorized representative, the Superintendent of Buildings shall issue a temporary certificate of occupancy for part of a structure, provided that such temporary occupancy or use does not in any way jeopardize life or property. Original temporary certificates of occupancy shall be granted for periods of not more than 90 days and be subject to renewal by the Superintendent of Buildings for similar periods of not more than 90 days at the discretion of the Superintendent.

F. Contents of certificate of occupancy. In addition to the certification required by this article as to compliance with the approved plans and application and with the provisions of laws governing building construction, each certificate of occupancy shall state the purposes for which the structure may be used in its several parts, the maximum permissible live loads on the several floors, the number of persons which may be accommodated in the several stories and any special stipulations of the permit.

G. Issuance and filing of certificates of occupancy. Certificates of occupancy for a structure shall be issued within 10 days after written application therefor if the structure, at the date of such application, shall be entitled thereto. A record of all certificates shall be kept in the Department of Buildings, and copies shall be furnished,

6. Editor's Note: See Ch. 210, Zoning, of this Code.

on request and on the payment of the fee prescribed in § 86-9, to any person having a proprietary interest in the structure affected.

H. Water. No certificate of occupancy shall be issued until water rents for the water consumed during construction have been fully paid nor until the Water Department certifies that a water meter has been duly installed upon the premises.

§ 86-9. Fees for permits and certificates. [Amended 5-22-1972]

A. No permits or certificates shall be issued by the Superintendent of Buildings until the applicant has paid to the Treasurer the appropriate fee for the particular permit or certificate sought. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a permit or certificate issued pursuant to this chapter. **[Amended 4-27-1981 by L.L. No. 2-1981; 2-26-1990 by L.L. No. 9-1990]**

B. For the purpose of assisting in the determination of the cost of a structure or alterations thereto, the applicant shall furnish and file an affidavit on oath, setting forth the cost of the structure or alteration. The estimated cost of the construction or alteration upon which the fee shall be based shall be determined by the Superintendent of Buildings.

C. The payment of a fee, as provided in this section, shall in no way relieve the applicant or holder of a permit from the payment of other fees that may be prescribed by law or ordinance for inspection, certificates, sewer connections, water taps or other privileges or requirements.

D. The foregoing fees in this § 86-9, as well as those in §§ 115-37, 115-55, 162-53 and 201-30, shall be twice the amount set forth therein, if the permit is issued after the work has commenced. **[Added 4-27-1981 by L.L. No. 3-1981]**[7]

E. If an applicant wishes to have his/her permit application reviewed in an expedited timeframe, the applicant may apply for expedited permit application/plan review. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for expedited building permit/plan review. **[Added 6-7-2021 by L.L. No. 6-2021]**

§ 86-10. Enforcement.

A. Duties of Superintendent of Buildings.

(1) The Superintendent of Buildings shall enforce all laws and ordinances relating to the location, construction, alteration, repair, removal, demolition, equipment, use and occupancy and maintenance of structures, except as otherwise provided.

(2) He shall receive all applications required by this Building Code, shall issue permits and shall furnish the prescribed certificates.

7. Editor's Note: Former Subsection E, added 4-27-1981 by L.L. No. 3-1981, relating to electrical permit fees, which immediately followed this subsection, was repealed 2-26-1990 by L.L. No. 10-1990.

(3) He shall make or cause to be made necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely.

(4) He shall have full power to pass upon any question arising under the provisions of this Code relative to the plans. manner of construction or materials to be used.

(5) He may order and compel the suspension of any work and prohibit the use of any material or equipment in violation of the provisions of this Code and may make or cause to be made such tests as he deems necessary to determine the safety of a structure, material or equipment, which it is his duty to inspect.

(6) For the purpose of enforcing compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in existing buildings, he shall issue such notices or orders as may be necessary.

B. Inspections. Inspections required under the provisions of this Code shall be made by the Superintendent of Buildings or a duly appointed subordinate, provided that in the case of the inspection of elevators, fuel oil equipment or electric wiring, he may accept reports of inspectors of casualty companies or of other recognized inspection services after investigation of their qualifications and reliability, but no certificate called for by a provision of this Code shall be based on such reports unless the same are in writing and certify, over the signature of the person making the inspection and report, that the provisions of this Code are complied with and there are no unsafe conditions.

C. Records of Superintendent of Buildings. All applications, notices and sworn statements required by this article and copies of the approved plans shall be kept on file in the Department of Buildings. Applications shall be promptly docketed as received.

D. Authority to adopt rules. The Superintendent of Buildings shall have the power to adopt such rules with respect to the materials and mode of construction, consistent with the provisions of this Code, as may be necessary to secure the intent and purposes of this Code and a proper enforcement of its provisions. For any provisions of this Code referring to the rules or requiring approvals of materials or modes of construction, the Superintendent shall adopt such rules as are required or will establish the conditions of approval.

E. Approved materials, appliances and methods of construction. Whenever any materials, appliances or methods of construction have been approved by the Superintendent of Buildings as conforming to tests prescribed by this Code or to any rules adopted thereunder, a list of such materials, appliances and methods of construction shall be kept on file in the Department of Buildings, properly indexed and open to public inspection during business hours.

F. Right of entry. Any officer or employee of the Department of Buildings, insofar as it may be necessary for the performance of his duties, shall have the right to enter any building or premises in said Village upon showing his badge of office.

G. Unsafe structures.

(1) Removal or repair of unsafe structures. Any structure or part of a structure or premises that from any cause may now be or shall at any time hereafter become

dangerous or unsafe structurally or a fire hazard shall be taken down and removed or made safe and secure. A vacant building, unguarded or open at door or window, shall be deemed dangerous or unsafe or a fire hazard within the meaning of this section. In any instance where there shall be any conflict between this section and the Freeport Village Code, the more restrictive provisions shall prevail.

(2) Record and notice of unsafe structure. Immediately upon the receipt of a report by any officer or employee of the Department of Buildings that a structure or part thereof is unsafe and dangerous, the Superintendent of Buildings shall cause the same to be entered upon a docket of unsafe structures to be kept in his Department, and the owner or one of the owners, executors, administrators, agents, lessees or any other person who may have a vested or contingent interest in the same shall be served with a printed or written notice containing a description of the premises or structure deemed unsafe or dangerous and an order requiring the same to be made safe and secure or removed as may be deemed necessary by the Superintendent of Buildings. Such notice shall require the person thus served to immediately certify to the Superintendent his assent or refusal to secure or remove the same.

(3) Voluntary abatement of unsafe or dangerous conditions. If the person served with a notice specified in Subsection G(2) shall immediately certify his assent to the securing or removal of said unsafe or dangerous structure or premises, he shall be allowed 48 hours after the service of such notice in which to commence the securing or removal of the same, and he shall employ sufficient labor and assistance to secure or remove the same as expeditiously as can be done.

(4) Disregard of notice.

(a) In case of neglect or refusal to comply with said notice within 48 hours, the Superintendent of Buildings shall report the case to the Village Clerk, who shall bring the matter before the Board of Trustees so that it may, as soon as possible, consider the matter and determine what disposition shall be made thereof.

(b) When the Board of Trustees deems a structure unsafe after inspection and hearing held thereon, of which due notice shall be given to all parties interested, they shall immediately notify any and all tenants or occupants of their findings, in writing, and direct the Chief of Police to cause all such tenants or occupants to vacate the premises forthwith. If said tenants or occupants refuse to or neglect to vacate the premises pursuant to said notice, such refusal or neglect on the part of said tenants or occupants shall constitute a violation of this section on the part of said tenant or occupants, and each day of such refusal or neglect shall be deemed a separate and distinct violation.

H. Fallen structures and structures imminently dangerous.

(1) Recovery of bodies from wrecked structures. In case of the falling of any structure or part thereof in the Village, where persons are known or believed to be buried under the ruins, the Superintendent of Buildings shall cause an

examination of the premises to be made for the recovery of the bodies of the killed and injured. Whenever, in making such examination it shall be necessary to remove any debris from the premises, the Highway Department and any other department of the Village, when called upon by the Superintendent of Buildings, shall cooperate with said Superintendent in carrying out the purpose of this section and shall provide suitable and convenient places for the deposit of such debris.

(2) Temporary safeguards for wrecked structures. In case there shall be, in the opinion of the Superintendent of Buildings, actual and immediate danger of the falling of any structure or part thereof so as to endanger life or property, he shall cause the necessary work to be done to render said structure or part thereof temporarily safe until the proper proceedings provided for unsafe structures by this article are instituted.

(3) Vacating structures; closing streets and sidewalks. The Superintendent of Buildings is hereby authorized and empowered in such cases and also where any structure or part thereof has fallen and life is endangered by the occupancy thereof to order and require the inmates and occupants of such structure or part thereof to vacate the same forthwith, and the superintendent may, when necessary for the public safety, temporarily close sidewalks, streets, structures and places adjacent to such structure or part thereof and prohibit the same from being used. The Chief of Police, when called upon by the Superintendent of Buildings to cooperate, shall enforce such orders or requirements.

(4) Laborers and materials. For the purposes of this section, the Superintendent of Buildings shall employ such laborers and materials as may be necessary to perform said work as speedily as possible.

(5) Recovery of costs. The Village Counsel shall institute appropriate actions against the owner of premises where the unsafe structure was located for the recovery of costs incurred by the Superintendent in the performance of emergency work.

I. Violations.

(1) Issue of notice or orders. All notices of the violation of any of the provisions of this Code, and all notices required or authorized by this Code directing anything to be done, including notices that any structure, premises or any part thereof is deemed to be unsafe or dangerous, shall be issued by the Superintendent of Buildings and shall have his name affixed thereto.

(2) Contents of notices or orders. Each such notice or order, in addition to the statement of requirements, shall contain a description of the structure, premises or property affected.

(3) Personal service of notices or orders. All such notices and any notice or order issued by any court in any proceeding instituted pursuant to this Code to restrain or remove any violation or to enforce compliance with any provision or requirement of this Code may be served by delivering to and leaving a copy of the same with any person violating or who may be liable under any provisions of this Code or who may be designated as provided in Subsection L(4) and (6) of this section. They may be served an officer or employee of the Department of

Buildings or by any person authorized by said Department. **[Amended 10-18-1971]**

(4) Notice or order by posting. If the person to whom such order or notice is addressed cannot be found within the Village after diligent search shall have been made for him, then such notice or order may be served by posting the same in a conspicuous place upon the premises where such violation is alleged to have been placed or to exist or to which such notice or order may refer or which may be deemed unsafe or dangerous and also depositing a copy thereof in the post office in the Village, enclosed in a sealed postpaid wrapper and addressed to said person at his last known place of residence, which shall be equivalent to a personal service of said notice or order upon all parties for whom such search shall have been made, whether residents or nonresidents of the State of New York.

J. Emergency measures.

(1) Stopping work; vacating and securing structures. In case there shall be, in the opinion of the Superintendent of Buildings, danger to life or property by reason of any defective or illegal work in violation of or not in compliance with any of the provisions or requirements of this Code, the Superintendent or such person as may be designated by him shall have the right and he is hereby authorized and empowered to order all further work to be stopped in and about said structure and to require all persons in and about said structure forthwith to vacate the same and to cause such work to be done in and about the structure as, in his judgment, may be necessary to remove any danger therefrom.

(2) Closing streets temporarily. The Superintendent of Buildings may, when necessary for public safety, temporarily close the sidewalks, streets, structures or places adjacent to said structure or part thereof, and the Chief of Police or any of his subordinates, when called upon by the said Superintendent of Buildings to cooperate, shall enforce all orders or requirements made under this section.

K. Judicial remedies.

(1) Action or proceeding generally. Whenever the Superintendent is satisfied that any structure or any portion thereof or any plumbing or other mechanical equipment, the construction, removal or demolition of which is regulated, permitted or forbidden by this Code, is being constructed, removed or demolished or has been constructed in violation of or not in compliance with any of the provisions or requirements of this Code or in violation of any detailed statement of specifications or plans submitted and approved thereunder or of any certificate or permit issued thereunder or that any provision or requirement of this Code or any order or direction made thereunder has not been complied with or that plans and specifications for plumbing and other mechanical equipment have not been submitted or filed as required by this Code, the Superintendent may, in his discretion, through the Village Counsel, institute any appropriate action or proceeding at law or in equity to restrain, correct or remove such violation or the execution of any work thereon, or to restrain or correct the erection or alteration of or to require the removal of or to prevent the occupancy or use of the structure constructed in violation of or not in compliance with any of the provisions of this Code or with respect to which the requirements thereof or of any order or

direction made pursuant to any provisions contained therein shall not have been complied with. Any person who shall maintain or continue any structure or any portion thereof or the occupancy or use thereof or any plumbing or other mechanical equipment in violation of any of the provisions of this Code, after having been duly notified as in this Code, provided that such structure or any portion thereof or the occupancy or use thereof or that such plumbing or any mechanical equipment is in violation of any provision of this Code, shall be subject to any action or proceeding and any penalty that is provided in this article for the commission of the violation.

(2) Village Counsel to act. The Village Counsel shall institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Code upon the order of the Board of Trustees of the Village.

(3) Courts having jurisdiction. All courts of civil jurisdiction in the Village shall have cognizance of and jurisdiction over any and all suits and proceedings authorized by this Code to be brought for the recovery of any penalty or the enforcement of any provisions of this Code and shall give preference to such suits and proceedings over all others. No court shall lose jurisdiction of any action hereunder by reason of a plea that the title to real estate is involved, provided that the object of the action is to recover a penalty for the violation of any of the provisions of this Code. All civil courts in said Village are hereby invested with full legal and equitable jurisdiction to hear, try and determine all such actions and proceedings and to make appropriate orders and render judgment herein according to law so as to give force and effect to the provisions of this Code.

(4) Restraining order. In any such action or proceeding, the Village may, in the discretion of the Superintendent of Buildings and on his affidavit setting forth the facts, apply to any court of record or to a Judge or Justice thereof for an order enjoining and restraining all persons from doing or causing or permitting to be done any work in or upon such structure or in or upon such part thereof as may be designated in said affidavit or from occupying or using said structure or such portion thereof as may be designated in said affidavit for any purpose whatsoever until the hearing and determination of said action and the entry of final judgment therein. The court or Judge or Justice thereof to whom such application is made is hereby authorized forthwith to make any or all of the orders above specified as may be required in such application, with or without notice, and to make such other or further orders or directions as may be necessary to render the same effectual. No undertaking shall be required as a condition to the granting or issuing of such injunction order or by reason thereof.

(5) Judgment. All courts in which any action or proceeding is instituted under this Code shall, upon the rendition of a verdict, report of a referee or decision of a Judge or Justice, render judgment in accordance therewith.

(6) Lien of judgment. Any judgment rendered in an action or proceeding instituted under this Code shall be and become a lien upon the premises named in the complaint in such action to date from the time of filing a notice of lis pendens in the County Clerk's office of the county, wherein the property affected by such

action, suit or proceeding is located. Every such lien may be enforced against said property in every respect, notwithstanding the same may be transferred subsequent to the filing of said notice.

(7) Lis pendens. The notice of lis pendens referred to in this section shall consist of a copy of the notice issued by the Superintendent of Buildings requiring the removal of the violation and a notice of the suit or proceedings instituted or to be instituted thereto. Such notice of lis pendens may be filed at any time after the service of the notice issued by the Superintendent as aforesaid, provided that he may deem the same to be necessary or is satisfied that the owner of the property is about to transfer the same to avoid responsibility for having violated a provision of this Code. Any notice of lis pendens filed pursuant to the provisions of this Code may be vacated and canceled of record upon an order of a Justice of the court in which such suit or proceeding was instituted or is pending or upon the consent, in writing, of the Village Trustees. The Clerk of the county where the notice is filed is hereby directed and required to mark any such notice of lis pendens and any record or docket thereof as vacated and canceled of record upon the presentation and filing of a certified copy of an order or of consent as aforesaid.

(8) Costs. In no case shall the Department of Buildings or any officer of the Village by liable for costs in any action, suit or proceedings that may have been or may hereafter be instituted or commenced in pursuance of this Code.

(9) Officers not liable for damages. No officer of the Department of Buildings, acting in good faith and without malice, shall be liable for damages by reason of anything done in any action or proceeding instituted under any provision of this Code or by reason of any act or omission in the performance of his official duties.

L. Judicial orders.

(1) Judicial orders to comply with notices or order. In case any notice or direction authorized to be issued by this Code is not complied with within the time designated therein, the Village, by the Village Counsel, may, at the request of the Superintendent of Buildings, apply to the Supreme Court, at a special term thereof, for any order directing the Superintendent to proceed to make the alterations or remove the violation as the same may be specified in said notice or direction.

(2) Judicial orders to vacate for violations. Whenever any notice or direction so authorized shall have been served as directed in this article and the same shall not have been complied with within the time designated therein, the Board of Trustees shall, at the request of the Superintendent of Buildings, in addition to or in lieu of any other remedy provided for by this Code, apply to the Supreme Court, at a special term thereof, for an order directing the Superintendent to vacate such structure or premises or so much thereof as he may deem necessary and prohibit the same to be used or occupied for any purpose specified in said order until such notice shall have been complied with.

(3) Responsibility of lessees or occupants. In case any of the notices or orders of the court herein mentioned shall be served upon any lessee or party in possession of the structure or premises therein described, it shall be the duty of the person upon whom such service is made to give immediate notice to the owner or agent of the structure or premises named in the notice if such person shall be within the limits of the Village and his residence be known to such person and, if not within the Village, by depositing said notice in the post office in the Village, properly enclosed in a postpaid wrapper and addressed to such owner or agent at his then known place of residence.

(4) Designation of agent by an owner of a structure. Any owner of real estate or of a structure thereon may execute and acknowledge a written designation of a resident of said Village as a person upon whom may be served any notice of violation, notice to make safe or notice of survey, a summons, a mandate or any paper or process issued under a provision of this Code and may file the same with the written consent of the person so designated, duly acknowledged, in the office of the Superintendent of Buildings. The designation must specify the location of the property with respect to which the designation is made and the residences and places of business of the person making it and the person designated. It shall remain in force during the period specified therein, if any, or until revoked by the death or legal incompetency of either of the parties or by the filing of a revocation by either of the parties, duly acknowledged and endorsed with the consent of the Superintendent of Buildings. The Superintendent of Buildings shall file and index each designation and shall note, upon the original designation and index, the filing of a revocation. While the designation remains in force, as prescribed in this section, a notice of violation, notice to make safe or notice to survey, a summons, a mandate or any paper or process under the provisions of this Code or either of the same shall be served upon the person so designated in like manner and with like effect as if it were served personally upon the person making the designation, notwithstanding his presence in the Village.

(5) Reimbursement of Village for expenses. The expenses and disbursements incurred in the carrying out of any order issued, as provided Subsection L(2), shall become a lien upon the structure or premises named in the order from the time of filing of a copy of said order, with a notice of the pendency of the action or proceeding as provided in this Code taken thereunder, in the office of the Clerk of the county, and the Supreme Court, to whom application shall be made, is hereby authorized and directed to grant any of the orders above named and to take such proceedings as shall be necessary to make the same effectual, and any Justice to whom application shall be made is hereby authorized and directed to enforce such lien in accordance with the Mechanics' Lien Laws[8] applicable to the Village.

(6) Multiple dwellings.

(a) All owners of commercial buildings, mercantile buildings, and multiple dwellings shall post in a conspicuous place in a public area in said building a permanent sign indicating the name and street address of a person, firm or

8. Editor's Note: See Lien Law, Article 2, Mechanics' Liens.

corporation within the confines of the incorporated Village of Freeport upon whom process can be served or upon whom any notice of violation, notice to make safe, notice of survey, a summons, a mandate or any other paper or process issued under the provision of this Code may be served with regard to said building or structure. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(b) The requirements of this subsection shall also apply to a two-family dwelling where both dwelling units are rented or leased by the owner and thereby are not owner occupied.

(c) The requirements of this subsection shall also apply to a one-family dwelling which is rented or leased by the owner and thereby is not owner occupied.

M. Penalties.

(1) General penalties. **[Amended 4-17-1978 by L.L. No. 12-1978; 3-23-1992 by L.L. No. 1-1992]**

(a) Any person or persons, association or corporation who shall knowingly and willfully violate any of the provisions of this chapter or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter or repair or has erected, constructed, altered or repaired a structure in violation of any statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a violation, as defined under the Penal Law of the State of New York, and subject to a fine of not more than $4,000, imprisonment for not more than 15 days, or both such fine and imprisonment for each such violation. The owner of a structure or premises or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate violation and subject to a fine of not more than $4,000, imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(b) Each and every day (twenty-four-hour period) that a violation continues shall constitute a separate violation.

(2) Abatement. The imposition of the penalties herein prescribed shall not preclude the Village Counsel from instituting any appropriate 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 an illegal act, conduct, business or use in or about any premises.

(3) No legalization due to delinquency. No oversight or dereliction of duty on the part of the Building Inspector shall legalize the erecting, constructing, alteration, removal, use or occupancy of a structure that does not conform to the provisions of the Building Code.

ARTICLE III

Uniform Code Administration and Enforcement[9]

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 86-11. Purpose and intent.

A. This chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Village. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law.

B. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this chapter.

§ 86-12. Definitions.

In this chapter, the following terms shall have the meanings shown in this section:

ASSEMBLY AREA — An area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering 50 or more persons for uses, including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

BUILDING PERMIT — A building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "building permit" shall also include a building permit which is renewed, amended, or extended pursuant to any provision of this chapter.

CERTIFICATE OF COMPLIANCE — A document issued by the Village stating that work was done in compliance with approved construction documents and the Codes.

CERTIFICATE OF OCCUPANCY — A document issued by the Village certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Village, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

CODE ENFORCEMENT PERSONNEL — Includes the Superintendent of Buildings and all Inspectors.

CODES — The Uniform Code and Energy Code (the NYS Building Codes).

COMMERCIAL BUILDING — Any building that is nonresidential, with the exception of a multiple dwelling, which is also deemed to be a commercial building. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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9. Editor's Note: Former Article III, Definitions, of the 1979 Code, adopted 5-9-1966, as amended 11-28-1966, 4-26-1967, and 9-27-1976 by L.L. No. 7-1976, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ENERGY CODE — The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

FCNYS — The 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION — An inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

HAZARDOUS PRODUCTION MATERIALS — A solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

INSPECTOR — An inspector appointed pursuant to § 86-13 of this chapter.

OPERATING PERMIT — A permit issued pursuant to § 86-20 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended, or extended pursuant to any provision of this chapter.

ORDER TO REMEDY — An order issued by the Superintendent of Buildings pursuant to § 86-27A of this chapter.

PERMIT HOLDER — The person to whom a building permit has been issued.

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

PMCNYS — The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

RCNYS — The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

REPAIR — The reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

STOP-WORK ORDER — An order issued pursuant to § 86-16 of this chapter.

SUGARHOUSE — A building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

SUPERINTENDENT OF BUILDINGS — The Superintendent of Buildings appointed pursuant to § 86-13B of this chapter.

TEMPORARY CERTIFICATE OF OCCUPANCY — A certificate issued pursuant to § 86-17H of this chapter.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

VILLAGE — The Village of Freeport.

§ 86-13. Superintendent of buildings and inspectors.

A. The Office of Superintendent of Buildings is hereby created. The Superintendent of Buildings shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this chapter. The Superintendent of Buildings shall have the following powers and duties:

(1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits, and the plans, specifications, and construction documents submitted with such applications;

(2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits, and to include in terms and conditions as the Superintendent of Buildings may determine to be appropriate building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits;

(3) To conduct construction inspections; inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this chapter;

(4) To issue stop-work orders;

(5) To review and investigate complaints;

(6) To issue orders pursuant to § 86-27A of this chapter;

(7) To maintain records;

(8) To collect fees as set by the Board of Trustees of this Village;

(9) To pursue administrative enforcement actions and proceedings;

(10) In consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this chapter; and

(11) To exercise all other powers and fulfill all other duties conferred upon the Superintendent of Buildings by this chapter.

B. The Superintendent of Buildings shall be appointed by the Board of Trustees. The Superintendent of Buildings shall possess background experience related to building

construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for Code Enforcement Personnel, and the Superintendent of Buildings shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Superintendent of Buildings is unable to serve as such for any reason, another individual shall be appointed by the Board of Trustees to serve as Acting Superintendent of Buildings. The Acting Superintendent of Buildings shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Superintendent of Buildings by this chapter.

D. One or more Inspectors may be appointed by the Board of Trustees to act under the supervision and direction of the Superintendent of Buildings and to assist the Superintendent of Buildings in the exercise of the powers and fulfillment of the duties conferred upon the Superintendent of Buildings by this chapter. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for Code Enforcement Personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

E. The compensation for the Superintendent of Buildings and Inspectors shall be fixed from time to time by the Board of Trustees of this Village.

§ 86-14. Building permits.

A. Building permits required. Except as otherwise provided in Subsection B, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Village.

B. Exemptions. No building permit shall be required for work in any of the following categories:

(1) Construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(2) Installation of partitions or movable cases less than five feet nine inches in height;

(3) Painting, wallpapering, tiling, carpeting, or other similar finish work;

(4) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(5) Repairs, provided that the work does not have an impact on fire and life safety, such as:

(a) Any part of the structural system;

(b) The required means of egress; or

(c) The fire protection system or the removal from service of any part of the fire protection system for any period of time.

C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Superintendent of Buildings. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Superintendent of Buildings deems sufficient to permit a determination by the Superintendent of Buildings that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) A description of the location, nature, extent, and scope of the proposed work;

(2) The Tax Map number and the street address of any affected building or structure;

(3) The occupancy classification of any affected building or structure;

(4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) At least two sets of construction documents (drawings and/or specifications) which:

(a) Describe the location, nature, extent, and scope of the proposed work;

(b) Show that the proposed work will conform to the applicable provisions of the Codes;

(c) Show the location, construction, size, and character of all portions of the means of egress;

(d) Show a representation of the building thermal envelope;

(e) Show structural information, including, but not limited to, braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;

(f) Show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building;

(g) Include a written statement indicating compliance with the Energy Code;

(h) Include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances

from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and

(i) Evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including, but not limited to, the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's certificate of authorization number.

(6) In the case of an interior alteration or a minor exterior alteration to an existing structure, the filing of a lot diagram shall not be required unless the Superintendent of Buildings deems it to be necessary because of special conditions.

(7) In the case of minor alterations which do not involve a structural change and which, in the opinion of the Superintendent of Buildings, do not require the filing of plans, a statement describing such minor alterations shall be submitted to the Superintendent on such form as he may designate.

E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5). Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Superintendent of Buildings, in writing or by stamp or, in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Superintendent of Buildings, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

F. Application for modification.

(1) If there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the law, the licensed architect or licensed professional engineer employed by the owner or lessee shall submit to the Superintendent of Buildings as statement in triplicate, on appropriate blanks furnished by the Superintendent, stating the nature of such difficulties or hardships and the proposed means to overcome them.

(2) The Superintendent of Buildings shall have the power to modify a provision of the code with respect to a particular structure and may grant such a modification,

provided that the spirit of the law shall be observed and public safety secured, and provided further that the particulars of each application and of the decision of the Superintendent of Buildings thereon shall be entered upon the records of the Department of Buildings.

G. Amendments to applications. Nothing in this Code shall prohibit the filing of amendments to any application at any time before the completion of the work for which a permit was sought, and such amendments, after approval, shall be made part of the application and filed as such.

H. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Superintendent of Buildings shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. If said examination reveals otherwise, said Superintendent shall reject such application at once, giving the applicant a written statement of his reason or reasons for rejection.

I. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

J. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Superintendent of Buildings of any change occurring during the course of the work. The building permit shall contain such a directive. If the Superintendent of Buildings determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

K. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. building permits shall expire 24 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Superintendent of Buildings.

L. Revocation or suspension of building permits. If the Superintendent of Buildings determines that a building permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Superintendent of Buildings shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that 1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and 2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

M. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

§ 86-15. Construction inspections.

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Superintendent of Buildings or by an Inspector authorized by the Superintendent of Buildings. The permit holder shall notify the Superintendent of Buildings, in writing, at least 24 hours in advance, when any element of work described in Subsection B is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) Work site prior to the issuance of a building permit;

(2) Footing and foundation;

(3) Preparation for concrete slab;

(4) Framing;

(5) Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;

(6) Fire-resistant construction;

(7) Fire-resistant penetrations;

(8) Solid-fuel-burning heating appliances, chimneys, flues, or gas vents;

(9) Inspections required to demonstrate Energy Code compliance, including, but not limited to, insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;

(10) Installation, connection, and assembly of factor manufactured buildings and manufactured homes; and

(11) A final inspection after all work authorized by the building permit has been completed.

C. Remote inspections. At the discretion of the Superintendent of Buildings or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Superintendent of Buildings or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Superintendent of Buildings or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Superintendent of Buildings or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a

citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 86-16. Stop-work orders.

A. Authority to issue. Code Enforcement Personnel are authorized to issue stop-work orders pursuant to this section. Code Enforcement Personnel shall issue a stop-work order to halt:

(1) Any work that is determined by Code Enforcement Personnel to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of Code Enforcement Personnel, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall:

(1) Be in writing;

(2) Be dated and signed by Code Enforcement Personnel;

(3) State the reason or reasons for issuance; and

(4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The Superintendent of Buildings shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by first class mail. Code Enforcement Personnel shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by first class mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder, and any other person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the stop-work order, other than work expressly authorized by Code Enforcement Personnel to correct the reason for issuing the stop-work order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 86-27, Violations, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 86-17. Certificates of occupancy and certificates of compliance.

A. Certificates of occupancy and certificates of compliance required. A certificate of occupancy or certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy or certificate of compliance.

B. Issuance of certificates of occupancy and certificates of compliance. The Superintendent of Buildings shall issue a certificate of occupancy or certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Superintendent of Buildings or an Inspector authorized by the Superintendent of Buildings shall inspect the building, structure, or work prior to the issuance of a certificate of occupancy or certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Superintendent of Buildings, at the expense of the applicant for the certificate of occupancy or certificate of compliance, shall be provided to the Superintendent of Buildings prior to the issuance of the certificate of occupancy or certificate of compliance:

(1) Upon completion of the installation of foundation walls on all new construction, the owner or his agent shall submit a diagram, prepared by a licensed land surveyor, of the lot or plot on which the foundation has been placed, showing the exact location of newly completed foundations and all other existing structures, and no superstructure shall be erected upon such new foundations until the Superintendent of Buildings shall have approved, in writing, said diagram.

(2) Before such certificate of occupancy shall be issued, the owner or his agent shall submit a diagram, prepared by a licensed land surveyor, of the lot or plot on which the construction has been made, showing the exact location of the newly

completed structure and all other existing structures, street grades, sidewalk and curb locations and elevation: the finished grade elevation at the front wall of the structure; and first floor elevation. No such certificate shall be issued until a sidewalk, in full conformity with Village requirements, has been laid or, in the alternative, unless a bond covering the full cost of such sidewalk shall have been posted with the Village for the completion thereof within a reasonable time and certification has been made by the Water Department to the Superintendent of Buildings that the bill for the water used for construction has been paid in full.

(3) A written statement of structural observations and/or a final report of special inspections;

(4) Flood hazard certifications;

(5) A written statement of the results of tests performed to show compliance with the Energy Code; and

(6) Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(7) No certificate of occupancy shall be issued until water rents for the water consumed during construction have been fully paid nor until the Water Department certifies that a water meter has been duly installed upon the premises.

C. Certificates of completion for altered structures. The occupancy or use, in whole or in part, for any purpose whatsoever of any structure hereafter altered, which was vacant during the progress of the work of alteration, is forbidden until a certificate of completion shall have been issued by the Superintendent of Buildings, certifying that the work for which the permit was issued has been completed substantially in accordance with the approved plans and specifications and the provisions of the laws governing building construction applying to such an alteration, and when the occupancy or use of a structure has continued during the work of alteration, the occupancy or use of the structure shall not continue for more than 30 days after completion of the alteration, unless such certificate shall have been issued.

D. Certificates of occupancy for existing structures. The present legal occupancy and use of any existing structure may continue, except as may be specifically prescribed by this Code or as may be necessary for the safety of life, health or property. Upon written request from the owner, the Superintendent of Buildings shall issue a certificate of occupancy for any existing structure that currently does not have a certificate of occupancy, where sufficient documentation is provided and approved by the Superintendent of Buildings that certifies that the existing structure complies with the Building Code at the time of the request.

E. Letters in lieu of a certificate of occupancy for existing structures. The present legal occupancy and use of any existing structure may continue, except as may be specifically prescribed by this Code or as may be necessary for the safety of life, health or property. Upon written request from the owner, the Superintendent of Buildings shall issue a letter in lieu of a certificate of occupancy for any structure constructed prior to 1935 upon submission of an electrical underwriter's certificate for a survey of the electrical system throughout the entire structure.

F. Change of occupancy. Changes of occupancy or use inconsistent with the last issued certificate of occupancy are forbidden in any structure. Any change of occupancy in an existing structure must be submitted in a building permit application describing the change of use and the interior layout of the structure. No change of occupancy will be permitted when the proposed use is in conflict with any provisions of the laws of the State of New York or the Zoning Code.[10]

G. Contents of certificates of occupancy and certificates of compliance. A certificate of occupancy or certificate of compliance shall contain the following information:

(1) The building permit number, if any;

(2) The date of issuance of the building permit, if any;

(3) The name (if any), address and Tax Map number of the property;

(4) If the certificate of occupancy or certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy or certificate of compliance is issued;

(5) The use and occupancy classification of the structure;

(6) The type of construction of the structure;

(7) The occupant load of the assembly areas in the structure, if any;

(8) Any special conditions imposed in connection with the issuance of the building permit; and

(9) The signature of the Superintendent of Buildings issuing the certificate of occupancy or certificate of compliance and the date of issuance.

H. Temporary certificate of occupancy. The Superintendent of Buildings shall be permitted to issue a temporary certificate of occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Superintendent of Buildings issue a temporary certificate of occupancy unless the Superintendent of Buildings determines 1) that the building or structure, or the portion thereof covered by the temporary certificate of occupancy, may be occupied safely, 2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and 3) that all required means of egress from the structure have been provided. The Superintendent of Buildings may include in a temporary certificate of occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A temporary certificate of occupancy shall be effective for a period of time not to exceed 90 days. Upon request of the owner or his authorized representative, the Superintendent of Buildings shall issue a temporary certificate of occupancy for part of a structure, provided that such temporary occupancy or use does not in any way jeopardize life or

10. Editor's Note: See Ch. 210, Zoning, of this Code.

property. Original temporary certificates of occupancy shall be granted for periods of not more than 90 days and be subject to renewal by the Superintendent of Buildings for similar periods of not more than 90 days at the discretion of the Superintendent months, which shall be determined by the Superintendent of Buildings and specified in the temporary certificate of occupancy. During the specified period of effectiveness of the temporary certificate of occupancy, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

I. Revocation or suspension of certificates. If the Superintendent of Buildings determines that a certificate of occupancy, certification of compliance, or a temporary certificate of occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Superintendent of Buildings within such period of time as shall be specified by the Superintendent of Buildings, the Superintendent of Buildings shall revoke or suspend such certificate.

J. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy, certificate of compliance, or for temporary certificate of occupancy.

§ 86-18. Notification regarding fire or explosion.

The Chief of any fire department providing firefighting services for a property within this Village shall promptly notify the Superintendent of Buildings of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

§ 86-19. Unsafe buildings, structures, and equipment and conditions of imminent danger.

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Village shall be identified and addressed in accordance with the procedures established by Chapters 95 and 128, as now in effect or as hereafter amended from time to time.

§ 86-20. Operating permits.

A. Operating permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below. The operating permit must be obtained prior to commencing such activities or operations listed below:

(1) Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) Buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(a) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(b) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(c) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(d) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(e) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(f) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(g) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire by-products or operating a tire rebuilding plant;

(h) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(i) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;

(j) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law § 270;

(k) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(l) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(3) Energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in Section R327.5 of the RCNYS.

(4) Buildings containing one or more assembly areas;

(5) Outdoor events where the planned attendance exceeds 1,000 persons;

(6) Facilities that store, handle or use hazardous production materials;

(7) Parking garages as defined in § 86-23A of this chapter;

(8) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village; and

(9) Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Trustees of this Village.

B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Superintendent of Buildings. Such application shall include such information as the Superintendent of Buildings deems sufficient to permit a determination by the Superintendent of Buildings that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Superintendent of Buildings determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Superintendent of Buildings, at the expense of the applicant.

C. (Reserved)

D. Inspections. The Superintendent of Buildings or an Inspector authorized by the Superintendent of Buildings shall inspect the subject premises prior to the issuance of an operating permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Superintendent of Buildings or an Inspector authorized by the Superintendent of Buildings, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Superintendent of Buildings or Inspector authorized by the Superintendent of Buildings that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

E. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Superintendent of Buildings may require a separate operating permit for each such activity, or the

Superintendent of Buildings may, in their discretion, issue a single operating permit to apply to all such activities.

F. Duration of operating permits.

(1) Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

(a) Thirty days for tents, special event structures, and other membrane structures;

(b) Sixty days for alternative activities at a sugarhouse;

(c) One year for the activities, structures, and operations determined per Subsection A(9); and

(d) One year for all other activities, structures, and operations identified in Subsection A.

(2) The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Superintendent of Buildings, payment of the applicable fee, and approval of such application by the Superintendent of Buildings.

G. Revocation or suspension of operating permits. If the Superintendent of Buildings determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid at the time submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 86-21. Fire safety and property maintenance inspections.

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Superintendent of Buildings or an Inspector designated by the Superintendent of Buildings at the following intervals:

(1) At least once every 12 months for buildings which contain an assembly area;

(2) At least once every 12 months for multiple dwellings and all nonresidential occupancies.

B. Remote inspections. At the discretion of the Superintendent of Buildings or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Superintendent of Buildings or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Superintendent of Buildings or such authorized Inspector that the premises conform with the applicable provisions of 19

NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Superintendent of Buildings or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

C. Inspections permitted. In addition to the inspections required by Subsection A, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Superintendent of Buildings or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

(1) The request of the owner of the property to be inspected or an authorized agent of such owner;

(2) Receipt by the Superintendent of Buildings of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) Receipt by the Superintendent of Buildings of any other information, reasonably believed by the Superintendent of Buildings to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

D. OFPC inspections.

(1) Nothing in this section or in any other provision of this chapter shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law § 156-e and Education Law § 807-b.

(2) Notwithstanding any other provision of this section to the contrary, the Superintendent of Buildings may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to §§ 807-a and 807-b of the Education Law and/or § 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Superintendent of Buildings or by an Inspector, provided that:

(a) The Superintendent of Buildings is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR § 1203.2(e);

(b) The Superintendent of Buildings is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;

(c) Such inspections are performed no less frequently than once a year;

(d) A true and complete copy of the report of each such inspection is provided to the Superintendent of Buildings; and

(e) Upon receipt of each such report, the Superintendent of Buildings takes the appropriate action prescribed by § 86-27, Violations, of this chapter.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 86-22. Complaints.

A. The Superintendent of Buildings shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code.

B. The process for responding to a complaint shall include such of the following steps as the Superintendent of Buildings may deem to be appropriate:

(1) Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(2) If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 86-27, Violations, of this chapter;

(3) If appropriate, issuing a stop-work order;

(4) If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 86-23. Condition assessments of parking garages.

A. Definitions. For the purposes of this section:

CONDITION ASSESSMENT — An on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure.

DETERIORATION — The weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.

PARKING GARAGE — Any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:

(1) Buildings in which the only level used for parking or storage of motor vehicles is on grade;

(2) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(3) A townhouse unit with attached parking exclusively for such unit.

PROFESSIONAL ENGINEER — An individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.

RESPONSIBLE PROFESSIONAL ENGINEER — The professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term "responsible professional engineer" shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

UNSAFE CONDITION — Includes the conditions identified as "unsafe" in §§ 304.1.1, 305.1.1, and 306.1.1 of the PMCNYS.

UNSAFE STRUCTURE — A structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. Condition assessments; general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in Subsection C, periodic condition assessments as described in Subsection D, and such additional condition assessments as may be required under Subsection E. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Village, in accordance with the requirements of Subsection F. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

C. Initial condition assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after the effective date of this chapter, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six months after the effective date of this chapter.

D. Periodic condition assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed one year.

E. Additional condition assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under Subsection C, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Village becomes aware of any new or increased deterioration which, in the judgment of the Village, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under Subsection C, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Village to be appropriate.

F. Condition assessment reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Village within a time frame to be set by the Superintendent of Buildings. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) An evaluation and description of the unsafe conditions;

(4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) An evaluation and description of the corrective options available, including the recommended time frame for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) The responsible professional engineer's recommendation regarding preventative maintenance;

(8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

G. Review condition assessment reports. The Village shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Village shall, by this chapter or such other means of enforcement as the Village may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to Subsection F(2) and (3). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Village to take any other enforcement action, including, but not limited to, suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

H. The Village shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Village with a written statement attesting to the fact that he or she has been so engaged, the Village shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Village shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

I. This section shall not limit or impair the right or the obligation of the Village:

(1) To perform such construction inspections as are required by § 86-15, Construction inspections, of this chapter;

(2) To perform such periodic fire safety and property maintenance inspections as are required by § 86-21, Fire safety and property maintenance inspections, of this chapter; and/or

(3) To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Village by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§ 86-24. Climatic and geographic design criteria.

A. The Superintendent of Buildings shall determine the climatic and geographic design criteria for buildings and structures constructed within this Village as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) Design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) Heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) Flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(a) The accompanying Flood Insurance Rate Map (FIRM);

(b) Flood Boundary and Floodway Map (FBFM); and

(c) Related supporting data along with any revisions thereto.

B. The Superintendent of Buildings shall prepare a written record of the climatic and geographic design criteria determined, pursuant to Subsection A, shall maintain such record within the office of the Superintendent of Buildings, and shall make such record readily available to the public.

§ 86-25. Recordkeeping.

A. The Superintendent of Buildings shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) All applications received, reviewed and approved or denied;

(2) All plans, specifications and construction documents approved;

(3) All building permits, certificates of occupancy, certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;

(4) All inspections and tests performed;

(5) All statements and reports issued;

(6) All complaints received;

(7) All investigations conducted;

(8) All condition assessment reports received;

(9) All fees charged and collected; and

(10) All other features and activities specified in or contemplated by §§ 86-14 through 86-24, inclusive, of this chapter.

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 86-26. Program review and reporting.

A. The Superintendent of Buildings shall annually submit to Board of Trustees of this Village a written report and summary of all business conducted by the Superintendent of Buildings and the Inspectors, including a report and summary of all transactions and activities described in § 86-25, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

B. The Superintendent of Buildings shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.

C. The Superintendent of Buildings shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Village is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with

administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§ 86-27. Violations.

A. Orders to remedy.

(1) The Superintendent of Buildings is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. An order to remedy shall be in writing; shall be dated and signed by the Superintendent of Buildings; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

"The person or entity served with this order to remedy must completely remedy each violation described in this order to remedy by [specify date], which is 30 days after the date of this order to remedy."

(2) The order to remedy may include provisions ordering the person or entity served with such order to remedy (1) to begin to remedy the violations described in the order to remedy immediately, or within some other specified period of time which may be less than 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within 30 days of the date of such order to remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Superintendent of Buildings may deem appropriate, during the period while such violations are being remedied. The Superintendent of Buildings shall cause the order to remedy, or a copy thereof, to be served on the owner of the affected property personally or by first class mail within five days after the date of the order to remedy. The Superintendent of Buildings shall be permitted, but not required, to cause the order to remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by first class mail within five days after the date of the order to remedy; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B. Appearance tickets. The Superintendent of Buildings and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Penalties. In addition to such other penalties as may be prescribed by State law:

(1) Any person who violates any provision of this chapter or any term, condition, or provision of any building permit, certificate of occupancy, certificate of

compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Superintendent of Buildings pursuant to any provision of this chapter, shall be punishable by a fine of not more than $1000 per day of violation, or imprisonment not exceeding 15 days, or both; and

(2) Any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Superintendent of Buildings pursuant to any provision of this chapter, shall be liable to pay a civil penalty of not more than $500 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Village.

D. Injunctive relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit, order to remedy, or other notice or order issued by the Superintendent of Buildings pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, order to remedy or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Trustees of this Village.

E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 86-16, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 86-16, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

§ 86-28. Fees.

A fee schedule shall be established by resolution of the Board of Trustees of this Village. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, certificates of compliance, temporary certificates, operating permits, fire safety and property maintenance inspections, and other actions of the Superintendent of Buildings described in or contemplated by this chapter.

§ 86-29. Intermunicipal agreements.

The Board of Trustees of this Village may, by resolution, enter into an agreement, in the name of this Village, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 86-30. Partial invalidity.

If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

§ 86-31. Inconsistencies.

Where any inconsistencies occur between the provisions of any section of the Code of the Village of Freeport and this article, the more restrictive provisions shall prevail.

§ 86-32. Effective date.

This chapter shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.[11]

11. Editor's Note: Former Article III, Definitions; Article IV, Classification of Structures and Occupancies; Article V, Building Restrictions in General; Article VI, Light, Ventilation and Insulation Standards; Article VII, Means of Egress; Article VIII, Materials, Loads and Stresses; Article IX, Construction; Article X, Safeguards During Construction; Article XI, Fire-Resistive Construction; Article XII, Chimneys and Heating Appliances; Article XIII, Special Occupancies; Article XIV, Elevators and Amusement Devices; Article XV, Fire-Extinguishing and -Detecting Equipment; Article XVI, Plumbing and Gas Piping; Article XVII, Multiple Dwellings; Article XVIII, Air-Supported Structures; Article XIX, Interim Development No. 1; Article XX, Interim Development No. 2; Article XXI, Interim Development Law No. 3; all of which immediately followed this section, of the 1979 Code, adopted 5-9-1966, as amended, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

86 Attachment 1

Table of Height and Area Limits

Use Classification	Construction Classification													
	CLASS 1 Fireproof	CLASS 2 Fire-Protected			CLASS 3 Nonfireproof			CLASS 4 Wood Frame		CLASS 5 Metal Structure		CLASS 6 Heavy Timber		
	Height Area	Height	Area (sq. ft.)	Number of Street Fronts	Height	Area (sq. ft.)	Number of Street Fronts	Height	Area (sq. ft.)	Height	Area (sq. ft.)	Height	Area (sq. ft.)	Number of Street Fronts
1 Public (churches only)	Unlimited	Not more than 2 stories			45 feet, 1 story							45 feet 1 story	6,000 8,000	1 2 or 3
2 Public (courthouses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, assembly halls, lodge rooms, dance halls, theaters, bathhouses, armories and passenger depots)	Unlimited	60 feet and not more than 4 stories	7,500 12,000 15,000	1 2 3	35 feet, 2 stories (except theaters, 1 story only)	7,500 12,000 15,000	1 2 3				*	35 feet, 2 stories	6,000 8,000	1 2 or 3
3 Institutional (hospitals, asylums, sanitoriums, firehouses, police stations, and jails)	Unlimited	40 feet and not more than 3 occupied stories	7,500 12,000 15,000	1 2 3	25 feet, 2 stories	7,500		1 story	600			25 feet 2 stories	6,000	
4 Commercial (other than public garages, motor vehicle repair shops and gasoline vending stations, including office buildings, factories, warehouses, salesrooms, stores, markets, restaurants, freight depots, car barns, stables, laboratories, smokehouses, grain elevators, coal pockets, power plants, substations, etc.)	Unlimited	75 feet and not more than 6 stories 50 feet and not more than 4 stories	7,500 12,000 15,000 10,000 14,500 17,500	1 2 3 1 2 3	50 feet, 4 stories 30 feet, 2 stories	7,500 12,000 15,000 10,000 14,500 17,500	1 2 3 1 2 3	25 feet 2 stories	2,500	30 feet, 1 story	15,000	65 feet, 5 stories 40 feet, 3 stories	7,500 12,000 15,000 10,000 14,500 17,500	1 2 3 1 2 3
5 Public (garages, motor vehicle repair shops and gasoline vending stations)	Unlimited	2 stories	7,500 12,000 15,000	1 2 3	1 story	7,500 12,000 15,000	1 2 3			1 story	5,000	1 story	10,000 15,000 18,000	1 2 3
6 Residence dwellings, multiple dwellings, hotels, lodging houses, dormitories, convents, studios and clubhouses with sleeping accommodations.	Unlimited	100 feet and not more than 9 stories	12,000 15,000 20,000	1 2 3	75 feet, 6 stories	3,000		30 feet, 2 1/2 stories	2,500		75 feet, 6 stories	3,000	1 or more	

* Note: See § 86-15B.

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86 Attachment 2

Table I
Allowable Working Stresses for Wood Beams, Girders and Similar Structural Purposes

		Stress in Pounds per Square Inch				
				Compression		
Species	**Grade or Quality**	**Bending Extreme Fiber**	**Horizontal Shear**	**Across Grain**	**Short Columns**	**Modules of Elasticity in M lbs. per sq. in.**
Yellow pine, long leaf	Merchantable 1905*	1,600	125	375	1,200	1,600
Yellow pine, long leaf	No. 1 common	1,200	125	375	1,000	1,600
Yellow pine, dense short leaf	No. 1 common	1,200	125	375	1,000	1,600
Douglas fir, coast type	No. 1 common	1,200	70	325	1,100	1,600
Oak, red and white	Sound square edge	1,200	100	500	1,000	1,500
Hemlock, west coast	No. 1 common	1,050	60	300	720	1,400
Cypress, tidewater red	Common structural	1,050	80	300	880	1,200
Redwood, California	Heart structural	1,050	60	270	1,000	1,200
Spruce, red, white and sitka	Merchantable of No. 1 common	1,000	70	250	720	1,200
Yellow pine, long leaf	Prime structural	1,800	125	375	1,300	1,600
Douglas fir, coast type	Dense structural	1,800	105	345	1,300	1,600
Yellow pine, long leaf	Structural square edge and sound	1,600	125	375	1,200	1,600
Douglas fir, coast type	Structural	1,600	90	345	1,200	1,600
Redwood, California	Select structural	1,320	70	270	1,100	1,200

* 1905 interstate rules as adopted by the Southern Pine Association, April 1, 1932.

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86 Attachment 3

Table II
Allowable Working Stresses for Posts and Timber Columns

	Unit Compression Stress in Pounds Per Square Inch (Not Cross Section) Where L/d* Equals or is Less Than:								
Grade Species	**10**	**12**	**15**	**20**	**25**	**30**	**35**	**40**	**50**
Yellow pine, long leaf (pine structural)	1,300	1,265	1,210	1,025	702	487	358	274	175
Douglas fir, coast type (dense structural)	1,300	1,265	1,210	1,025	702	487	358	274	175
Yellow pine, long leaf (merchantable 1905** or structural square edge and sound)	1,200	1,175	1,130	985	702	487	358	274	175
Douglas fir, coast type (structural)	1,200	1,175	1,130	985	702	487	358	274	175
Douglas fir, coast type (No. 1 common)	1,100	1,080	1,050	940	702	487	358	274	175
Redwood, California (select structural)	1,100	1,065	1,005	805	526	365	268	206	132
Yellow pine, long leaf (No. 1 common)	1,000	985	960	880	702	487	358	274	175
Yellow pine, dense short leaf (No. 1 common)	1,000	985	960	880	702	487	358	274	175
Oak, red and white (sound square edge)	1,100	980	945	830	613	426	313	240	153
Redwood, California (heart structural)	1,000	970	930	780	526	365	268	206	132

* L/d shall mean the slenderness ratio or the length of the square, rectangular or round columns, in inches, divided by the least side or diameter.

** 1905 interstate rules as adopted by the Southern Pine Association, April 1, 1932.

Chapter 87

FLOOD DAMAGE PREVENTION

§ 87-1. Findings.
§ 87-2. Purpose.
§ 87-3. Objectives.
§ 87-4. Word usage; definitions.
§ 87-5. Applicability.
§ 87-6. Basis for establishing areas of special flood hazard.
§ 87-7. Interpretation; conflict with other laws.
§ 87-8. Severability.
§ 87-9. Penalties for offenses.
§ 87-10. Warning and disclaimer of liability.
§ 87-11. Designation of local administrator.
§ 87-12. Floodplain development building permit; purpose; fees.
§ 87-13. Permit application.
§ 87-14. Duties and responsibilities of local administrator.
§ 87-15. General standards.
§ 87-16. Standards for all structures.
§ 87-17. through § 87-19. (Reserved)
§ 87-20. Zoning Board of Appeals.
§ 87-21. Conditions for variances.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 8-24-2009 by L.L. No. 5-2009.[1] Amendments noted where applicable.]

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§ 87-1. Findings.

The Mayor and the Board of Trustees of the Incorporated Village of Freeport finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Freeport 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 purpose and objectives hereinafter set forth, this chapter is adopted.

§ 87-2. Purpose.

It is the purpose of this chapter to promote the 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.

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1. **Editor's Note: This local law also repealed former Ch. 87, Flood Damage Prevention, adopted 9-13-1993 by L.L. No. 3-1993; amended in its entirety 3-17-1997 by L.L. No. 1-1997.**

C. Control the alteration of natural floodplains, stream channels and natural protection barriers which are involved in the accommodation of floodwaters.

D. Control filling, grading, dredging and other development which may increase erosion or flood damage.

E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

F. Qualify for and maintain participation in the National Flood Insurance.

§ 87-3. 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 and sewer lines, streets and bridges located in areas of special flood hazard.

F. Help maintain a stable tax base by providing for sound use and development of areas of special flood hazard so as to minimize future blight areas.

G. Provide that developers are notified that property is in an area of special flood hazard.

H. Ensure that those who occupy the area of special flood hazard assume responsibility for their actions.

§ 87-4. Word usage; 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 following 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 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 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, Coastal A Zone (a.k.a. "limited of moderate wave action" – LIMWA), 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." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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 — Has 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.

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 equalization of hydrostatic forces which would be experienced during periods of flooding.

DESIGN FLOOD ELEVATION — The base flood elevation plus the freeboard requirement. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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:

(1) Built, in the case of a building in Zones A1-A30 AE, A, A99, AO, AH, B, C, X, or D, 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 (post and piers) or shear walls parallel to the flow of the wall; and

(2) 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.

FEDERAL EMERGENCY MANAGEMENT AGENCY — The federal agency that administers the National Flood Insurance Program. This agency is commonly known as "FEMA."

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) 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 (1) above.

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."

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 — See "regulatory floodway."

FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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 or 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.

HISTORICAL 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 that 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 by an approved state program as determined by the Secretary of the Interior or 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 often the Code Enforcement Officer, Building Inspector or employee of an engineering department.

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 the purposes 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 — Has the same meaning as "manufactured home."

NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929, a vertical control used as reference for establishing varying elevations within the floodplain.

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.

NORTH AMERICAN VERTICAL DATUM — As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. **[Added 5-6-2015 by L.L. No. 3-2015]**

ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD — Has 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 this chapter.

SAND DUNES — 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 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. 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 historical 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.

§ 87-5. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Incorporated Village of Freeport.

§ 87-6. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Village of Freeport, Community No. 360464, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Nos. 36059C0236G, 36059C0237G, 36059C0238G, 36059C0239G, 36059C327G the effective date of which is September 11, 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, Nassau County, New York (all jurisdictions)," dated September 11, 2009.

B. The above documents are hereby adopted and declared to be part of this chapter. The Flood Insurance Study and/or maps are on file at the Building Department of the Incorporated Village of Freeport at 46 North Ocean Avenue, Freeport, New York 11520.

§ 87-7. 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.

§ 87-8. Severability.

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

§ 87-9. Penalties for offenses.

A. 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 $1,000 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense.

B. Nothing herein contained shall prevent the Incorporated Village of Freeport 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, contractor and/or owner has not applied for and received an approved variance under §§ 87-20 and 87-21 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 87-10. 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 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 Incorporated Village of Freeport, any officer or employee thereof or the Federal Emergency Management Agency for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 87-11. Designation of local administrator.

The local administrator to administer shall be the Superintendent of Buildings and the Assistant Superintendent of Buildings, who shall implement this chapter by granting or denying floodplain development and/or building permits in accordance with its provisions.

§ 87-12. Floodplain development building permit; purpose; fees.

A. Purpose. A floodplain development/building 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 ensuring 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 § 87-6, without a valid floodplain development and/or building 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. Fees. All applications for a floodplain development/building permit shall be accompanied by an application fee as prescribed by Chapter 86, Building Construction, of this Code. A fee for a certificate of compliance and/or certificate of occupancy will also be due at the time of application.

§ 87-13. Permit application.

The applicant shall provide the following information, as appropriate. Additional information may be required on the permit application form.

A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basements, cellars or garages) of any new or substantially improved structures 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. Upon completion of the project, an elevation certificate must be submitted, on a form approved by FEMA, prior to the issuance of a certificate of compliance or certificate of occupancy.

B. The proposed elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of any new or substantially improved structure to be located in Zones V1-V30 or VE, or Zone V if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

C. 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.

D. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 87-16D.

E. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofmg criteria in, § 87-16R.

F. 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 segment of the waterway. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 87-6, 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 segment of the waterway will be maintained.

G. 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.

H. 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.

I. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.

J. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, for all new and substantial improvements to structures, floodplain development permit applications shall be accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect, and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of this chapter.

§ 87-14. Duties and responsibilities of local administrator.

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

A. Permit application review. The local administrator and/or duly authorized agent shall conduct the following permit application review before issuing a floodplain development and/or building permit:

(1) Review all applications for completeness, particularly with the requirements of § 87-13, Permit application, for compliance with the provisions and standards of this chapter.

(2) Review subdivision and other proposed 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 §§ 87-15 through 87-16.

(3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property. The local administrator may require the applicant to submit additional technical analysis 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 §§ 87-15 through 87-16, 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, county 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 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 federal, state or other source, including data developed pursuant to § 87-13F 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 purpose 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 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.

(1) The local administrator shall, 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 floodproofmg 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 certification shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) In Zones V1-V30 and VE, and also Zone V if base flood elevation data are available, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the local administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(3) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

E. Inspections. The local administrator and/or the designated agent 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/building permit and/or any variance provisions.

F. Stop-work orders.

(1) The local administrator and/or the designated agent shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development and/or building permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 87-9 of this chapter.

(2) The local administrator and/or designated agent 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 and/or building permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 87-9 of this chapter.

G. Certificate of compliance or certificate of occupancy.

(1) In areas of special flood hazards, as determined by documents enumerated in § 87-6, 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 partially altered or enlarged in its use or structure until a certificate of compliance and/or certificate of occupancy has been issued by the Superintendent of Buildings stating that the building or land conforms to the requirements of this chapter.

(2) A certificate of compliance and/or certificate of occupancy shall be issued by the Superintendent of Buildings upon satisfactory completion of all development in areas of special flood hazard.

(3) Issuance of the certificate(s) shall be based upon the inspections as prescribed in Subsection E, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analysis 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 and/or building permits and certificates of compliance and certificates of occupancy.

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to § 87-14D(1) and (2), and whether or not the structures contain a basement.

(3) Floodproofing certificates required pursuant to § 87-14D(1).

(4) Variances issued pursuant to §§ 87-20 and 87-21.

(5) Notices required under § 87-14C, Alteration of watercourses.

§ 87-15. General standards.

The following standards apply to all new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 87-6.

A. Coastal high hazard areas. The following requirements apply within Zones V1-V30, VE and V:

(1) All new construction, including manufactured homes and recreational vehicles on site 180 days or longer and not fully licensed for highway use, shall be located landward of the reach of high tide.

(2) The use of fill for structural support of buildings, manufactured homes or recreational vehicles on site 180 days or longer is prohibited.

(3) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

B. Development and subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

(1) Proposals shall be consistent with the need to minimize flood damage.

(2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

C. Encroachments. 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 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 Incorporated Village of Freeport agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and all fees and other costs in relation to the application. The applicant must also provide all data, analysis and mapping and all cost related to the final map revision.

D. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 87-6, 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 Freeport 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 Freeport 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 Freeport for all costs related to the final map revisions.

§ 87-16. Standards for all structures.

A. The following subsections shall apply to all development (residential and nonresidential) within areas of special flood hazard.

B. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

C. Construction materials and methods.

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

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

(3) Enclosed areas.

(a) 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 usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on the exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

[1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

[2] The bottom of all such openings shall be no higher than one foot above the lowest finished grade.

(b) Openings may be equipped with louvers, valves, screens or other covering or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

(4) Within Zones V1-V30, and VE, and also within Zone V if base flood elevation are available, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with 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.

D. Utilities.

(1) Location. **[Amended 7-8-2013 by L.L. No. 3-2013 (as approved by the New York State Division of Building Standards and Codes 2-27-2014); 5-6-2015 by L.L. No. 3-2015]**

(a) For substantially damaged, substantially improved, elevated, or new construction. New and replacement electrical equipment, wiring and outlets, switches, junction boxes, and panels, heating, ventilating, air conditioning, plumbing connections and other service equipment shall be located at a minimum of four feet above the base flood elevation or two feet above the New York State freeboard requirement, whichever is greater. NAVD88 Datum required.

(b) For nonsubstantially damaged or nonsubstantially improved structures. New and replacement electrical equipment, wiring and outlets, switches, junction boxes and panels, heating, ventilating, air conditioning, plumbing connections and other service equipment shall be located two feet 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, unless technically unfeasible. NAVD88 Datum required. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate the 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 walls.

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

E. Residential structures.

(1) Elevation. The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in §§ 87-15B and C and 87-16.

(a) Within Zones Al-A30, AE, 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 a minimum of four feet above the base flood elevation or two feet above the New York State freeboard requirement, whichever is greater. **[Amended 7-8-2013 by L.L. No. 3-2013 (as approved by the New York State Division of Building Standards and Codes 2-27-2014)]**

(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 § 87-6 (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.

(2) The following standards, in addition to the standards in Subsections A and B of § 87-15, General standards, and § 87-16, Standards for all structures, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zones V1-V30, VE or V on the community's Flood Insurance Rate Map designated in § 87-6.

(a) 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.

(3) Nonconversion agreement. **[Added 5-6-2015 by L.L. No. 3-2015]**

(a) Any owner who has applied for a permit to construct or elevate a structure on a property located in the FEMA designated flood hazard area must enter into a nonconversion agreement with the Village of Freeport.

(b) Such agreement shall be signed by the owner prior to the issuance of any building permits. This agreement shall be recorded by the owner with the Nassau County Clerk's office.

(c) With this agreement, the owner shall agree that all construction below the allowable lowest floor will meet all requirements of the National Flood Insurance Program; shall be in compliance with all local, county, state, and federal laws rules and regulations; and will allow upon consent inspection by the Department of Buildings to verify such conditions continue to exist.

F. Structural designs shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.

(1) The structural design shall be adequate to resist water forces that would occur during a base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from waterborne 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.

(2) Buildings shall be designed and constructed to resist the forces due to wind pressures. 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 exposed. In design, the wind should be assumed to blow potentially from any lateral direction relative to the house.

(3) Wind loading values shall be those required by BOCA 160.0, Wind Loads (ASCE-1995).

G. Foundation standards.

(1) The piling or column foundations 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).

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

(3) Soil-bearing tests must be submitted to the local administrator at the time of application. The number of borings will be determined by the scope of the project.

H. Piling foundation design.

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

(2) 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.

(3) 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.

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

(5) 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.

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

(7) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.

(8) 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.

(9) 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 place.

(10) 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.

(11) 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.

I. Connectors and fasteners. Galvanized metal connectors, wood connectors, or bolts or 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.

J. 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 (of precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to wood piling at a notch, a minimum of two 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. Piling shall not be notched so that the cross section is reduced below 50%.

K. Floor and deck connections.

(1) 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.

(2) Plywood should be used for subflooring and attic flooring to provide good tortional 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.

L. 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 fifteen-thirty-seconds-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.

M. Ceiling joist/rafter connections.

(1) All ceiling joists or rafters shall be installed in such a manner that the joists provide 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.

(2) 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.

N. 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.

O. Roof sheathing.

(1) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch of 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.

(2) 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.

(3) 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.

P. 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.

Q. Breakaway wall design standards.

(1) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.

(2) 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:

(a) The breakaway walls will fail under water loads less than those that would occur during the base flood; and

(b) 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 used shall be those associated with the base flood. Wind loading values shall be those required by the Building Code.

R. Nonresidential structures. The following standards apply to new and substantially improved commercial, industrial, and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in §§ 87-15B and C and 87-16:

(1) Within Zones A1-A30, AE, 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 minimum of four feet above the base flood elevation or two feet above the New York State freeboard requirement, whichever is greater. **[Amended 7-8-2013 by L.L. No. 3-2013 (as approved by the New York State Division of Building Standards and Codes 2-27-2014)]**

(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 floodproofmg standard specified in § 87-16D.

(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 § 87-16R(1)(a), 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.

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

S. Manufactured homes and recreational vehicles. The following standards in addition to the standards in §§ 87-15 and 87-16 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, 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 Subsections S(2) and (3) below.

(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, AE, AH, V1-V30, V, and VE shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

(3) Within Zone 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 blocked 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 § 87-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

T. Grade changes.

(1) When a development/building permit raises the grade of said site, a retaining wall must be installed to mitigate the impact of increased flooding onto the adjoining site.

(2) A licensed professional engineer or architect must provide a detail plan at the time of application.

(3) Precautions must be taken prior to the start of construction to lessen the potential damage to adjoining properties.

U. Exterior storage.

(1) The permit process will also include the location of all exterior storage on nonresidential sites in order to determine whether the storage is in compliance with the intent of this chapter.

(2) The applicant must demonstrate that the storage will be enclosed within a flood-resistant enclosure, in order to lessen the potential damage from waterborne objects during flooding.

(3) The location of the storage must also be in compliance with all other sections of this Code.

(4) If existing storage is deemed to be noncompliant, the local administrator shall give a written notice to the owner and/or occupant of the site. The local administrator will specify the minimum time for compliance based upon the dangers posed by the storage.

(5) The penalties for noncompliance shall be per § 87-9.

§ 87-17. through § 87-19. (Reserved)

§ 87-20. Zoning Board of Appeals.

A. The Zoning Board of Appeals as established by Chapter 210, Zoning, of this Code of the Incorporated Village of Freeport 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 section.

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 plan of the 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 § 87-20D and the purpose of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

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

§ 87-21. Conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items in § 87-20D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 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 the Zoning Board of Appeals for new construction and substantial improvement 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.

(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 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 a variance will not result in increased flood heights, additional threats to public safety or 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 such lowest floor elevation. Such notice shall be a required condition of the variance and shall be incorporated as a term of the development/building permit.

Chapter 88

BUILDINGS, VACANT

ARTICLE I
Registration

§ 88-1. Legislative intent.

§ 88-2. Definitions.

§ 88-3. Annual registration of vacant buildings required; registration fees.

§ 88-4. Duty of Building Department to maintain and notify.

§ 88-5. Violations; penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Registration
[Adopted 9-9-2014 by L.L. No. 5-2014]

§ 88-1. Legislative intent.

The Village Board finds that the proliferation of vacant and abandoned buildings, structures and dwellings in the Village of Freeport causes a deterioration of communities and areas within the Village of Freeport and has a negative impact on the value of property in close proximity to the vacant and abandoned buildings, structures and dwellings. Furthermore, the Village Board finds that vacant and abandoned buildings, structures and dwellings have caused a serious threat to the safety and welfare of the residents of the Village and had eroded the quality of life of all who live and work in the Village. Abandoned and vacant buildings, structures and dwellings are places of infestation of rodents, vermin, insects, wild animals and other health-threatening creatures and diseases, provide shelter to criminals and vagrants who use such places to evade the police and to conduct illicit activities, and are an attractive nuisance to children and adults alike.

§ 88-2. Definitions.

For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

BOARDED BUILDING(S) AND STRUCTURE(S) — A building(s) or structure(s) with sheet(s) of plywood, wood or similar material(s) in front or in place of one or more exterior doors, other than a storm door, or of one or more windows.

OCCUPIED BUILDING(S) OR STRUCTURE(S) — Any building(s) or structure(s) wherein one or more persons actually conducts a business or resides in all or any part of the building as the business occupant, or as the legal or equitable owner(s)/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this article, evidence offered to prove that a building is so occupied may include, but shall not be limited

to, the regular receipt of delivery of regular mail through the United States Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid Village business license, or the most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

OWNER(S) — Any person, partnership, limited liability company, corporation or other entity who, alone or jointly with others, shall have legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control, including but not limited to a bank or lending institution, regardless of how such possession, title or control was obtained.

VACANT BUILDING(S) OR STRUCTURE(S) — A building(s) or structure(s) where no person or persons actually currently conducts a business, or resides or lives in any part of the building or structure as the legal or equitable owner(s) or tenant occupant(s), or owner-occupant(s), or tenant(s) on a permanent, nontransient basis. Or wherein electric and water accounts, inspections by Building Department personnel verify that the structure(s) is vacant.

§ 88-3. Annual registration of vacant buildings required; registration fees.

A. Vacant building registration and fees.

(1) Any owner of any building which has been vacant for more than 120 consecutive days shall file with the Building Department a vacant building registration. Said registration shall be in a form prescribed by the Building Department which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, in accordance with Subsections A(1)(a) through (g) below, and any other information deemed necessary by the Building Department, and shall be notarized. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. The registration fee(s), as required herein, shall be billed by the Building Department and shall be paid by March 1 of each year. For purposes of this section, the following shall also be applicable:

(a) If the owner is a corporation, the names and residence addresses of all officers and directors of the corporation shall be provided and shall be accompanied by a copy of the most recent annual franchise tax report filed with the Secretary of State;

(b) If the owner is a limited liability company, the name and residence address of the managing member;

(c) If the owner is an estate, the name and business address of the executor or administrator of the estate shall be provided;

(d) If the owner is a trust, the name and address of all trustees, grantors shall be provided;

(e) If the owner is a partnership, the names and residence addresses of all partners with an interest of 10% or greater shall be provided;

(f) If the owner is any other form of unincorporated association, the names and residence addresses of all principals with an interest of 10% or greater shall be provided;

(g) If the owner is an individual person, the name and residence address of that individual person shall be provided.

(2) Local agent.

(a) If none of the persons listed in Subsections A(1)(a) through (g) above are within the County of Nassau, the registration statement also shall provide the name and address of a person who resides within the County of Nassau and who is authorized to accept service of process on behalf of the owners.

(b) Registration statement shall designate a responsible, local party or agent for purposes of notification in the event of an emergency affecting the public health, safety or welfare and maintenance of property.

B. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for the annual registration of a vacant building. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. Appeal rights. The owner shall have the right to appeal the imposition of the registration fees to the Superintendent of Buildings, upon filing an application, in writing, to the Superintendent of Buildings no later than 30 calendar days from the date of the billing statement. On appeal, the owner shall bear the burden of providing proof that the building is occupied.

D. One-time waiver of registration fee. A one-time waiver of the registration fee for up to 90 days may be granted by the Superintendent of Buildings upon application of the owner, and upon review and advice of the Village Attorney. A one-time waiver of the registration fee for up to a ninety-day waiver may be given if an owner provides information that they are actively pursuing mitigation/rehabilitation funding and can be renewed for an additional 90 days provided that this documentation is satisfied within 30 calendar days from the date of the bill for the registration fee, or if denied by the Superintendent of Buildings, upon appeal to the Superintendent of Buildings if the owner:

(1) Demonstrates with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or

(2) Demonstrates he/she is actively attempting to sell or lease the property during the vacancy period; and

(3) Is current on all registration fees and all other financial obligations and/or debts owed to the Village which are associated with the vacant property.

E. Two-year waiver. Upon application by the owner and satisfaction of Subsection D above, the Superintendent of Buildings may grant a one-time two-year waiver of the registration fee, or if denied by the Superintendent of Buildings, upon appeal to the Superintendent of Buildings, if the owner meets the criteria for nonprofit organizations.

F. Delinquent registration fees as a lien.

(1) After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal as provided above, by certified mail, and the owner fails to pay the amount due within 30 days, said amount shall constitute a debt due and owing to the Village. Ownership verification shall be by tax bill, water bill, electric bill, assessors records, deed, or internet records accepted by New York State Courts. This obligation shall constitute a lien and a charge on the real property concerned until paid or otherwise satisfied and shall be collected by the Village Treasurer in the same manner provided by law for delinquent taxes.

(2) Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Superintendent of Buildings within 30 days of the occurrence of such changes and advise the Superintendent of Buildings, in writing, of those changes.

(3) Exceptions. This section shall not apply to any building owned by the United States, the state, the county, nor to any of their respective agencies or political subdivisions.

§ 88-4. Duty of Building Department to maintain and notify.

The Superintendent of Buildings shall maintain the vacant building registrations in the normal course of business and shall notify the local police, fire and ambulance services of all locations on the registry.

§ 88-5. Violations; penalties for offenses.

Any owner, or agent of an owner acting on behalf of the owner, who fails to register a vacant building or to pay any fees required to be paid pursuant to the provisions of this article, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than $1,000 nor more than $15,000 for each failure to register, or for each failure to pay a required vacant building registration fee.

Chapter 90

BUILDINGS AND/OR STRUCTURES, MOVING OF

§ 90-1. Permit required for moving; application.

§ 90-2. Certificate of insurance and completion bond required.

§ 90-3. Permit fee.

§ 90-4. Denial of permit.

§ 90-5. Penalties.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Art. III of Ch. 21 of the 1966 Code. Amendments noted where applicable.][1]

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§ 90-1. Permit required for moving; application.

A. Authorization by Board. No person shall move a building or other structure upon or across any street of the Village unless a permit therefor has been issued by the Village Clerk upon authorization by the Board of Trustees.

B. Application form. As a prerequisite to securing a permit, an application must be filed with the Village Clerk containing:

(1) The name and address of the applicant.

(2) The size and structural details of the object to be moved.

(3) Its present location and the place within the Village to which it is to be moved.

§ 90-2. Certificate of insurance and completion bond required.

A. Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance in to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The policy shall also protect the Village, against any damages caused to any street or other public property by reason of such house moving. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage, property damage insurance, and street damage or other public property damage insurance required. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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1. **Editor's Note: The title of Chapter 90 was revised from "Moving of Buildings" to "Moving of Buildings and/or Structures" at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

B. Completion bond. In addition, every applicant shall post a ninety-day completion bond assuring the re-erection, modification, alteration or other work to be done upon the building in conformity with the plans approved by the Superintendent of Buildings.

§ 90-3. Permit fee. [Amended 2-26-1990 by L.L. No. 11-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a permit to move a building or other structure upon or across any street of the Village.

§ 90-4. Denial of permit.

If, to the Board, the moving of the structure seems likely to cause injury to property, trees, electric wires or otherwise cause hardship or inconvenience or seem to be not conducive to public safety or welfare, such permit may be refused, the deposited fees returned and the bonds canceled.

§ 90-5. Penalties. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Anyone who shall be deemed in violation of this chapter shall be subject to a penalty not to exceed $10,000 or imprisonment of not more than 15 days, or both.

Chapter 91

BURNING, OUTDOOR

§ 91-1. Prohibition. **§ 91-2. Penalties for offenses.**

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 10-29-1979 by L.L. No. 14-1979. Amendments noted where applicable.]

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§ 91-1. Prohibition.

It shall be unlawful for any person, firm or corporation within the limits of the Village of Freeport to kindle or maintain any bonfire or rubbish fire for the purpose of burning any and all refuse, garbage or waste of any kind for any purpose whatsoever in the open air or in any receptacle out of doors within the Village.

§ 91-2. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person committing an offense against any provision of this chapter shall be guilty of a violation 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 conditions of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Chapter 92

BUSINESS HOURS

§ 92-1. Hours businesses to be closed. **§ 92-2. Excepted businesses.**

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 8-14-1972 by L.L. No. 2-1972. Amendments noted where applicable.]

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§ 92-1. Hours businesses to be closed.

It shall be unlawful for any retail business establishment, except those businesses as set forth in § 92-2 hereof, to operate and remain open to the public between the hours of 11:00 p.m. and 6:00 a.m.

§ 92-2. Excepted businesses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This chapter shall not apply to restaurants, ice cream parlors, bars and grills, billiard parlors, gasoline stations, fishing stations, drugstores, and convenience stores.

Chapter 95

COMMERCIAL BUILDING STANDARDS

ARTICLE I
General Regulations

§ 95-1. Definitions.
§ 95-2. Dangerous commercial or mixed-use buildings.
§ 95-3. Removal or repair of dangerous commercial or mixed-use buildings.
§ 95-4. Inconsistent provisions.
§ 95-5. Requests for inspections of buildings.

ARTICLE II
Duties of Officials; Administration

§ 95-6. Superintendent of buildings.
§ 95-7. Board of Trustees.
§ 95-8. Review of order of Board of Trustees.
§ 95-9. Village Counsel.
§ 95-10. Fire and Police Departments.
§ 95-11. Service of notices or orders.
§ 95-12. Nonliability of officials.
§ 95-13. Removal or repair of buildings.
§ 95-14. Cumulative nature of remedies.
§ 95-15. Penalties for offenses.

ARTICLE III
Stairwells

§ 95-16. Identification of stairwells.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

ARTICLE I
General Regulations

§ 95-1. Definitions.

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

COMMERCIAL BUILDING — Any building that is nonresidential.

MIXED-USE BUILDING — Any building that is a mix of residential and nonresidential.

NUISANCE — Embraces public nuisances known at common law or in equity jurisprudence and whatever is dangerous to human life or detrimental to health and whatever building is overcrowded or is not provided with adequate means of ingress and egress or is not sufficiently supported, ventilated, sewered, drained or cleaned and whatever renders the air or human food or drink unwholesome are also severally, in contemplation of this chapter, nuisances. All such nuisances are hereby declared illegal.

OCCUPIED or OCCUPANCY — As applied to any commercial or mixed-use building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or occupancy."

OWNER — The record owner of the title to any premises and also anyone exercising the rights of ownership therein at the time of the making of any order with regard thereto by the Village Board and shall include a lessee of the entire building or structure, other than a single-family private dwelling, or a mortgagee in possession.

PERSONS INTERESTED — The owner, as herein defined, and all other persons interested in the property to which such words refer.

RENTAL PREMISES — Any premises occupied under or by virtue of a rental or lease agreement, verbal or written, or where any sum or thing is paid for occupancy or charge is made for use and/or occupancy or where occupancy is pursuant to a contract of purchase or installment payment contract or free of payment by the occupant where payment is made by another or any other occupancy or arrangement for charge of any kind.

REPAIR — Any alteration, structural change or the performance of any act necessary or requisite to make any building or structure or any part thereof, found by the Village Board or Superintendent of Buildings to be a dangerous building or a substandard building, within the purview of this chapter.

§ 95-2. Dangerous commercial or mixed-use buildings.

All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle 1/3 of its base.

B. Those which have been damaged or have deteriorated so as to have become, in the judgment of the Village Board, dangerous to the life, health, morals or general welfare of the occupants thereof or to the people of the Village. Any building or structure which, exclusive of the foundation, shows 33 1/3% or more damage to or deterioration of the supporting members or 50% or more damage to or deterioration of the nonsupporting enclosing or outside walls or coverings shall be deemed a dangerous building.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose. Those having inadequate facilities for ingress or egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication used.

E. Those which have parts thereof which are so attached that they may fall and injure the occupants thereof or members of the public or property.

F. Those buildings existing in violation of any provision of the building code of the Village[1] or any provision of the fire prevention laws or regulations of said Village[2] or other ordinances of the Village.

§ 95-3. Removal or repair of dangerous commercial or mixed-use buildings.

All dangerous buildings, within the terms of § 95-2 of this chapter, are hereby declared to be public nuisances and shall be repaired or removed as herein provided.

§ 95-4. Inconsistent provisions.

Whenever the provisions of any local ordinance, resolution or regulation imposes requirements with regard to commercial or mixed-use buildings inconsistent with the terms and provisions of this chapter or any part thereof, the provisions of this chapter shall govern, provided that, should any such ordinance, resolution or regulation impose more stringent requirements with regard to dangerous buildings, as herein defined, than the provisions of this chapter impose, then such more stringent requirements shall be construed to apply.

§ 95-5. Requests for inspections of buildings.

A. Right of inspection; certificate to issue. The owner of any building used, in whole or in part, for human occupancy and against whom no proceedings hereunder are pending with regard to such building may request the Superintendent of Buildings to cause an inspection thereof to be made, whereupon the Superintendent of Buildings shall cause an inspection of such building to be made and if, upon such inspection and a report thereon to the Village Board, it shall be disclosed that the same is not a dangerous building, the Village Board will direct the Superintendent of Buildings to issue a certificate to that effect to such applicant. The issuance of such certificate is not to be construed as a finding that such building is not a dangerous building beyond the date of issuance thereof. Should, however, such inspection disclose said building or structure to be a dangerous building, the Village Board will direct the Superintendent of Buildings to give written notice to the applicant to appear before them on a certain date within 15 days from the date of said notice and shall thereupon proceed in the same manner as prescribed in § 95-7B, C, D, E and F of this chapter. Such notice shall contain the same particulars as are required by § 95-6D hereof.

B. Effect of application for inspection. No qualified owner who has applied for inspection, pursuant to Subsection A of this section, shall be prosecuted under § 95-15 hereof with regard to any building of which inspection has been requested unless he fails to comply with the order of the Village Board made pursuant to Subsection A hereof.

1. **Editor's Note: See Ch. 86, Building Construction, of this Code.**

2. **Editor's Note: See Ch. 115, Fire Prevention, of this Code.**

ARTICLE II
Duties of Officials; Administration

§ 95-6. Superintendent of buildings.

The Superintendent of Buildings shall:

A. Inspections, generally. Inspect or cause to be inspected, as often as may be necessary to ensure the enforcement of this chapter, all buildings in the Village for the purpose of determining whether any conditions exist therein which render such places dangerous buildings within the terms of § 95-2 of this chapter and whether any conditions exist therein not in compliance with the standards of this chapter.

B. Inspections upon complaint. Inspect any building, wall or structure about which a complaint is filed by a person to the effect that the same is or may be existing in violation of the terms of this chapter.

C. Issuance of notice to comply. Notify, in writing, the owner of any building found by him to be a dangerous building within the standards set forth in § 95-2 of this chapter and of any building found by him not conforming to the standards set forth in Article III hereof that he must repair or remove said building, in accordance with the terms of the notice and this chapter, or otherwise comply with the standards set forth in this chapter within a reasonable time to be fixed by said notice.

D. Contents of notice. Set forth, in the notice provided for in Subsection C hereof, a description of the building or structure or parts thereof deemed to violate the provisions of this chapter, a statement of the particulars in which the building is dangerous or fails to comply with the standards set forth in Article III hereof and a direction requiring compliance with the standards set forth in this chapter or that the building or structure be put in such condition as to comply with the terms of this chapter or that said building or structure be removed.

E. Report to Village Board. Report to the Village Board any noncompliance with the notice provided for in Subsections C and D.

F. Appearance; testimony at hearings. Appear at all hearings conducted by the Village Board and testify as to the condition of the dangerous building.

G. Institution of actions; proceedings. With the assistance of the Village Counsel, do such acts and take such proceedings as may be required to bring about the repair or removal of buildings as ordered by the Village Board and take such steps as may be required by the provisions of the Village Law § 4-412 to cause the removal or repair of any building which is dangerous or unsafe to the public and to cause the assessment of all costs and expenses incidental thereto against the land on which said buildings are located.

H. Posting notice. Firmly affix a notice, in a conspicuous place, in front of all dangerous buildings immediately after the issuance of the order provided for in § 95-7D of this chapter as follows: This building has been found to be a dangerous building by the Board of Trustees of the Village of Freeport. This notice is to remain on this building until it is repaired or removed or made to comply with the direction which has been

given the owner. It is unlawful to remove this notice until such direction has been complied with.

§ 95-7. Board of Trustees.

The Village Board shall:

A. Issuance of notice to appear. Upon receipt of a report of the Superintendent of Buildings as provided for in § 95-6E hereof, give written notice to the persons interested in said building to appear before them on a certain date, within 15 days of the date of notice, to show cause why compliance with the standards set forth in this chapter should not be made or why the building or structure reported to be a dangerous building should not be repaired or removed in accordance with a statement of particulars set forth in the Superintendent of Buildings' notice provided for by § 95-6C and D of this chapter.

B. Hearing. Hold a hearing and hear testimony as to whatever evidence the persons interested in said building may offer relative to the dangerous building.

C. Written findings. Make a written finding of facts as to whether or not the building in question is a dangerous building within the meaning of § 195-2 hereof.

D. Issuance of orders. Issue an order commanding the persons interested in said building to repair or remove any building found to be a dangerous building within the terms of this chapter or to comply with the standards set forth in this chapter. Such order shall fix the time when compliance therewith shall commence, not more than 10 days after the making thereof, and shall fix a reasonable time within which such compliance shall be so completed. The Village Board may, in its discretion and upon good cause shown, extend the time for full compliance with said order.

E. Effect of noncompliance with order.

(1) If the owner fails to comply with the order provided for in Subsection D hereof or any extension thereof, the Village Board may direct the Superintendent of Buildings to cause such dangerous building or structure to be repaired or removed, as the facts may warrant, under the standards hereinbefore set forth, provided that, before proceeding to repair or to remove or cause the repair or removal of any dangerous or unsafe building, the Superintendent of Buildings may, with the advice and assistance of the Village Counsel, proceed in accordance with the provisions of Village Law § 4-412 and institute appropriate proceedings before a court of competent jurisdiction to obtain an order or judgment directing or authorizing such repair or removal. The Superintendent, of Buildings shall, with the assistance of the Village Counsel, take such legal action as may be necessary to cause the costs of such repair or removal, and all costs and expenses incurred by the Village in connection with said proceedings shall be charged against the land on which the building stands or did stand as a municipal lien, or such costs shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or did stand.

(2) The lien of the Village or any expense incurred with regard to the repair or removal of any dangerous building shall have priority over all other liens and encumbrances, except taxes, assessments and water rates. Except as to the liens imposed for expenses incurred as a result of the repair or removal of any dangerous building, nothing herein contained shall be construed as placing upon the property a lien which supersedes or is superior to the lien of any mortgage with regard to any building and property executed and recorded prior to the existence of such lien.

F. Report to Village Counsel. Report to the Village Counsel the names of all persons not complying with the order provided for in Subsection D hereof.

G. Authority to initiate proceedings. The Village Board may, in the first instance and without service of any notice by the Superintendent of Buildings, give notice to the persons interested in any building, which they have reason to believe may be a dangerous building, to appear before them on a certain date, within 15 days from the date of such notice, to show cause why the building or structure specified in such notice should not be repaired or removed or otherwise made to comply with the provisions of this chapter. Such notice shall contain the same particulars as are required by § 95-6D of this chapter. Upon the return day of said notice, the Village Board shall thereupon proceed in the same manner as prescribed in Subsections B, C, D, E and F of this section.

H. Vacation; amendment of order. The Village Board may from time to time and upon due notice vacate, modify or amend any order made by them, as herein provided, and may, either on their own motion or upon the motion of any person interested, reopen any proceedings in which they have made an order for the purpose of taking further testimony and, upon such rehearing, render any decision and make any order consistent with the provisions of this chapter that they shall deem just and equitable.

§ 95-8. Review of order of Board of Trustees.

Any person deeming himself aggrieved by any order or direction of the Village Board may have the determination reviewed by the Supreme Court in the manner prescribed by the Civil Practice Law and Rules.

§ 95-9. Village Counsel.

The Village Counsel shall:

A. Prosecute violations of orders. Prosecute all persons failing to comply with the terms of any order granted to be given under § 95-7D.

B. Prosecute violations of chapter. Prosecute all persons who shall in any way violate the terms of this chapter.

C. Appear at hearings. Appear at all hearings before the Village Board with regard to dangerous buildings.

D. Institute actions. In his discretion, bring suit to correct all municipal liens, assessments or costs incurred by the Village for repairing or causing to be removed dangerous buildings.

E. Enforcement, generally. Take such other legal action as is necessary to carry out the terms and provisions of this chapter, including actions to abate nuisances, or for the enforcement of this chapter by injunction or otherwise.

§ 95-10. Fire and Police Departments.

The employees of the Fire Department and the employees of the Police Department of the Village shall make a report, in writing, to the Superintendent of Buildings of all buildings and structures which, in the discharge of their respective duties, are found or may be suspected to be dangerous or substandard buildings within the terms of this chapter. Such reports must be delivered to the Superintendent of Buildings within 24 hours of the discovery of such building by an employee of said Fire Department and/or Police Department.

§ 95-11. Service of notices or orders.

All notices or orders required to be given hereunder may be served by delivering to and leaving a copy of the same with the person entitled to such notice. In cases where any such person is absent from the Village, all notices or orders provided for herein shall be sent by registered mail to said person so absent to the last known address of said person or to the last address of said person as shown by the records of the receiver of taxes and/or in the office of the County Clerk of Nassau County. Whenever such service is made by registered mail, a copy of such notice or order shall also be posted in a conspicuous place on the front of the dangerous building or substandard building to which it relates. Such mailing and posting shall be deemed adequate service.

§ 95-12. Nonliability of officials.

No officer, agent or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Village Counsel until the final determination of the proceedings therein.

§ 95-13. Removal or repair of buildings.

The following remedies shall be applied in substance by the Superintendent of Buildings and the Village Board in ordering removal or repair:

A. Repair. If the dangerous building can be reasonably repaired so that it will no longer exist in violation of this chapter, it shall be ordered repaired. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered removed. All repairs are to be performed in a workmanlike manner to the minimum standards of the respective trade.

B. Removal. In all cases where a dangerous building is a fire hazard, existing or erected in violation of any ordinance of this Village or statute of the State of New York, it shall be ordered removed unless such hazard or violation can be cured, in which event the building shall be ordered repaired.

C. Unsafe structures. Any structures or part of a structure or premises that from any cause may at any time become dangerous or unsafe structurally or as a fire hazard shall be repaired and secured or taken down and removed. A vacant building that is unguarded or open at door or window shall be deemed dangerous or unsafe as a fire hazard within the meaning of this section.

§ 95-14. Cumulative nature of remedies.

The several remedies herein provided with respect to the repair or removal of dangerous buildings or of substandard buildings or the assessment and recovery of the cost of repair or removal thereof incurred by the Village and any other remedies, legal or equitable, available shall be deemed cumulative, and any and all thereof may be pursued concurrently or consecutively. The pursuit of any remedy shall not be construed as an election or waiver of the right to pursue any and all of the others.

§ 95-15. Penalties for offenses.

A. Responsibility of owner. The owner of any dangerous building who knowingly permits such dangerous building to be used for commercial purposes or human occupancy or who shall fail to comply with any order of the Village Board to repair or remove said building or otherwise make it comply with the standards set forth in this chapter shall be guilty of a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of not more than $5,000, or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

B. Effect of a continuing violation. For the purposes of Subsection A of this section, each day during which there is a failure to comply with the provisions of this chapter or of any order issued by the Village Board shall constitute a separate offense.

C. Effect of occupancy. In any prosecution under this section, the fact that any dangerous building or any part of said building was used for commercial purposes or human occupancy shall be presumptive evidence that the same was so used with the knowledge and consent of the owner.

D. Removal of notice. Any person removing the notice provided for in § 95-6H hereof shall be fined a sum not to exceed $250 for each offense.

E. Disposition of penalties. All penalties collected under this chapter shall be the property of the Village, but no provision of this chapter shall be construed to prohibit the Village from creating and maintaining a separate revolving fund out of such penalties, not to exceed the sum of $10,000 and out of which payment may be made for repairs or removals made or caused to be made as provided herein.

ARTICLE III
Stairwells

§ 95-16. Identification of stairwells.

In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.

Chapter 98

DISCLOSURE OF INTEREST

§ 98-1. Information required.
§ 98-2. Definitions.
§ 98-3. Verified statement required.
§ 98-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 12-23-1968 by L.L. No. 3-1968. Amendments noted where applicable.]

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§ 98-1. Information required.

Every applicant appearing before the Planning Board, the Board of Zoning Appeals or the Board of Trustees of the Incorporated Village of Freeport for a variance, change of zone, approval of a plat, exemption from a plat or official map or any other license, permit or special exception, which the aforesaid Boards can grant in the exercise of their discretion pursuant to the powers given to them by law, shall certify, in the manner hereinafter provided, the name and address of each village officer, employee or related person interested in the favorable exercise of such discretion.

§ 98-2. Definitions.

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

AGENCY — Includes any board, commission, authority, office, committee, department, branch, bureau or other administrative subdivisions of the Village of Freeport consisting of one or more persons, paid or unpaid, which perform any function of the Village of Freeport.

COMPENSATION — Includes salaries, wages, fees, commissions and receipt, directly or indirectly, of any other thing of value.

INTEREST — Includes, without limitation, any right, title, share or participation in anything or in any advantage, profit or benefit, whether such right, title, share or participation be direct or indirect, legal or beneficial, contingent or vested, financial or otherwise, as owner, partner, stockholder, mortgagee, creditor, broker, agent or in any other capacity, but shall not include an interest in any corporation whose stock is traded on any regularly organized stock market as defined in Rule 4533 of the Civil Practice Law and Rules.

OFFICER or EMPLOYEE — Any Mayor, Trustee, Police Judge or Village Attorney of the Village of Freeport; any person receiving any compensation from said village; and any member of any agency of the Village, as hereinafter defined, or anyone acting as advisor, consultant, counselor or counsel to such agency, paid or unpaid.

RELATED PERSONS — Any agent, spouse, parent, grandparent, child, grandchild, brother or sister of such officer or employee.

VILLAGE — The Village of Freeport.

§ 98-3. Verified statement required.

An applicant shall certify whether or not any of the foregoing provisions are applicable by making a verified statement under oath, unless such statement is affirmed by an attorney under the provisions of Article 21 of the Civil Practice Law and Rules, on a form for such purpose provided by the Village Clerk.

§ 98-4. Penalties for offenses.

A. It shall be unlawful for any applicant to violate the provisions of this chapter and any violations thereof shall be punishable by a fine not to exceed $1,000. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Any officer or employee who violates the provisions of this chapter shall, in addition to the penalty above set forth, be subject to forfeiture of pay, suspension or removal from office or employment in the form and manner as provided by law.

C. Nothing in this chapter shall limit any other penalties which may be provided by law.

Chapter 102

DRAINS AND BULKHEADS

§ 102-1. Statutory provisions amended.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 6-26-1967 by L.L. No. 3-1967. Amendments noted where applicable.]

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§ 102-1. Statutory provisions amended.

Section 89, Subdivision 15, of the Village Law is hereby amended by renumbering the existing Subdivision 15 as § 102-1A and adding thereto a new Subsection B, Bulkheads in the Incorporated Village of Freeport.

A. Drains. The Board of Trustees may, for the purpose of arresting and preventing damage to property within the Village resulting from floods or erosion, construct drains, culverts, dams and bulkheads, and dredge channels, and regulate water courses, ponds and watering places within or without the Village. Power and authority is hereby conferred upon the Board of Trustees of a village, in the name of the Village, to acquire property necessary for such public improvements, whether located within or without such village, by purchase or by condemnation in the manner provided by the Condemnation Law. No property shall be acquired or such a public improvement constructed without the corporate limits of a village except with the consent of the governing board or body of the city, town or village in which such property is situated or such public improvement is proposed to be constructed. Such consent may only be given after a public hearing held within such city, town or village pursuant to notice published at least once and at least ten days prior to the hearing in a newspaper having general circulation in the municipality in which the hearing is to be held. Consent given by the governing board or body by any such municipality shall not impose a liability against the city, town or village and the maintenance and repair of any such improvement shall remain the responsibility of the Village making the improvement. The cost of the work, including the acquisition of property, shall be a charge against the Village, except that, in respect of improvements wholly within the Village, or that part thereof located therein, the work may be done wholly at the expense of the Village or of the owners of the property benefited, or partly at the expense of each as a local improvement. The term "property" as used in this section is defined to include lands, structures, rights in lands, including lands under water, riparian rights and any and all other things and rights usually included within the said town, and shall include also easements, rights of way, uses, leases, licenses and any and all interests in such property less than full title.

B. Bulkheads in the Incorporated Village of Freeport. Notwithstanding the preceding subsection, the Board of Trustees of the incorporated Village of Freeport may construct, repair, maintain and care for bulkheads on public waterways in the Incorporated Village of Freeport; any direct and order such work to be done by the owner or occupant of any property abutting such a public waterway where the existing bulkhead or the absence of a bulkhead constitutes a dangerous or unsafe condition; may direct and order any such

work to be done by the property owner or occupant of the property in accordance with specifications furnished by the Village and on default may have the same done by contract or performed by the Village; may pay for same from Village funds and assess such total cost against the property benefited; and may provide that the cost of any such work or improvements be paid at a specified time or in annual installments.

Chapter 106

ELECTRICITY

ARTICLE I
General Regulations

§ 106-1. Coverage.
§ 106-2. Definitions.
§ 106-3. Conformity with certain regulations.
§ 106-4. Powers of Superintendent; duties of owners.
§ 106-5. Rules pertaining to service.
§ 106-6. Performance of electrical work.
§ 106-7. Emergency disconnection; restoration of service.
§ 106-8. Prohibited conduct.
§ 106-9. Effect of violation.
§ 106-10. Required insurance.
§ 106-11. Compliance with other ordinances and laws.

ARTICLE II
Interference with Radio and Television Reception

§ 106-12. Unnecessary electrical interference prohibited.
§ 106-13. Duty of enforcement.
§ 106-14. Direction to eliminate interference.
§ 106-15. Failure to comply.
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ARTICLE III
Electricians' Licenses

§ 106-17. Prohibited installations.
§ 106-18. Application for license; examination; fees.
§ 106-19. Form of application; issuance of license.
§ 106-20. Revocation or suspension of license.
§ 106-21. Expiration of license.
§ 106-22. Licensing Board; powers.
§ 106-23. Meetings of Board.
§ 106-24. Conduct of examinations.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-7-1966 as Ch. 8 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
General Regulations

§ 106-1. Coverage.

This article shall apply to all electric wiring, apparatus, fittings, appliances and equipment, the installation and maintenance thereof and the distribution and utilization of electrical energy to consumers by the Freeport Municipal Electric Utility, excepted, however, from its provisions are the placing, connecting and renewal of approved fuses, of incandescent lamps and portable appliances, together with their cables and attachments, unless otherwise specified herein.

§ 106-2. Definitions.

In this article, the following definitions shall apply:

APPROVED — If not otherwise qualified, means approved by the Superintendent of Electric Utilities or other authorized representative of the Consumers' Service Department of the Freeport Municipal Electric Utility.

BUILDING — Includes any structure, fenced area or open space within which, upon which or to the outside of which an electrical installation is made.

DEPARTMENT — If not otherwise qualified, means the Freeport Municipal Electric Utility.

MASTER ELECTRICIAN — A person who holds a master electrician's license issued by the village as provided in Article III of this chapter.

OWNER — Includes the owner, tenant, lessee or occupant of any building, as herein defined, and any consumer of current or customer supplied with current by the Freeport Municipal Electric Utility.

SUPERINTENDENT — The authorized Superintendent of Electric Utilities of the Freeport Municipal Electric Utility or his duly designated deputy. **[Added 2-8-1971]**

§ 106-3. Conformity with certain regulations. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

All electrical wiring, apparatus, fittings, appliances and equipment shall conform in all respects to the regulations for controlling electrical installations for service adopted by the Department, together with the applicable rules and regulations of the National Electrical Code and with the NYS Building Codes current at the time of installation.

§ 106-4. Powers of Superintendent; duties of owners. [Amended 2-8-1971]

A. Enumerated. Authority is hereby vested in the Superintendent to enforce the provisions of this article, and in the performance of the duties thus authorized, the following powers, in addition to those provided elsewhere herein, are conferred:

(1) To inspect any building at any reasonable hour to determine whether there has been full compliance with this article and the regulations of the Department and to designate agents to make such inspections.

(2) To make such rules on behalf of the Department as the Superintendent shall deem necessary to effectuate the purposes of this article, to provide for public welfare and safety and further the efficiency of the Department, and such rules shall be enforceable as a provision of this article.

(3) To issue orders directing owners and others, who may be responsible, to remedy any violation of this article and to correct any defects of maintenance or installation.

B. Duty of owner; service of order. Failure by an owner or other responsible person to permit access to a building, as herein provided, or to obey an order served upon him in

writing and signed by the Superintendent shall constitute a violation of this article. Compliance shall be within the time specified in an order or, if no time is specified, within a reasonable time. Service shall be deemed effective either if made personally upon the person designated therein or if sent by mail to his last known address as filed in the records of the Department.

§ 106-5. Rules pertaining to service.

Applicants for electrical service shall be bound to an observance of the following rules:

A. Certificate of approval. Each applicant must submit, with his application to the Superintendent, a certificate of approval by the New York Board of Fire Underwriters or other qualified inspection agency approved by the Village of Freeport of the proposed installation. **[Amended 2-8-1971; 11-6-1995 by L.L. No. 4-1995]**

B. Plans; specifications. For a primary installation, an applicant must submit plans of the building to be serviced with specifications of his electrical requirements. Such specifications are subject to approval, modification or rejection by the Superintendent in conformity with the standards approved by the Department. Acceptable standard specifications will be provided by the Department upon request. **[Amended 2-8-1971]**

C. Superintendent's approval. No primary service connection will be made until said Superintendent's approval has been given to the wiring, apparatus and other equipment to be installed. **[Amended 2-8-1971]**

D. Special apparatus. No special machinery or apparatus, such as elevators, conveyor motors, motion-picture projectors, x-ray apparatus and the like, requiring special electrical installation shall be installed until application therefor has been filed with the Department and approval has been granted by the Superintendent. **[Amended 2-8-1971]**

E. Temporary emergency service. For temporary emergency service, the Department must be notified of the details involved so that proper arrangements for service may be provided and a proper assessment of the costs to the owner may be determined.

F. Service at 2,400 volts. Where service at 2,400 volts is required, the Superintendent should be consulted before any equipment is bought or work undertaken. **[Amended 2-8-1971]**

G. Alterations. Application for an approval of the electrical plans should be made whenever a building is to be substantially altered or an existing electrical installation is to be substantially changed.

H. Liability of village. All service is furnished with the express understanding that no liability shall be incurred by the village because of any interruption or cessation thereof.

§ 106-6. Performance of electrical work.

A. Designated; regulated. Except as herein provided, no one shall install, alter or repair electrical wiring, apparatus, fittings, appliances or equipment, as provided in this article, for others, other than:

(1) A master electrician.

(2) A person hired by or working under the general supervision of a master electrician.

(3) A person who is not a master electrician but either is the employer of a master electrician or is associated with a partnership in which one of the partners is a master electrician or with a corporation in which one of whose officers is a master electrician. Such a person may do electrical work, as herein comprehended! but only upon compliance with the following conditions:

(a) The licensed electrician shall submit his master electrician's license to the Village Clerk for endorsement thereon of the fact that the master electrician authorizes his employer or some designated person associated with him in a partnership or corporation to do such electrical work.

(b) The master electrician will be held fully liable for the work performed by his designee as though he himself bad done the work.

(c) The master electrician shall agree to work for no other person during the efficacy of the endorsement.

(d) Immediately upon the termination of the employment relationship or severance from the partnership or from the corporation, the master electrician's designation of another person, shall be void and of no effect. He shall immediately present his license to the Village Clerk for endorsement thereon of the cancellation of the authority vested in another to do electrical work.

(e) Cancellation of the authority, as granted herein, shall, for a period of three months, annul the right of the master electrician to designate still another person. This period may be shortened by the Electricians' License Board upon showing of good cause therefor.

(f) A fee of $3 shall be paid for each endorsement or cancellation thereof as provided herein.

(4) Electricians possessing a valid, current master electrician's license issued by the Town of Hempstead. **[Added 7-25-1988 by L.L. No. 1988]**

B. Exceptions. The provisions of this section do not apply:

(1) To the installation, repair or maintenance of electrical lines, equipment or apparatus in, upon or connected with any school building when such work is performed under the direction of the Board of Education and by a qualified electrician regularly on the payroll of the Board.

(2) To the installation, repair or maintenance of electronic lines, equipment or apparatus by an electric utility or telephone or telegraph company on its own property whenever such operation is under the jurisdiction of the Public Service Commission.

§ 106-7. Emergency disconnection; restoration of service. [Amended 2-8-1971; 11-6-1995 by L.L. No. 4-1995]

In case of fire or other catastrophe or emergency, the Electrical Department, a police officer or fireman shall have the right to disconnect service, and when this has been done, it shall remain disconnected until ordered restored, in whole or in part, by the Superintendent, who may require, as a condition precedent to certification by the New York Board of Fire Underwriters or other qualified inspection agency approved by the Village of Freeport, that any repairs made to damaged property meet the required standard of safety.

§ 106-8. Prohibited conduct.

The following practices and uses are hereby prohibited, but these specific provisions do not exempt offenders from liability for violating other prohibitions either in this or any other applicable law or ordinance:

A. Misuse of poles. No one shall attach any article, radio antenna, apparatus, sign or other thing to a pole erected, issued or maintained by the Electrical Department or in any way climb upon it or damage it or interfere either with it or with the devices, wires, apparatus and equipment it may bear.

B. Antenna installation. No one shall erect an aerial or antenna for sending or receiving radio or television broadcasts or for any other electronic purposes, either above a village power line or under it, or in any other place where its location will create interference or cause damage or danger.

C. Tampering with apparatus. Any tampering with service connections or with apparatus or equipment of the Department, unless by persons authorized therefor, shall constitute a violation of this article.

D. Interference. Any use of electrical equipment which causes dangerous or objectionable interference with the safety or rights of others is prohibited and shall, upon order of the Superintendent, be corrected by methods to be designated in the order. **[Amended 2-8-1971]**

E. Household apparatus. No person shall connect any apparatus or appliance unless said equipment complies with the requirements. of the National Electric Code, latest edition. **[Amended 2-8-1971]**

§ 106-9. Effect of violation. [Amended 2-8-1971]

For violation of any provision of this article, in addition to the penalties generally applicable, the Superintendent is authorized to disconnect an owner's service and to withhold restoration thereof until the violation has been removed.

§ 106-10. Required insurance. [Added 4-11-1977 by L.L. No. 6-1977; amended 3-22-1982 by L.L. No. 4-1982]

A. No licensed electrician shall perform any work hereunder unless there shall be on file with the Village Clerk a certificate of insurance issued by an insurance company

licensed to do business in the State of New York, and affording coverage as minimally set forth below. Such certificate of insurance shall contain a provision that coverage will not be reduced, canceled or nonrenewed unless the Village of Freeport Village Clerk is given at least 10 days written notice thereof.

(1) Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(2) Workers' compensation: statutory limit.

B. The licensed electrician also agrees to hold the Village of Freeport harmless against any and all liability, including defense costs, resulting from personal injury and/or property damage caused by the licensee, his agents or his employees in the performance of such work.

C. A certificate of insurance evidencing such incidental contractual coverage in the limits and manner above specified shall be furnished the Village and shall indicate the Village of Freeport as an additional insured.

§ 106-11. Compliance with other ordinances and laws. [Added 4-11-1977 by L.L. No. 6-1977]

Each applicant hereunder must comply with all provisions under any other ordinance regulating the work to be done and shall furnish evidence of compliance with the applicable provisions of the Labor Law and of the Worker Compensation Law.

ARTICLE II
Interference with Radio and Television Reception

§ 106-12. Unnecessary electrical interference prohibited.

It shall be unlawful for any person to operate any electrical apparatus, device, machine or equipment within the Village limits, other than that of a duly licensed broadcasting station, which needlessly causes interference with radio and television reception when such interference can reasonably be eliminated by shielding, altering, adjusting or otherwise taking corrective measures to eliminate the fault.

§ 106-13. Duty of enforcement. [Amended 2-8-1971]

The enforcement of this article shall be entrusted to the Superintendent, whose duty it shall be to investigate all complaints of radio and television interference, to locate the source of such interference and to determine the best and most practical ways of securing its elimination.

§ 106-14. Direction to eliminate interference. [Amended 2-8-1971]

Upon findings made of the source of such interference, the Superintendent is authorized to issue directions to the owner or operator of the offending apparatus, device, machine or equipment requiring him to make the necessary adjustments or corrections within a specified length of time.

§ 106-15. Failure to comply. [Amended 2-8-1971]

Failure to comply with the directions of the Superintendent within the time specified shall constitute a violation of this article.

§ 106-16. Access to premises. [Amended 2-8-1971]

Upon properly identifying himself, the Superintendent or his duly designated deputy on that behalf shall have the right of access to any premises at a reasonable time for the purpose of inspecting the installation and operation of any device, machine or equipment coming within the purview of this article, and it shall be a violation hereof for any reason to interfere with such official or to hinder him in the discharge of his duties.

ARTICLE III
Electricians' Licenses

§ 106-17. Prohibited installations.

Whenever, by ordinance, it is provided that no one except a master electrician shall engage in installing, altering or repairing electrical wiring, apparatus, fittings, appliances or equipment, it shall be a violation hereof for any person not licensed, as herein provided, to perform any of the work thus specified.

§ 106-18. Application for license; examination; fees. [Amended 2-26-1990 by L.L. No. 12-1990]

The following shall be eligible for licenses as herein provided:

A. Application; examination. Any individual may make application for a master electrician's license to the License Board hereinafter designated in § 106-22 as being vested with authority to determine the fitness of each applicant by proper examination.

B. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for an examination to qualify as a master electrician, for the issuance of a master electrician's license and for the renewal thereof. If the applicant qualifies for a license upon examination, the amount paid as an examination fee shall be applied to the cost of the master electrician's license fee.

§ 106-19. Form of application; issuance of license.

All applications for licenses and for endorsements thereon shall be made to the Village Clerk in such form as he may prescribe. All licenses shall be issued by the Mayor and be countersigned by the Village Clerk.

§ 106-20. Revocation or suspension of license.

Any license may be revoked or suspended, for good cause shown, by the Board of Trustees upon recommendation of the License Board after specific charge has been made, a fair hearing held and a finding of the unfitness of the licensee made.

§ 106-21. Expiration of license.

All master electricians' licenses issued on an annual basis shall expire on the 31st day of December of each year. The precise date of expiration shall be clearly marked on each license.

§ 106-22. Licensing Board; powers.

The Board of Trustees shall appoint a Master Electricians' License Board of seven members, one or whom shall be an employee of the Freeport Municipal Electric Utility, who shall act as Chairman, and which Board shall be vested with the following powers:

A. Examinations; investigations. By examination of their qualifications, to determine the fitness of applicants for a master electrician's license and to recommend to the Mayor the issuance of a license to those found worthy and well qualified.

B. Suspension; revocation. For good cause shown, to recommend to the Board of Trustees the suspension or revocation of any license issued under the provisions of § 106-18A hereof.

C. Action upon matters referred to it. To take proper action with respect to any matter referred to it under the terms of this article or of the rules and regulations of the Electric Light Department of the village.

§ 106-23. Meetings of Board.

The License Board shall meet at the call of the Chairman. Four members, including the Chairman, who shall be entitled to vote on all matters, shall constitute a quorum for the transaction of business.

§ 106-24. Conduct of examinations.

Applicants for licenses under § 106-18A shall file their applications with the Village Clerk, who shall refer them to the License Board for determination. The Board shall, with reasonable expedition, conduct its examinations and investigations and report to the Mayor its recommendations based upon candidates' qualifications and fitness. The Board may act on its

own initiative or upon complaint when charges reflecting upon the worthiness of a licensee are made.

Chapter 110

ENVIRONMENTAL QUALITY REVIEW

§ 110-1. Definitions.

§ 110-2. Compliance with requirements; exceptions.

§ 110-3. Actions affecting and not affecting environment.

§ 110-4. Filing of statement regarding effect of proposed action.

§ 110-5. Notice to public of proposed action.

§ 110-6. Time limit for determination by Superintendent.

§ 110-7. Fee to be paid with application.

§ 110-8. Determination of status of action.

§ 110-9. Preparation of draft environmental impact statement.

§ 110-10. Notice of completion of draft environmental impact statement; public hearing.

§ 110-11. Processing of actions not affecting environment.

§ 110-12. Preparation of final environmental impact statement; fee.

§ 110-13. Notice of completion of final environmental impact statement.

§ 110-14. Decision following final environmental impact statement; time.

§ 110-15. Written determination of Board of Trustees.

§ 110-16. Filing of copy of determination.

§ 110-17. Maintenance of files.

§ 110-18. Actions involving more than one agency.

§ 110-19. Actions undertaken prior to specified date; modifications.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 3-28-1977 by L.L. No. 5-1977; amended in its entirety 11-9-1981 by L.L. No. 16-1981. Subsequent amendments noted where applicable.]

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§ 110-1. Definitions.

A. 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 § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

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

SUPERINTENDENT or SUPERINTENDENT OF BUILDINGS — The administrative official in charge of the Department of Buildings.

VILLAGE — The incorporated Village of Freeport.

§ 110-2. Compliance with requirements; exceptions.

No decision to carry out or approve an action, other than an action listed in § 110-3B hereof or Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action shall be made by the Board of Trustees or by any department, board, commission, officer or employee of the Village until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that nothing herein shall be construed as prohibiting:

A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the Village to approve, commence or engage in such action.

B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations have been fulfilled.

§ 110-3. Actions affecting and not affecting environment.

A. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the actions listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type I actions are likely to have a significant effect on the environment.

B. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the actions listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type II actions are deemed not to have a significant effect on the environment.

§ 110-4. Filing of statement regarding effect of proposed action.

For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the Superintendent, setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment, Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by the Superintendent and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the Superintendent.

§ 110-5. Notice to public of proposed action.

Upon receipt of a complete application and a statement, the Superintendent shall cause a notice thereof to be posted on the signboard, if any, of the Village, maintained by the Village, and may also cause such notice to be published in the official newspaper of the Village, if any, or in a newspaper having general circulation within the Village, describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Superintendent no later than a date specified in such notice.

§ 110-6. Time limit for determination by Superintendent.

A. The Superintendent shall render a written determination on such application within 20 days following receipt of a complete application and statement; provided, however, that such period may be extended by mutual agreement of the applicant and the Superintendent. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Superintendent may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. The time limitations provided in this chapter shall be coordinated with, to the extent practicable, other time limitations provided by statute or local law, ordinance or regulation of the Village.

§ 110-7. Fee to be paid with application.

Every application for determination under this chapter shall be accompanied by a reasonable fee set forth in this action to defray the expenses incurred in rendering such determination. The fees shall be as determined by the Board of Trustees.

§ 110-8. Determination of status of action.

If the Superintendent determines that the proposed action is not an exempt action, not an action listed in § 110-3B hereof or Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action and that it will not have a significant effect on the environment, the Superintendent shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter, the proposed action may be processed without further regard to this chapter. If the Superintendent determines that the proposed action may have a significant effect on the environment, the Superintendent shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter, the proposed action shall be reviewed and processed in accordance with the provisions of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

§ 110-9. Preparation of draft environmental impact statement.

A. Following a determination that a proposed action may have a significant effect on the environment, the Superintendent shall, in accordance with the provisions of Part 617 of Title 6 of the New York Codes, Rules and Regulations:

(1) In the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement.

(2) In the case of an action not involving an applicant, prepare a draft environmental impact statement.

B. If the applicant decides not to submit an environmental impact report, the Superintendent shall prepare or cause to be prepared the draft environmental impact statement or, in its discretion, notify the applicant that the processing of the application will cease and that no approval will be issued.

C. The Superintendent may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fees shall be determined by the Board of Trustees.

§ 110-10. Notice of completion of draft environmental impact statement; public hearing.

A. Upon completion of a draft environmental impact statement prepared by or at the request of the Village, a notice of completion containing the information specified in Section 617.7(d) of Title 6 of the New York Codes, Rules and Regulations shall be prepared, filed and circulated as provided in Section 617.7(e) and (f) of Title 6 of the New York Codes, Rules and Regulations. In addition, it shall be published in the official newspaper, if any, of the Village or, if none, in a newspaper having general circulation within the Village, and a copy thereof shall also be posted on a signboard of the Village. Copies of the draft environmental impact statement and the notice of completion shall be filed, sent and made available as provided in Section 617.7(e) of Title 6 of the New York Codes, Rules and Regulations.

B. If the Board of Trustees determines to hold a public hearing on a draft environmental impact statement, notice thereof shall be filed, circulated and sent in the same manner as the notice of completion and shall be published in the official newspaper of the Village, if any, or, if none, in a newspaper having general circulation within the Village at least 10 days prior to such public hearing. Such notice shall also state the place where substantive written comments on the draft environmental impact statement may be sent and the date before which such comments shall be received. The hearing shall commence no less than 15 calendar days nor more than 60 calendar days of the filing of the draft environmental impact statement, except as otherwise provided where the Board of Trustees determines that additional time is necessary for the public or other agency review of the draft environmental impact statement or where a different hearing date is required as appropriate under other applicable law.

§ 110-11. Processing of actions not affecting environment.

If, on the basis of a draft environmental impact statement or a public hearing thereon, the Board of Trustees determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this chapter.

§ 110-12. Preparation of final environmental impact statement; fee.

Except as otherwise provided herein, the Superintendent shall prepare or cause to be prepared a final environmental impact statement in accordance with the provisions of Part 617 of Title 6 of the New York Codes, Rules and Regulations, provided further that if the action involves an application, the Superintendent may direct the applicant to prepare the final environmental impact statement. Such final environmental impact statement shall be prepared within 45 days after the close of any hearing or within 60 days after the filing of the draft environmental impact statement, whichever last occurs; provided, however, that the Superintendent may extend this time, as necessary, to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification. Where the action involves an application, such final environmental impact statement shall be accompanied by the fee specified in this section to defray the expenses of the Village in preparing and/or evaluating same. The fee shall be determined by the Board of Trustees.

§ 110-13. Notice of completion of final environmental impact statement.

A notice of completion of a final environmental impact statement shall be prepared, filed and sent in the same manner as provided in § 110-10 herein and shall be sent to all persons to whom the notice of completion of the draft environmental impact statement was sent. Copies of the final environmental impact statement shall be filed and made available for review in the same manner as the draft environmental impact statement.

§ 110-14. Decision following final environmental impact statement; time.

No decision to carry out or approve an action, which has been the subject of a final environment impact statement, by the Board of Trustees or by any other agency shall be made until after the filing and consideration of the final environmental impact statement. Where the Board of Trustees has been the lead agency for an action, it shall make a decision whether or not to approve the action within 30 days of the filing of the final environmental impact statement.

§ 110-15. Written determination of Board of Trustees.

When the Board of Trustees decides to carry out or approve an action which may have a significant effect on the environment, it shall make the following findings in a written determination:

A. Consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse

environmental effects, including the effects disclosed in the relevant environmental impact statements.

B. All practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

§ 110-16. Filing of copy of determination.

For public information purposes, a copy of the determination shall be filed and made available as provided in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

§ 110-17. Maintenance of files.

The Village shall maintain files, open for public inspection, of all notice of completion, draft and final environmental impact statements and written determinations prepared or caused to be prepared by the Superintendent and/or the Board of Trustees.

§ 110-18. Actions involving more than one agency.

Where more than one agency is involved in an action, the procedures of Sections 617.4 and 617.8 of Part 617 of Title 6 of the New York Codes, Rules and Regulations shall be followed.

§ 110-19. Actions undertaken prior to specified date; modifications.

Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies shall be exempt from this chapter and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that if after such dates the Superintendent modifies an action undertaken or approved prior to that date and the Superintendent determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

Chapter 115

FIRE PREVENTION

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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 9 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I

General Regulations

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 115-1. Interference at fires.

No person shall interfere with, obstruct or hinder any firefighter, or member of the Fire Department while performing their duties at the scene of a fire, emergency or during training or drill. There shall be no interference or obstruction that will hinder the operations of the Fire Department in any way at any time.

§ 115-2. Yielding right-of-way to fire apparatus.

Upon the approach of any fire apparatus, while in response to an alarm, the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall immediately yield the right of way by moving to the right and placing said vehicle close to and parallel with the nearest curb, bringing said vehicle to a complete stop, and remaining there until the fire apparatus has moved from the vicinity.

§ 115-3. Parking near hydrants during alarms.

During any alarm that a fire apparatus is responding to, or operating at, no person operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall stop said vehicle within fifty (50) feet of any fire hydrant that is situated within a 500-foot radius of the alarm.

§ 115-4. Moving vehicles from vicinity of hydrants.

No person, while operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, shall fail to move said vehicle from the vicinity of any fire hydrant upon request to do so from any member of the Fire Department.

§ 115-5. Driving over fire hose.

At no time shall the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, drive said vehicle over any fire hose lying on any street, driveway, sidewalk or pathway of any type at any time unless instructed to do so, only by a member of the Fire Department.

§ 115-6. Obstructing or damaging hydrants.

At no time shall any fire hydrant be obstructed or damaged by any person in any way. No hydrant shall be obstructed from its full use by snow, ice, garbage cans or any substances or materials that are piled or stored in close proximity to said hydrant. See § 201-21 for other rules regarding fire hydrants.

§ 115-7. False alarms.

At no time shall any person willfully give any false alarm of fire or any other type of an emergency by use of phone, cell phone, radio or any type of social media outlet, or other method or device that would create a response from the Fire Department.

§ 115-8. Fire lines, going or remaining within.

The Incident Commander shall establish fire lines to create an area of operation that shall help provide safety to firefighters and civilians; at no time shall any person go into or remain inside of the fire lines without permission of the Incident Commander. Any person within the fire lines without permission shall be removed at the request of the Incident Commander by the Freeport Police Department.

§ 115-9. False indication of membership.

At no time shall any person indicate or make any reference to being a member of the Freeport Fire Department by placing, displaying or maintaining any insignia, emblem, placard or letters on any privately owned and operated motor vehicle, motorcycle, bicycle, scooter or any other mobility device. No person shall have in their possession, any form of identification, card, badge or other instrument indicating membership in the Freeport Fire Department without being approved by and having permission from the Fire Chief, Fire Council and the Board of Fire Commissioners.

§ 115-10. Fires outside Village limits.

A. Authorized. The Fire Department of the Village or any or more fire companies thereof are hereby authorized and permitted to go to the aid of another city, village, town, county or fire district outside of the Village limits to provide assistance in the extinguishment of fires or any other emergency or public disaster. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.

B. Power vested in the Chief. The Chief of the Department is empowered to direct that mutual aid be extended to another city, village, town, county or fire district as herein provided. For the purpose of this section, the Chain of Command, as set forth in the Freeport Fire Department By-Laws shall be followed, and that in the absence or disability of the Fire Chief the next highest-ranking officer shall have the power to direct that such mutual aid be extended. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.

C. Privileges of firefighters. While extending such mutual aid, the members of the Fire Department shall have the same immunities and privileges as though they were performing the same duties within the Village.

§ 115-11. through § 115-12. (Reserved)[1]

ARTICLE II

Bureau of Fire Prevention; Fire Safety
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 115-13. Fire Prevention/Safety Bureau.

The Board of Fire Commissioners shall hereby authorize the Fire Prevention/Safety Bureau to operate under the supervision of the Superintendent of the Building Department.

§ 115-14. Fire Prevention/Safety Inspector; Inspector's appointment.

The Board of Fire Commissioners shall appoint as many inspectors as it deems necessary for its proper duties. Inspectors shall be appointed from within the Building Department at the Superintendent's request. Said Board shall adopt rules and regulations as may be necessary for its proper administration.

§ 115-15. Duties of Bureau.

It shall be the duty of the Fire Prevention/Safety Bureau, in cooperation with Nassau County Fire Marshal's Office and the Chief of the Freeport Fire Department, to enforce all laws,

1. **Editor's Note: Former §§ 115-11, Accessibility of gas stopcock, and 115-12, Accessibility of safety valve for ammonia tank, of the 1979 Code, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

codes and ordinances of the State of New York, County of Nassau and the Village of Freeport regarding to, but not limited to, the following:

A. The prevention of fires, education through schools and use of social media outlets to help educate the residents of the Village on fire prevention methods.

B. Fire alarm systems. Assist the Village and the Fire Chief on keeping records on fire alarm system activations and inspections for proper installation, maintenance and licensing.

C. Fire escapes, the maintenance and regulations of fire escapes and exits.

D. Schools, to work with the Freeport school system, as well as preschools, private and parochial schools, and any other educational institute to ensure safe exits that do not cause any interference with, or impede firefighting operations in any way.

E. Commercial and industrial. To coordinate inspections with the Nassau County Fire Marshal's office, this will enable the Fire Department and the Building Department to have a better knowledge of the hazards within these occupancies and how to deal with them during true emergencies.

F. Additional powers. The Fire Prevention/Safety Bureau shall have such other powers and perform such other duties as set forth herein or as directed by the Board of Fire Commissioners, the Superintendent of Buildings or the Fire Chief in regard to conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Freeport.

G. Fire Safety Inspections. It shall be the duty of the Fire Prevention/Safety Bureau to conduct all fire safety inspections regarding new and renewing business licenses.

§ 115-16. Investigation of fires; reports.

A. The Fire Prevention/Safety Bureau shall assist the Fire Chief, when requested to do so, perform an investigation and determine the cause, origin and circumstances of every fire within the Village of Freeport by which property has been damaged or destroyed. If the Bureau is unable to assist, the Fire Chief shall be notified immediately.

B. The Fire Chief shall respond to all fires and emergencies within the Village of Freeport. Immediately upon the occurrence, the Chief shall determine the cause, origin and circumstances of every fire and shall determine whether the fire was the result of carelessness or design. If the Fire Chief has reason to believe that a fire is of suspicious origin, or other reason or factors that the Chief deems necessary, he shall take charge of any physical evidence available and shall immediately notify the authorities designated by law to pursue the investigation, Nassau County Fire Marshal's Office, Nassau County Police Arson/Bomb Squad and Freeport Police. The Fire Chief may also request assistance from the Fire Prevention/Safety Bureau, Superintendent of Buildings and the Village Counsel and, when requested, they shall comply with the full extent of their ability.

C. Report Required. There shall be a report of every incident, including, but not limited to, all fires and emergencies that the Fire Department responds to. The Fire Chief shall

prepare and submit a report and statement to the National Fire Incident Reporting System (NFIRS) within seven days of incident.

(1) House fires. Time, date and address/location, any death or injury to civilian or Fire Department member. All damage to house, contents and personal property as well as any other private or public property involved. The cause, origin and circumstances of the fire and whether or not the fire is being investigated by any, and all authorities designated by law.

(2) Vehicle fires. Including, but not limited to, cars, trucks, motorcycles, boats and all electric mobility devices. Time, date and location of incident, any death or injury to civilian or Fire Department member. All damage to vehicle as well as any other private or public property involved. All registration information, including, but not limited to, year make and model, registration number and registered owner and user of vehicle.

(3) All other fires, including, but not limited to. Fence, garbage can, dumpster, grass, tree, mailbox, electric transformer or pole and any other fire that the Fire Department responds to. Time, date and location of incident, any death or injury to civilian or Fire Department member.

(4) Fire Department Units. The Chief shall list all Fire Department units that were notified to respond to and operate at the incident, as well as all mutual aid units operating at or standing by, all police and ambulance service and all other agencies that responded to, and operated at any incident.

(5) Cost of loss. The Chief shall estimate the dollar amount of the total loss as a result of a fire.

(6) Notification. The Chief shall notify the Freeport Police Department to make notification to property owners or responsible caretakers, such as the postmaster, electric and water departments and for when forcible entry is needed to investigate the nature of an alarm. The Chief shall make notification to Fire Com, regardless of the cause and origin of any fire, when there is a death or serious injury to a civilian or anyone involved with the fire, or any type of incident.

§ 115-17. False alarms, nuisance alarms.

A. It shall be the duty of the Fire Chief to determine if an alarm is a false alarm as set forth in § 72-9 of the Code of the Village, and to document said alarms.

B. It shall be the duty of the Fire Chief to determine if an alarm is a nuisance alarm, as set forth in § 72-8 of the Code of the Village, and to document said alarms.

§ 115-18. Inspection of various premises.

Upon direction of the Fire Chief or the Superintendent of Buildings, the Fire Prevention/ Safety Bureau, the Fire Chief, or duly designated inspector shall inspect:

A. All manufacturing plants, and or all places where acetylene or other gases, chemicals, oils, solvents, explosives and inflammable materials are used, stored or sold; the

interior of all structures equipped with fire alarm or automatic fire sprinkler systems; and such other places as may be designated by the Fire Chief and the Nassau County Fire Marshal's Office as fire hazards.

B. All premises and thoroughfares, enclosed or unenclosed, except private dwellings, to determine whether there exists any condition conducive to danger from fire, such as improper accumulations of waste paper, boxes, shavings, trash or other types of inflammable or explosive materials, or whether there are obstructions to property, fire escapes, stairs, passageways, doors, windows which may impede Fire Department operations or block the means of egress in the event of a fire. In addition, any structures which, because of disrepair, structural defects or lack of proper installation, are of such nature as to create a danger to life and property in the event of a fire.

C. It shall be the duty of the Fire Chief, while in response to a complaint or upon his own initiative, to enter and to inspect boardinghouses, rooming houses, tourist homes, hotels, motels, boatels and any paying guest houses when there is reason to believe there are fire safety hazards and/or conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the guests and the people of the Village of Freeport.

§ 115-19. Quarterly inspections.

It shall be the duty of the Fire Chief to provide for inspections, as required in § 115-18 of this article, and any other inspection as authorized by the Fire Chief or the Superintendent of the Building Department, to be conducted by the Fire Prevention/Safety Bureau or duly designated inspector, at intervals of no more than three months.

§ 115-20. Violations of safety rules.

Whenever a violation of rules of reasonable safety is found to exist, the Fire Chief shall order the owner or occupant to remove dangerous materials or remedy other hazardous conditions as he may direct within 24 hours.

§ 115-21. Illumination of vestibules in public buildings.

Illumination of vestibules in public buildings to be in accordance with New York State Building Code.

§ 115-22. School fire and lock-down drills.

The principal, teachers or other persons in charge of any public, private, preschool or parochial school or other educational institution shall conduct fire and lock-down drills in accordance with Education Law §§ 807, Subdivisions 1 through 4. The Fire Prevention/ Safety Bureau shall work with the schools to ensure that, during these drills, as well as during true emergencies, there is no interference with Fire Department operations as set forth in §§ 115-1 through 115-6 of the Code of the Village of Freeport, as well as provide for the safety of all students, teachers and all occupants of the building.

§ 115-23. (Reserved)[2]

§ 115-24. Guardrails for certain depressions.

Every boiler room, fire room or cellar which has a depression in the floor of such nature as to constitute a hazard shall have such depression properly guarded with a metal rail of a type and height approved by the Superintendent of Buildings.

§ 115-25. (Reserved)[3]

§ 115-26. Methods of serving orders.

The service of any order hereunder may be made upon the occupant of the premises to whom it is directed either by delivering a copy of the same personally or by leaving it with any person of suitable age and discretion in charge of such premises or, if no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the front door of said premises. An order may be served upon the owner of such premises by delivering to and leaving with him a copy thereof or, if such owner is absent from the Village, by mailing a copy to his last known address.

§ 115-27. Electrical violations; disconnection of service.

The Bureau of Fire Prevention, after having received notification from the National Board of Fire Underwriters that an electrical violation has been disclosed, shall notify the Superintendent of Electric Distribution to disconnect the service to the premises on which such violation exists until said violation has been rectified. It shall be the duty of said official to comply with such order.

§ 115-28. Failure to comply with order.

It shall be unlawful for any person, being the owner or occupant, lessee or otherwise, in charge or control of any premises, subject to an order made pursuant to this article, to fail or refuse to comply with such order within the time specified therein or, if no time is specified, within a reasonable time or to violate any of the provisions of this article.

§ 115-29. Refusal to permit inspection; penalty.

Any person who shall willfully refuse to permit an inspection, as provided herein, shall be liable to a fine of not more than $250 for each offense.

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2. Editor's Note: Former § 115-23, Signs regarding location of fire alarm boxes, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Former § 115-25, Inspection of tank vehicles, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE III
Portable Heating Equipment

§ 115-30. Use prohibited.

The use of portable heating equipment employing a flame and any heating equipment using gasoline or kerosene not connected to a flue is hereby prohibited in any dwelling, office building, public hall, lodge room, club, business establishment, commercial building and all places of public assembly.

§ 115-31. Presumptive evidence of use.

The presence of the aforesaid equipment within such premises shall be presumptive evidence of the use thereof in violation of this article.

§ 115-32. Enforcement.

This article shall be enforced by the Police Department and the Superintendent of Buildings in addition to the Bureau of Fire Prevention.

ARTICLE IV
Flammable Liquids

§ 115-33. Scope.

This article shall apply to all new plants, stores, equipment and installations and to existing plants, stores, equipment and installations which constitute a distinct hazard to adjoining property insofar as the intent of this section to ensure public safety and welfare can be reasonably fulfilled as determined by the Board of Trustees upon hearing duly held. This provision, while not limited thereto, is intended to apply when the uses herein provided were originally in conformity hereto. All persons and businesses storing, handling or using flammable liquids shall be governed by this article whether or not specifically named in this article.

§ 115-34. Excepted installations.

A. Fuel oil tank for heating purposes. Nothing herein contained shall be construed to apply to the installation of tanks for the storage of fuel oil to be used for heating the premises upon or in which said installation is made; provided, however, that such tanks be constructed and installed in accordance with the standards of the National Board of Fire Underwriters and in conformity with Article V of this chapter.

B. Wholesale distribution. Nothing herein contained shall be construed to permit the storage for sale of fuel oil to be used for heating or the storage or sale of any flammable liquids at wholesale.

C. Storage and sale of flammable liquids in retail stores. Nothing herein contained shall apply to the storage and sale of flammable liquids in paint stores, hardware stores or

similar retail establishments where said flammable liquids are stored or sold in sealed interstate commerce commission containers, drums or barrels; provided, however, that any dispensing from containers, drums or barrels shall be done by means of leakproof pumps and not by faucet or other bottom-thawing device, which will permit gravity flow of liquid.

§ 115-35. Permit for storage required.

No permit for the erection or operation of a building designed as a public garage reserve station, fuel station or repair station for motor vehicles from which motor fuel is to be dispensed to the public shall be issued by the Superintendent of Buildings unless there shall first have been issued a permit for the storage of flammable liquids by the Village Board.

§ 115-36. Application for permit.

No storage permit shall be granted unless a written application, duly verified, shall be made to the Village Board, accompanied by a statement and a map, showing:

A. Premises. The size and location of the property for which the storage permit is requested.

B. Existing tanks. The location, type, size, capacity and material stored in all existing tanks.

C. Proposed tanks. The location, type, size, capacity and material to be stored in all proposed tanks.

D. Existing buildings. The location, size and use of all existing buildings on property involved.

E. Proposed buildings. The location, size and use of all proposed buildings.

F. Fire protection. Description and locations of fire-extinguishing systems to be installed.

§ 115-37. Permit fee. [Amended 4-27-1981 by L.L. No. 4-1981; 2-26-1990 by L.L. No. 13-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a permit for the installation of storage tanks for flammable liquids as required by this article.

§ 115-38. Conditions of permit.

Any storage permit granted by the Village Board pursuant to this article will be issued subject to the condition that construction shall start within 90 days and shall be completed within 12 months of the date of the granting of such permit unless otherwise specifically authorized. Failure to meet either of these conditions shall revoke the permit.

§ 115-39. Denial of permit. [Amended 6-27-1966]

No permit for storage shall be issued for any building or enclosure:

A. Which is occupied as a tenement house, hotel or lodging house.

B. Where paints, varnishes or lacquers are manufactured or kept for sale.

C. Where dry goods or other highly flammable materials are manufactured or kept for sale.

D. Where resin, hemp or cotton or any explosives are stored or kept for sale.

E. Which is situated within 50 feet of the nearest line of any premises occupied as a hospital, sanitarium, church, school, theater or other place of public amusement or public assembly.

§ 115-40. Maximum capacity of storage tank. [Amended 4-29-1968; 3-13-1972]

No tank shall be installed of a capacity greater than 1,000,000 gallons.

§ 115-41. Submission of plans and specifications.

Detailed plans and specifications covering the proposed tank or tanks shall be submitted to the Superintendent of Buildings for his approval when application is made for a construction permit.

§ 115-42. Inspection of tank prior to use.

No tank shall be put into use after its construction until an inspection shall have been made by the Superintendent of Buildings, and he is satisfied that required conditions have been met.

§ 115-43. Underground tanks; tanks inside buildings.

A. Tank size. The storage of flammable liquids in excess of 550 gallons shall be permitted only in buried tanks outside of buildings.

B. Gravity flow prohibited. No tank, drum or other container for which a permit has been issued, if located inside of a building or discharges inside of a building, shall be provided with a faucet or other bottom-drawing device which will permit gravity flow.

§ 115-44. Covering of underground tanks.

Tanks buried underground shall have the top of the tank not less than two feet below the surface of the ground and below the level of any piping to which the tanks may be connected, except that, in lieu of the two-foot cover, tanks may be buried under 12 inches of earth and a cover of reinforced concrete at least six inches in thickness provided, which shall extend at least one foot beyond the outline of the tank in all directions.

§ 115-45. Limits of permitted storage. [Amended 4-29-1968]

The limit of storage permitted shall depend upon the location of tanks with respect to the building to be supplied and adjacent buildings as follows:

Distance from Building, Lot Line, etc. (feet)	Total Capacity (gallons)	Minimum Space Between Tanks (feet)
60	500,000	15
40	25,000	10
30	15,000	5
25	10,000	4
20	5,000	2
10	2,000	2

§ 115-46. Prohibited placement of tanks.

No tank shall be located under a public sidewalk or beyond the building line.

§ 115-47. Tanks buried under driveways.

Where tanks are buried under driveways, the total coverage above the top of the tank shall be not less than three feet; provided, however, that where such driveways are paved with concrete, not less six inches in thickness, the total coverage may be reduced to two feet.

§ 115-48. Materials for underground tanks. [Amended 3-12-1973]

All underground tanks shall be constructed of galvanized steel, open-hearth steel, wrought iron or fiberglass of a thickness determined in accordance with the regulations of the National Fire Protection Association.

§ 115-49. Protection of underground tanks from corrosion.

Prior to installation, underground tanks shall be protected against corrosion on the outside in a method at least equivalent to two preliminary coatings of red lead and followed by a heavy coating of asphalt.

§ 115-50. Pipe requirements.

A. Required, generally. Each tank shall be equipped with filling pipe, a drawoff pipe and a vent pipe, except that tanks installed as part of an hydraulic storage system shall not be required to have a vent pipe. All pipes shall be galvanized wrought iron with malleable iron fittings.

B. Vent pipes. Vent pipes shall be two inches in diameter and provided with noncorrodible wire screens or flash preventers completely covering the openings and shall be of a design approved by the National Board of Fire Underwriters.

C. Filling pipes. Filling pipes shall be at least three inches in diameter and shall be laid at a descending grade from the sidewalk in front of the building to the tank. The intake of all filling pipes shall be located in a heavy metal box, which shall be sunk flush with the sidewalk at the curb level or at some other location for the filling of the tank from a tank truck. All fittings and connections shall be of a type approved by the National Board of Fire Underwriters. All filling pipes shall also be provided with a screen made of two thicknesses of twenty-mesh brass wire gauze placed immediately below the filling cock or valve.

§ 115-51. Storage of gasoline and kerosene prohibited in public buildings.

The storage of gasoline and kerosene within the confines of any such dwelling, office building, public hall, lodge room, club, business establishment, commercial building and all places of public assembly is hereby prohibited and shall constitute a violation of this article.

§ 115-52. Fire extinguishers required at service stations.

No person shall conduct a business for the sale of gasoline, either by gas pumps, gas tanks or otherwise, nor shall any person conduct or operate a place for the storage, repair or servicing of motor vehicles unless he shall have upon the premises at least two fire extinguishers capable of extinguishing fire, said extinguishers to be of a design approved by the National Board of Fire Underwriters.

ARTICLE V
Oil Burners

§ 115-53. Definitions.

As used in this article, unless specifically provided otherwise, the following definitions shall be understood and applied:

FUEL OIL — Any liquid used as fuel and having a flash point of not less than 100° F. The Pensky-Martens closed cup tester shall be authoritative. The test shall be made in accordance with the methods of testing adopted by the American Society for Testing and Materials.

OIL BURNER — All devices designed and constructed for the purpose of burning or preparing to burn fuel oil and having a tank or container with a capacity for more than 20 gallons connected thereto.

OIL-BURNING EQUIPMENT — Oil burners and all equipment connected thereto, including internal and external supply tanks, piping, wiring and all accessories.

§ 115-54. Permit for installation; certificate.

No person shall install any oil-burning equipment of a type or model for which a certificate of approval shall have been issued under § 115-56 hereof unless a permit for such installation shall have been issued by the Superintendent of Buildings on an application form, which he shall prescribe and furnish, and no oil-burning equipment shall be used or operated without the certificate of the Superintendent of Buildings that such installation complies with all the provisions and requirements of this article.

§ 115-55. Fees for permits. [Amended 4-27-1981 by L.L. No. 5-1981; 2-26-1990 by L.L. No. 14-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a permit to install an oil burner and equipment and to install an oil tank.

§ 115-56. Certificate of approval required; application.

A. Certificate required. It shall be unlawful for any person to install any oil burner unless he shall have received a certificate of approval.

B. Application for certificate. Application for a certificate of approval shall be filed with the Superintendent of Buildings, at least five days before the first installation is made, on the following form:

Application for Certificate of Approval

To the Superintendent of Buildings of the Village of Freeport, New York. Request is hereby made that a certificate of approval be issued to the undersigned for the oil burner described below:

(1) Name of burner _____

(2) Name of manufacturer _____

(3) Address of manufacturer _____

(4) Grade of fuel oil recommended for burner (commercial standard grade number) _____

(5) Length of time burner has been on market _____

(6) List of approvals by states, cities or recognized laboratories:

Name _____ Date

(7) Attach blueprint of assembly drawings, showing construction of device, indicating moving parts, oil passages and air passages.

In consideration of being issued a certificate of approval, the undersigned swears that he will, to the best of his ability, install or have installed, in accordance with the provisions made in this article, all oil-burning equipment sold or otherwise disposed of and further agrees to and does hereby waive all rights to a certificate of approval, which may, on five days' notice, in writing, by the Superintendent of Buildings, be revoked for a willful violation of the provisions of this article over which he has direct control.

Signature of applicant

Application for Certificate of Approval

Filed at _____ this _____ day of _____ 20_____

Application received by _____

Application approved by _____ Title

At _____ this _____ day of 20_____.

C. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for the filing and processing of an application for a certificate of approval for the installation of an oil burner. **[Amended 2-26-1990 by L.L. No. 15-1990]**

D. Action upon application. The Superintendent of Buildings shall, within five days of the filing of such application, issue either a certificate of approval or disapproval according to the provisions of this article.

E. Minimum standards; inspections; tests. The Superintendent of Buildings shall approve an oil burner listed by the Underwriters' Laboratories or any other nationally recognized inspection board or laboratory. Oil burners not listed by the Underwriters' Laboratories or any other nationally recognized inspection board or laboratory shall not be approved until they have been inspected and tested by the Superintendent of Buildings. This inspection and test shall cover arrangement of parts, suitability of material, strength of parts, electrical control, thermostatic arrangement, reliability of automatic features, positiveness of ignition and safeguards against flooding. To reach a proper conclusion in case of doubt, the Superintendent of Buildings is authorized to require that the applicant submit a report from a recognized laboratory.

F. Reasons for disapproval. With every certificate of disapproval, the Superintendent of Buildings shall issue a clear and concise statement as to the reasons for disapproval to the applicant and to the manufacturer of the device.

G. Application after disapproval. A new application made after the issuance of a certificate of disapproval shall not be made until 10 days after such certificate was issued. Every new application shall be accompanied by a clear and concise statement giving reasons for reconsideration. The Superintendent of Buildings shall act on new applications for reconsideration in conformity with the provisions requested in initial applications hereunder.

H. Revocation of certificate. Before any certificate of approval may be revoked, the holder of such certificate shall be given a hearing before the Superintendent of Buildings within at least 10 days after a notice of revocation has been mailed. The action of the Superintendent of Buildings shall be final.

§ 115-57. Installation requirements.

A. Oil burner controls.

(1) Generally. All oil burners shall be equipped with a device, mechanical or electrical, which will automatically prevent an abnormal flow of oil.

(2) Burners with automatic ignition. All oil burners equipped with automatic ignition must be provided with a permanent automatic device so designed that, when oil is turned into the combustion chamber, it will immediately become ignited or be shut off.

(3) Burners used with hot water, steam or warm air. All oil burners used in connection with hot-water, steam or warm-air heating systems shall be equipped with an automatic device to reduce or extinguish the fire in the event of undue pressure in a steam boiler or overheating within a hot-water boiler or warm-air furnace.

B. Electrical adjuncts. Electrical installations used in connection with oil-burning equipment shall be installed in accordance with the National Electrical Code and Chapter 86, Building Construction, of this Code.

C. Chimney connections. No oil burner shall be installed in any boiler or heater unless said boiler or heater is connected with a chimney having sufficient draft at all times to ensure the safe operation of the burner.

D. Ventilation. All boiler or furnace rooms shall be provided with adequate ventilation to ensure continuous complete combustion.

E. Fire protection. Fire protection shall be provided as required by the Building Code,[4] except that in private dwellings where an oil-burning unit, encased with an approved insulated jacket, is installed, the ceiling may be covered with approved material over the required area.

§ 115-58. Storage tank installation.

A. Material and construction of tanks.

(1) Schedule. Tanks shall be constructed of galvanized steel, open-hearth steel or wrought iron of a minimum gauge (U.S. Standard) or thickness depending on the capacity as given below:

Capacity (gallons)	Minimum Gauge
1 to 285	14 gauge
286 to 560	12 gauge
561 to 1,100	10 gauge
1,101 to 4,000	3/16 inch
4,001 to 12,000	1/4 inch

(2) Tolerance. For tanks of 1,100 gallons and more, a tolerance of 10% in capacity may be allowed.

4. Editor's Note: See Ch. 86 of this Code.

(3) Joints. All joints shall be riveted and caulked, brazed, welded or made tight by some equally satisfactory process. Tanks shall be tight and sufficiently strong to bear, without injury, the most severe strains to which they may be subjected in practice. Shells of tanks shall be properly reinforced where connections are made. All connections shall be made through the top of the tank above the liquid level, except in tanks having a capacity of 275 gallons and less where one connection, not larger than one inch iron pipe size, may be made in the bottom of the tank. Unenclosed inside storage or gravity tanks of 275 gallons capacity and less may be provided with an additional one-inch opening in the bottom of the tank for an approved key stem gate valve to aid in cleaning the tanks.

(4) Underground tanks; rust protection. Underground tanks shall be thoroughly coated on the outside with tar, asphaltum or other suitable rust-resisting material dependent upon the condition of the soil in which they are placed.

(5) Other tanks; rust protection. Inside and aboveground tanks and auxiliary tanks shall be coated with a good quality rust-resisting paint.

(6) Minimum gauge for underground tanks. Underground tanks of 560-gallon capacity or less shall be a minimum of 10-gauge in thickness.

B. Location of tanks.

(1) Generally. Inside storage, gravity and auxiliary pressure tanks, not enclosed in masonry or concrete, shall be mounted on substantial incombustible supports and shall be adequately secured to avoid strains on piping and shall not be located within five feet, measured horizontally, from any fire or source of flame.

(2) Exposed tanks in cellars, etc. The aggregate capacity of exposed storage tanks installed in a cellar or basement and used in connection with one complete system shall not exceed 550 gallons.

(3) Tanks above floor level. Storage tanks of more than 550 gallons capacity, when located above the floor level, shall be placed in an enclosure with inside dimensions six inches greater on all sides than the outside dimensions of the tank. The walls of the enclosure shall be constructed of concrete not less than six inches in thickness or of eight inches of masonry. The walls shall be bonded to the floor and carried up to a height not less than one foot above the tank, and the space between the tank and the wall and the top of the enclosure shall be completely filled with sand or well-tamped earth.

(4) Tanks buried in cellars, etc. Storage tanks having a capacity greater than 550 gallons may be placed in the cellar or basement of any building below the level of the floor, provided, that they are so placed that the top of the tank is not less than 12 inches below the level of the floor.

(5) Outside underground tank. Tanks located underground outside of the building shall be so placed that the top of the tank is not less than two feet below the surface of the ground, except that, in lieu of the two-foot cover, a tank may be buried under 12 inches of earth and a cover of concrete at least three inches in thickness, which shall extend at least 12 inches on all sides of the tank.

(6) Use of siphon-breaking device. Where a tank is located so that its top is above the level of the suction inlet of the pump which supplies oil to the burner or burner assembly, a siphon-breaking device consisting of an antisiphon valve, a vacuum tank, Underwriters' vacuum siphon-breaker, siphon-breaking pump set or equivalent devices to prevent siphoning shall be installed.

(7) Gravity feed. Tanks of 275 gallons capacity or less may be used to supply oil to the burner by gravity, provided that there is a suitable automatic safeguard to prevent abnormal discharge of oil at the burner. When more than one storage tank is installed, all tanks shall be connected with the main feed pipe line leading to the burner through a manually operated three-way valve so that not more than one tank can, in any way, discharge its contents at one time.

(8) Pressure feed. Tanks of 60 gallons capacity or less may be used under pressure, provided, that they shall be designed for six times the maximum working pressure and shall be proved tight at twice the maximum working pressure. Working pressure shall not exceed 50 pounds per square inch. Pressure tanks shall be equipped with a reliable pressure gauge and an automatic relief valve piped to discharge by gravity to the storage tank.

(9) Tanks under public ways. No tank shall be installed under public sidewalks or public roadways unless a permit has been granted by the Village.

(10) Outside aboveground tanks. Outside aboveground tanks shall not be located in a closely built-up area.

(11) Outside tanks in a flood zone as shown on a FEMA FIRM map must be properly anchored on a concrete slab. **[Added time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. Venting tanks.

(1) Size of pipe. All storage tanks shall have an open or automatically operated vent pipe of ample size to prevent abnormal pressures in cases of fire or when filling. In no case shall this be less than one-and-one-fourth-inch iron pipe size.

(2) Lower end of vent pipe. The lower end of every vent pipe shall extend through the top of the tank for a distance of not more than one inch.

(3) Termination of vent pipe. Every vent pipe shall extend from the tank to the outside air and shall terminate at a point outside of the building one foot above the level of the highest reservoir from which the tank may be filled and preferably not less than two feet, measured vertically or horizontally, from any window or other building opening. Outer ends of the vent, unless automatically operated, shall be provided with a return bend or a weatherproof hood.

D. Fill pipes. All filling pipes shall terminate outside of buildings and shall be closed tightly with a metal cover or cap when not in use. Cross-connections between fill pipes and vent pipes are prohibited.

E. Tank gauges.

(1) Prohibited gauges. No oil tank used in connection with oil-burning equipment may be equipped with a glass gauge or any gauge, the breaking of which, will permit oil to escape from the tank.

(2) Test wells. Test wells may not be located within buildings. Test wells located outside of buildings shall be closed tight with a metal cover or cap when not in use.

F. Scavenging line. A scavenging line, installed in connection with a tank located within a building, may be used and shall terminate outside the building. It shall be capped oiltight when not in use.

G. Piping.

(1) Minimum requirements. Standard full weight wrought iron, steel or brass pipe with substantial fittings or standard full-weight copper tubing with standard fittings shall be used and shall be carefully protected against mechanical injury. In all piping systems, proper allowance shall be made for expansion and contraction, jarring and vibration. Flexible metallic tubing may be used to reduce the effect of jarring and vibration.

(2) Threaded joints. All threaded joints shall be tight and shall be made up with litharge and glycerine or other suitable pipe compound.

(3) Securing; protection. All piping shall be secured rigidly and protected from injury in a workmanlike manner consistent with good practice.

H. Pumps.

(1) Auxiliary pumps. All auxiliary pumps used for pumping oil from a storage tank to an auxiliary tank shall be of an approved type and shall be rigidly mounted.

(2) Automatic pumps. Automatic pumps, not an integral part of the oil burner, shall be of an approved type and provided with automatic means for preventing a continuous discharge of oil in case of pipe breakage. All such pumps shall be rigidly mounted.

§ 115-59. Manner of interpretation.

It shall be the duty of the Superintendent of Buildings to interpret these rules in a manner consistent with safety and good practice and in conformity with the practices approved by the Underwriters' Laboratories, National Fire Protection Association or other nationally known inspection board or laboratory of recognized standing.

§ 115-60. Posting of manufacturer's instructions.

A printed copy of the rules and instructions of the manufacturer shall be conspicuously posted near every oil burner, and the permit for the storage of oil fuels shall be likewise displayed.

Chapter 120

GARBAGE, RUBBISH AND REFUSE

ARTICLE I
Maintenance of Premises

§ 120-1. Accumulation of rubbish; growth of weeds; abandoned vehicles; vacant properties.
§ 120-2. Combustible waste material.
§ 120-3. Unlawful disposition of waste.
§ 120-4. Incinerator design; smoke and odors.
§ 120-5. Littering; definitions; penalty.
§ 120-6. Cleanliness of sidewalks and premises.

ARTICLE II
Refuse Collection and Disposal

§ 120-7. Definitions.
§ 120-8. Precollection practices.
§ 120-9. Refuse containers.
§ 120-10. Conduct of sanitation employees.
§ 120-11. Collection and disposal by Village.
§ 120-12. Payment.
§ 120-13. Severability.

ARTICLE III
(Reserved)

§ 120-14. through § 120-17. (Reserved)

ARTICLE IV
(Reserved)

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 10 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
Maintenance of Premises

§ 120-1. Accumulation of rubbish; growth of weeds; abandoned vehicles; vacant properties. [Amended 11-10-1969; 6-13-1972; 7-23-1973; 4-21-1975 by L.L. No. 3-1975; 11-13-1978 by L.L. No. 19-1978; 1-3-2000 by L.L. No. 1-2000; 7-13-2015 by L.L. No. 5-2015; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. It shall be unlawful for any owner of real property within the Village or agent of such owner, person, occupant, firm or corporation lawfully occupying any real property within the Village to permit:

(1) Uncut grass, weeds, brush or any portion of said growth to obtain a height in excess of eight inches.

(2) Rubbish or rubble to accumulate thereon.

(3) Boats, watercraft or motor vehicles or portions thereof to be stored for unreasonable periods of time or abandoned on the premises.

B. The Village Clerk or the Superintendent of Buildings is hereby empowered to notify, in writing, the owner of any such property to cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper. Such notice shall be by ordinary mail properly addressed and posted to the owner of the subject premises as the same appears in the office of the Freeport Village Assessor.

C. Upon failure to comply with the terms of such notice within five days of the date said notice is postmarked, the Village or its agents may cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper and assess the cost together with statutory interest thereof upon the real property upon which said grass, weeds, brush, rubble, motor vehicle or boat is found. The Village Treasurer may provide that the cost of any such work be paid at a specified time or shall be assessable against the property as a tax thereon.

D. Designated vacant properties. For those properties that are deemed vacant wherein due diligence has been performed in ascertaining ownership, and Village records indicate said property is vacant, an initial lot clearance notice will be sent as outlined in § 120-1C. Thereafter said vacant properties will have lot clearances performed on a two-week rotation or as needed without a five-day notice.

§ 120-2. Combustible waste material.

A. Prohibited. No owner, lessee or occupant of real property shall cause or permit any dried grass, weeds, brush, wastepaper, rags, boxes, barrels or other flammable or combustible waste material to accumulate or remain on the premises under his control or care. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Notice to be served. The Bureau of Fire Prevention shall serve a notice in writing, either personally or by mail, on any owner, lessee or occupant of real property in the Village to remove or destroy any accumulations of such grass, weeds, brush and all other forms of refuse or rubbish thereon likely to cause or spread fires.

C. Noncompliance with notice. A person so served, who, for five days after service, shall neglect or fail to comply with such notice shall be deemed to have violated this section.

D. Precedence of orders. Should there be a service of an order made under this section while an order under § 115-20 is outstanding to correct the same condition, the order under § 115-20 shall take precedence.

§ 120-3. Unlawful disposition of waste. [Amended 11-30-1992 by L.L. No. 11-1992]

A. No person shall place or permit to remain in any public place, courtyard, vacant lot, open space, cellar, hallway or alley an accumulation of wastepaper, sawdust, hay, grass, straw, weeds, litter, boxes, barrels or cartons or any combustible flammable waste or rubbish of any kind, but it shall not be deemed a violation of this section to accumulate rubbish placed in suitable containers or suitably bundled and tied for a reasonable time

to permit the collection thereof by the Department of Sanitation in conformity with the provisions of §§ 120-7 through 120-11. Furthermore, for purposes of this section, the establishment, maintenance or use of a compost for gardening or horticultural purposes, whose dimensions do not exceed six feet in length, six feet in width and five in height and which is situated either in the rear yard of residential property or in the side yard of same, provided that it is not visible from the street, shall not be deemed a violation. **[Amended 9-27-1999 by L.L. No. 11-1999]**

B. Any person violating Subsection A of this section shall be guilty of a violation, as defined under the Penal Law of the State of New York and, upon conviction, shall be subject to a fine of not less than $100 nor more than $1,000 or imprisonment for not more than 15 days, or both such fine and imprisonment for each violation.

C. Each and every day (twenty-four-hour period) that a violation continues shall constitute a separate violation.

§ 120-4. Incinerator design; smoke and odors.

Combustion chambers, stacks and other parts of furnaces or incinerators designed for the combustion of refuse must be so constructed as to obviate the unreasonable emission of smoke and odors. For violation of this provision, in addition to other penalties provided, the Board of Trustees, after a hearing, may order the offending incinerator to be shut down and remain unused until the fault is corrected.

§ 120-5. Littering; definitions; penalty. [Amended 6-5-1967]

A. Definitions. For the purposes of this section, the following terms, phrases, words and their derivations shall have the following meanings:

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

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

PRIVATE PROPERTY — Any lot or plot of land, improved or unimproved, privately owned.

PUBLIC PLACE — Any and all streets, sidewalks, boulevards, alleys or other public ways and in and upon all public parks, squares, spaces, grounds and buildings.

REFUSE — All putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, debris, dirt, dead animals and solid market or industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

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

B. Throwing or depositing litter.

(1) No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Village, except in public receptacles or authorized private receptacles for collection.

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

(3) No person shall sweep into or deposit into any gutter, street or other public place within the Village any accumulation of litter from any building or lot or from any public or private sidewalk or driveway, except where such litter shall be kept in authorized receptacles.

(4) 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 or upon private property.

(5) No person shall drive or move any truck or other vehicle within the Village unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, sidewalk or other public place.

C. Penalty for violation of section. Any person who shall be deemed in violation of this section shall be subject to a penalty not to exceed the maximum fine permitted by this Code for each and every violation.

§ 120-6. Cleanliness of sidewalks and premises. [Amended 1-26-1970; 4-21-1975 by L.L. No. 3-1975]

A. The owner or occupant of any premises shall keep the contiguous sidewalks free from dirt, filth, weeds and other obstructions or encumbrances.

B. The owner or occupant of any premises shall keep the premises free of debris, junk and rubbish, including, but not limited to, old furniture, automobile parts, kitchen appliances, building materials, shrubbery clippings, etc.

C. The provisions of Subsections A and B of this section shall not apply to garbage and trash accumulated and deposited for collection pursuant to the requirements of the Department of Sanitation.

ARTICLE II

Refuse Collection and Disposal

[Amended 12-29-1969 by L.L. No. 2-1969; 5-24-1971 by L.L. No. 4-1971; 1-16-1990 by L.L. No. 1-1990; 12-10-1990 by L.L. No. 47-1990]

§ 120-7. Definitions.

For the purpose of this article, the following terms, phrases, words and other derivations shall have the meanings given herein:

ASHES — The residue from burning wood, coke or other combustible material.

COMMERCIAL COLLECTION — Refers to the departmental collection service for all commercial establishments, including but not being limited to a building under one roof housing four or more living units, boardinghouses, rooming homes, stores, office buildings, restaurants, service stations and garages, laundries and cleaning establishments, industrial establishments and all other places not classed as residential which produce or accumulate solid waste and do not utilize private noncurbside collection.

COMPACTED REFUSE — Refuse reduced in volume by the application of pressure thereto.

COMPONENTS — Includes paper, glass, metals, plastics, garden and yard waste and such other elements of solid waste as may be designated or defined by rules or regulations adopted by the Superintendent. **[Added 8-17-1992 by L.L. No. 6-1992]**

CURBSIDE COLLECTION — Refers to collection from that area within unobstructed arms' reach of the public street. Containers placed behind any structure such as a fence or wall or place below the ground surface are not included in this definition and shall be excluded from curbside service.

CURBSIDE CONTAINER — The common twenty- through thirty-two-gallon plastic or galvanized iron garbage can with a well-fitting lid, a plastic bag of similar capacity or a molded polyethylene barrel, available in various capacities, specifically designed to be picked up by hand and used to store solid waste generated at residences and small businesses.

DEPARTMENTAL COLLECTION — Refers to the Village Sanitation Department or the entity authorized by contract with the Village to provide curbside collection service on behalf of the Village.

DISPOSE or DISPOSAL — Refers to the accumulation, storage, collection or transportation of solid waste to a transfer facility, disposal site, sanitary landfill or resource-recovery facility or other Village-authorized facility. Unless otherwise indicated, all references to "collection" shall be deemed to include the term "disposal."

ECONOMIC MARKETS — Refers to instances in which the full avoided costs of proper collection, transportation and disposal of source-separated materials are equal to or greater than the cost of collection, transportation and sale of said material less the amount received from the sale of said material. **[Added 8-17-1992 by L.L. No. 6-1992]**

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

NONCURBSIDE COLLECTION — Refers to the private collection of refuse in noncurbside areas of property prescribed by the Superintendent by rule or regulation.

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

REFUSE — All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish and ashes.

RESIDENCE and RESIDENTIAL — Refers to single-family dwellings, duplexes, triplexes and variations thereof so long as the number of living units contained within does not exceed three. Each living unit of a duplex or triplex shall be deemed a separate "residence."

RESIDENTIAL COLLECTION — The departmental collection service for residences.

RUBBISH — Nonputrescible solid waste, including ashes, consisting of both combustible and incombustible wastes such as paper, cardboard, tin cans, yard clippings, street cleanings, wood, glass, fabric, crockery and similar materials.

STOP — An area designated by the Superintendent where containers shall be placed for pickup by the Sanitation Department.

SUPERINTENDENT — The Superintendent of Public Works of the Incorporated Village of Freeport.

VILLAGE — The Incorporated Village of Freeport.

§ 120-8. Precollection practices.

A. Separation of refuse. Garbage, ashes and rubbish shall be placed and maintained in separate refuse and curbside containers, except that garbage, ashes and rubbish need not be separated when deposited for collection in a refuse container as described under § 120-9E(4).

B. Preparation of refuse.

(1) Garbage. All garbage, before being placed in garage cans for collection, shall have all free liquids drained from it and may be wrapped in paper.

(2) Rubbish. All rubbish shall be drained of liquid before being deposited for collection.

(3) Trimmings and clippings. Tree trimmings, hedge clippings and similar material shall be cut to a length not to exceed four feet and shall be securely tied in bundles not more than two feet thick before being deposited for collection.

C. Notwithstanding Subsections A and B hereinabove, the Superintendent is authorized to adopt rules and regulations consistent with common practice for the separation and preparation of refuse for collection to assist in the orderly collection of refuse.

D. Notwithstanding Subsections A and B hereinabove, pursuant to § 120-aa of the General Municipal Law of the State of New York, as amended by Chapter 70 of the Laws of 1988, the Incorporated Village of Freeport hereby requires the source separation and

segregation of recyclable or reusable materials from solid waste at its sources within the Village. In particular, all solid waste which has been left for collection or which is delivered by the generator of such waste to a solid waste management facility shall be separated at its sources within the Village into recyclable, reusable or other components for which economic markets for alternate uses exist. The Superintendent is authorized and directed as necessary to designate or define as components other elements of solid waste by rules or regulations. The Superintendent is further authorized and directed, in furtherance of the policy contained in § 120-aa of the General Municipal Law, to adopt rules or regulations consistent with common practice and applicable law to implement said policy and a program of source separation and segregation of recyclable, reusable or other components. **[Added 8-17-1992 by L.L. No. 7-1992]**

§ 120-9. Refuse containers.

A. Duty to provide and maintain in sanitary condition. It shall be unlawful for any person who is the owner, lessee or tenant or who has the management or control of or who occupies any building or land in the Village not to keep such building or land at all times free and clear of any accumulation of ashes, garbage, rubbish and refuse, except such as may be deposited in containers or is otherwise secured as provided for in this article for collection and disposal.

B. It shall be unlawful for any person to deposit any ashes, garbage, rubbish or refuse on any lot or plot of land or in any building in the Village, except in containers or otherwise secured as provided for in this article.

C. It shall be unlawful to place or cause to be placed any solid waste upon the property of another.

D. It shall be the duty of every person having the management or control of or occupying any land or building to provide sufficient containers to hold all accumulations of ashes, garbage, rubbish and refuse ordinarily accumulated on the premises during 96 consecutive hours. Rubbish which cannot readily be deposited in any container may be compactly and securely tied, bundled or packed so as to be easily handled and not likely to be scattered and not weighing more than 50 pounds and, when so packed and secured, may be piled alongside such containers.

E. Requirements for containers.

(1) Garbage. Garbage containers shall be made of metal or plastic, shall be equipped with suitable handles and tight covers and shall be watertight and maintained in a sanitary condition by periodic cleansing. Such receptacles shall have a capacity of not more than 32 gallons and, when filled, shall not weigh more than 50 pounds.

(2) Ashes. Ash containers shall be made of metal and have a capacity of not more than 20 gallons.

(3) Rubbish. Rubbish containers shall be of a kind suitable for collection purposes and, when filled, shall not weigh more than 50 pounds.

(4) Refuse. Containers of a one-yard capacity or larger shall be suitable for garbage, ashes and rubbish and shall be of a type approved by the Superintendent.

(5) An amount of refuse consisting of one cubic yard or more at any one premises shall be placed in a single container having a capacity of no less than one cubic yard.

F. Identification. Each container shall clearly and legibly indicate the street address of the user on the body of the container.

§ 120-10. Conduct of sanitation employees.

No employee of the Village Sanitation Department or Village-authorized refuse collector shall be required to enter a building or structure to gather or collect any waste material in the course of his duties. No employee shall accept or receive any tip or gratuity for the performance of his duties or solicit money for any purpose in connection therewith.

§ 120-11. Collection and disposal by Village.

A. The Village shall provide curbside collection and disposal service for each and every parcel of real property located in the Village which complies with this article and the rules and regulations promulgated pursuant hereto. Village curbside collection shall be required for all residences. Commercial collection will be required for all other users not classed as residential which utilize curbside collection or do not utilize private noncurbside collection.

B. The Board of Trustees of the Incorporated Village of Freeport shall establish, by rule or regulation, the quantity of garbage, rubbish and refuse to be collected from each parcel of real property.

C. There shall be a separate charge for all garbage, rubbish and refuse collected by the Sanitation Department in excess of the quantity established pursuant to Subsection B hereof. Said scale of charges shall be established by rule or regulation of the Board of Trustees.

D. There shall be a separate charge for all accepted garbage, rubbish and refuse directly disposed of by Village users at any disposal site or transfer facility maintained and operated by Village-authorized personnel. Said scale of charges shall be established by rule or regulation of the Board of Trustees.

E. The Superintendent shall have the authority to prescribe rules and regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to collection, disposal and direct disposal as he shall find necessary and to change and modify the same, provided that such regulations are not contrary to the provisions of this article.

F. All rules or regulations established by the Board of Trustees pursuant to this article shall not take effect unless published once in the official newspaper of the Incorporated Village of Freeport.

§ 120-12. Payment.

A. The Board of Trustees of the Incorporated Village of Freeport shall establish by resolution annual rates and charges to be imposed upon each residential and commercial customer based upon each person's usage and the recommendations of the Superintendent.

B. Charges for collection and disposal shall be billed separately as a line item or items along with the Village property tax bills and shall likewise be due and payable in two installments.

C. All residential properties and all commercial properties as defined herein, except those commercial properties determined by the Superintendent to exclusively be using private noncurbside refuse collection, shall be billed for collection and disposal services.

D. A commercial user electing to utilize private noncurbside collection may make application to the Superintendent for removal from curbside collection. The Superintendent shall approve said removal upon satisfactory documentation that the applicant has contracted with a bona fide hauler for private noncurbside collection for all its refuse collection. Removal shall become effective with the next tax year.

E. Payment for excess garbage collection service shall be made at the office of the Village Treasurer during established business hours within 20 days of the rendition of the bill. All bills, including those paid by mail, shall be considered in arrears if not received in the Treasurer's office within said 20 days.

F. Payment for direct disposal of garbage, rubbish and refuse at a Village disposal site or transfer facility shall be made as determined and established by rule or regulation of the Board of Trustees.

G. At premises where excess charges remain unpaid for 30 days after they become due and payable, the collection of excess garbage, rubbish and refuse shall be immediately discontinued.

H. All unpaid charges with penalties and interest thereon, as provided for by this article, shall be a lien on the real property upon which or in connection with which excess garbage collection service has been used.

I. All amounts uncollected for service charges, penalties, interest and other related charges for which bills have been rendered shall be considered delinquent for purposes of payment and the imposition of interest and penalties consistent with the current schedule for timely payment of real property taxes and shall have interest and penalties for any such delinquent payment added at the same rate as provided by the Real Property Tax Law for the late payment of Village real property taxes not paid and delinquent, and any such amounts shall become a lien to be separately placed on the tax roll of the Village prepared for the next tax year.

§ 120-13. Severability.

In the event that any provision of this article is declared unconstitutional or invalid or the application thereof to any person or circumstances is held invalid, the applicability of such

provision to other persons and circumstances and the constitutionality or validity of every other provision of this article shall not be affected thereby.

ARTICLE III
(Reserved)[1]

§ 120-14. through § 120-17. (Reserved)

ARTICLE IV
(Reserved)[2]

1. **Editor's Note: Former Art. III, Private Garbage Collection, was repealed 12-23-1985 by L.L. No. 9-1985.**

2. **Editor's Note: Former Art. IV, Refuse and Disposal District, of the 1979 Code, added 10-16-1989 by L.L. No. 3-1989, and amended 12-10-1990 by L.L. No. 48-1990, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 122

GAMES OF CHANCE

§ 122-1. Title.

§ 122-2. Definitions.

§ 122-3. Authorization for conduct of games.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 8-13-1979 by L.L. No. 10-1979. Amendments noted where applicable.]

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§ 122-1. Title.

This chapter shall be known as the "Games of Chance Law of the Village of Freeport."

§ 122-2. Definitions.

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

AUTHORIZED ORGANIZATION — An organization, as defined in Subdivision 4 of § 186 of the General Municipal Law of the State of New York.

GAMES OF CHANCE — Games of chance, as defined in Subdivision 3 of § 186 of the General Municipal Law of the State of New York.

§ 122-3. Authorization for conduct of games. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

An authorized organization may, upon obtaining a license from the Town of Hempstead, conduct games of chance within the Village of Freeport in accordance with the provisions of Article 9-A of the General Municipal Law of the State of New York and Chapter 104 of the Code of the Town of Hempstead entitled "Games of Chance," both as amended. Games of chance shall be conducted in accordance with the laws of the State of New York and the rules and regulations adopted by the New York State Gaming Commission and pursuant to the provisions of Chapter 104 of the Code of the Town of Hempstead.

Chapter 124

HEALTH AND SANITATION

ARTICLE I
Stagnant Pools

§ 124-1. Prevention of collection of stagnant water.
§ 124-2. Correction of condition by Village.

ARTICLE II
(Reserved)

§ 124-3. through § 124-6. (Reserved)

ARTICLE III
Fumigation

§ 124-7. Permit necessary.
§ 124-8. Notice to Fire Chief and Police Department.
§ 124-9. Protection of persons and animals.
§ 124-10. Posting of warning signs.

ARTICLE IV
(Reserved)

§ 124-11. through § 124-12. (Reserved)

ARTICLE V
Firewood Storage

§ 124-13. Word usage; definitions.
§ 124-14. Storage on private premises.
§ 124-15. Notice of violation.

ARTICLE VI
Penalties

§ 124-16. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 11 of the 1968 Code. Amendments noted where applicable.]

ARTICLE I
Stagnant Pools

§ 124-1. Prevention of collection of stagnant water.

It shall be the duty of every property owner of lands lying within the Village to keep and maintain the same at a grade specified by the Village Engineer so as to prevent the collection of water into stagnant pools.

§ 124-2. Correction of condition by Village.

For failure of the property owner, upon notice of the Village Clerk of not less than 15 days, to bring said land to the grade as specified by the Village Engineer, the Board of Trustees may cause said land to be filled and assess the expense thereof upon said land.

ARTICLE II
(Reserved)[1]

§ 124-3. through § 124-6. (Reserved)

ARTICLE III
Fumigation

§ 124-7. Permit necessary.

No person shall burn or cause to be burned any sulfur candle or any other material, nor shall any person release any gas, vapor or sprays of noxious character for the purpose of fumigating or of destroying germs, vermin, moths or other living organisms in any building, structure, vessel or enclosed space unless he has received a permit therefor from the Village Clerk not less than 48 hours prior to such act of fumigation.

§ 124-8. Notice to Fire Chief and Police Department.

Upon issuing a permit for the fumigation of any premises, the Village Clerk shall immediately notify both the Fire Chief and the Chairman of the Board of Police Commissioners of the Village thereof, either personally or by special delivery mail or by messenger.

§ 124-9. Protection of persons and animals.

No space being fumigated shall be occupied by human beings during the period of fumigation. It shall be the duty of every person at whose order or under whose authority the fumigation is being performed and to whom a permit has been issued to make careful examination of all parts of the building, structure, vessel or enclosed space to verify that no human beings have remained therein and to see to the removal of household pet animals and further to see that all necessary precautions have been taken to safeguard the lives and health of persons who occupy adjacent premises or who may pass the premises in which the fumigation is being performed.

§ 124-10. Posting of warning signs.

A. Information on sign. Prior to and during fumigation, suitable warning signs shall be posted on the building, structure, vessel or enclosed space to be fumigated, designed and lettered as follows:

1. **Editor's Note: Former §§ 124-3, Licensing; certification of approval, through 124-6, Expiration of license, codified as Article II, Restaurants and Eating Places, in the 1979 Code, were relocated as §§ 165-19 through 165-22 at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Crossbones and skull	DANGER FUMIGATED WITH	Crossbones and skull
	(State name of chemical or gas)	
	DEADLY POISON	
	ALL PERSONS ARE WARNED	
	TO KEEP AWAY	
	Name of fumigator _____	
	Address _____	
	Operator in charge _____	

B. Specifications. Such signs shall be printed in red ink on white cardboard and letters shall be at least two inches in size. At night, such signs shall be illuminated. During the period fumigation is in progress and until the premises are properly ventilated and again safe for human occupancy, a capable watchman or watchmen shall remain continuously on duty at such building, vessel or enclosed space.

ARTICLE IV
(Reserved)[2]

§ 124-11. through § 124-12. (Reserved)

ARTICLE V
Firewood Storage
[Added 8-9-1982 by L.L. No. 9-1982[3]]

§ 124-13. Word usage; definitions.

A. Word usage. When not inconsistent with the context, words in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B. Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

ERADICATION — The elimination of rodents, insects and other pests by means not harmful to the public health, safety and welfare.

FIREWOOD — Wood used for fuel or decorative burning in a fireplace or stove.

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2. Editor's Note: Former Article IV, Abortions, of the 1979 Code, added 5-10-1971, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: This local law superseded former § 124-13, Penalties for offenses. For current penalty provisions, see § 124-16, Penalties for offenses.

HARBORAGE — Any condition which provides shelter or protection for rodents, insects and other pests.

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

PRIVATE PREMISES — Any lot, dwelling, house, building or other structure designed or used either wholly or in part for residential, commercial or industrial purposes, whether inhabited or uninhabited or vacant, and shall include any lands adjacent thereto under common ownership as that of the ownership of the structure.

VILLAGE — The Incorporated Village of Freeport.

§ 124-14. Storage on private premises.

No person shall store firewood or maintain a woodpile on private premises unless:

A. Said storage of firewood or woodpile is kept stacked and reasonably secure.

B. Said storage of firewood or woodpile is raised at least six inches off the ground. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. Said storage of firewood or woodpile is stored in such a manner that it will not provide for the harborage of rodents, insects or other pests.

§ 124-15. Notice of violation.

If, after inspection by a Building Inspector for the Incorporated Village of Freeport, it is determined that there is a violation of § 124-14 of this chapter, the person who owns, occupies or is in control and in charge of the premises shall be given written notice by personal service or certified mail, return receipt requested, by the Superintendent of Buildings for the Incorporated Village of Freeport, that the person is in violation of the within chapter. Said person shall, within 10 days after being so notified, make the necessary changes in the storage of firewood or woodpile in order to eliminate the violation of the within chapter and shall further take the necessary eradication measures in order to eliminate and exterminate the rodents, insects and other pests.

ARTICLE VI
Penalties

§ 124-16. Penalties for offenses.

A. In addition to any penalties as provided by state law, the person, firm or corporation who shall violate these articles or fails to comply with any requirements thereof or with any notice, order or directive shall be subject to the penalties set forth in § 1-10 of this Code.

B. The imposition of penalties herein prescribed shall not preclude the Village from instituting an appropriate action or proceeding in law or in equity to prevent the use of the structure for the unauthorized and/or illegal act.

Chapter 128

HOUSING STANDARDS

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§ 128-1. Definitions.
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§ 128-3. Removal or repair of dangerous buildings.
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§ 128-51. Specifications for window guards for double-hung windows.

§ 128-52. Specifications for window guards for other than double-hung windows.

§ 128-53. Mandatory window guards.

§ 128-54. Mandatory access.

§ 128-55. Applicability.

§ 128-56. Penalties for offenses.

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ARTICLE VII
Stairwells

§ 128-58. Identification of stairwells.

ARTICLE VIII
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§ 128-59. Property maintenance requirements.

§ 128-60. Maintenance standards.

§ 128-61. Hazardous or open excavations or accumulation of industrial or commercial material prohibited.

§ 128-62. Graffiti; defacement of property.

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ARTICLE IX
Specifications for Properties to be Boarded Up

§ 128-67. Specifications for properties to be boarded up.

ARTICLE X
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§ 128-68. Legislative intent and purpose.

§ 128-69. Definitions.

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Notice to Tenant or Occupant

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 12 of the 1966 Code; amended in its entirety 3-12-1973. Subsequent amendments noted where applicable.]

ARTICLE I
General Regulations

§ 128-1. Definitions.

A. Definitions. Certain words, when used in this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires, are defined as follows:

BUILDING or BUILDINGS — Refers exclusively to residence buildings now or hereafter existing. Residence buildings are buildings or structures in any part of which sleeping accommodations are provided, except such as for other reasons may be classed as public buildings, hotels, rectories and convents.

CELLAR or BASEMENT DWELLING UNIT — A space in a residence building or any part of which is below the grade of the property nearest to such space.

DWELLING UNIT — A building or each portion of a building occupied by one family.

LIVING ROOM — A room which is not a public hall, public room or other public part of a dwelling; provided, however, that except as hereinafter stated, every room used for sleeping purposes shall be deemed a living room. Closets, water closet compartments, bathrooms, cooking spaces and halls and passageways entirely within a dwelling unit shall not be deemed to be living rooms.

NUISANCE — Embraces public nuisances known at common law or in equity jurisprudence and whatever is dangerous to human life or detrimental to health and whatever dwelling is overcrowded or is not provided with adequate means of ingress and egress or is not sufficiently supported, ventilated, sewered, drained or cleaned and whatever renders the air or human food or drink unwholesome are also severally, in contemplation of this chapter, nuisances. All such nuisances are hereby declared illegal.

OCCUPIED or OCCUPANCY — As applied to any building or dwelling unit, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or occupancy."

OR and AND — May be construed interchangeably where such meaning is necessary to effectuate the purposes of this chapter.

OWNER — Includes the record owner of the title to any premises and also anyone exercising the rights of ownership therein at the time of the making of any order with regard thereto by the Village Board and shall include a lessee of the entire building or structure, other than a single-family private dwelling, or a mortgagee in possession.

PERSONS INTERESTED — Includes the owner, as herein defined, and all other persons interested in the property to which such words refer.

PUBLIC HALL — A hall, corridor or passageway not within a dwelling unit.

PUBLIC ROOM or PUBLIC PART — A portion of a building used or designed or intended to be used in common by the occupants of two or more dwelling units in such building or exclusively for mechanical equipment of such building or for storage purposes.

RENTAL PREMISES — Any premises occupied under or by virtue of a rental or lease agreement, verbal or written, or where any sum or thing is paid for occupancy or charge is made for use and/or occupancy or where occupancy is pursuant to a contract of purchase or installment payment contract or free of payment by the occupant where payment is made by another or any other occupancy or arrangement for charge of any kind.

REPAIR — Includes any alteration, structural change or the performance of any act necessary or requisite to make any building or structure or any part thereof, found by the Village Board or Superintendent of Buildings to be a dangerous building or a substandard building, within the purview of this chapter.

SUPERINTENDENT OF BUILDINGS — The person in charge of the Building Department of the Village or his duly authorized representative.

TOILET — Includes a washbasin and a water closet, including the space occupied by them, together with all proper water connections.

VILLAGE — The Village of Freeport.

VILLAGE BOARD — The Board of Trustees of the Village.

VILLAGE COUNSEL — The counsel of the Village and any other counsel appointed by the Village Board to enforce the provisions of this chapter.

B. Usage. Where necessary, the singular shall include the plural and the plural the singular. The word "person" shall include a partnership, corporation, association or trustee.

§ 128-2. Dangerous buildings.

All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle 1/3 of its base.

B. Those which have been damaged or have deteriorated so as to have become, in the judgment of the Village Board, dangerous to the life, health, morals or general welfare of the occupants thereof or to the people of the Village. Any building or structure which, exclusive of the foundation, shows 33 1/3% or more damage to or deterioration of the supporting members or 50% or more damage to or deterioration of the nonsupporting enclosing or outside walls or coverings shall be deemed a dangerous building.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D. Those having inadequate facilities for ingress or egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

E. Those which have parts thereof which are so attached that they may fall and injure the occupants thereof or members of the public or property.

F. Those buildings existing in violation of any provision of the Building Code of the Village or any provision of the Fire Prevention Laws or regulations of said Village or other ordinances of the Village.

§ 128-3. Removal or repair of dangerous buildings.

All dangerous buildings, within the terms of § 128-2 of this chapter, are hereby declared to be public nuisances and shall be repaired or removed as herein provided.

§ 128-4. Inconsistent provisions.

Whenever the provisions of any local ordinance, resolution or regulation imposes requirements with regard to residence buildings inconsistent with the terms and provisions of this chapter or any part thereof, the provisions of this chapter shall govern, provided that should any such ordinance, resolution or regulation impose more stringent requirements with regard to dangerous buildings, as herein defined, than the provisions of this chapter impose, then such more stringent requirements shall be construed to apply.

§ 128-5. Requests for inspections of building.

A. Right of inspection; certificate to issue. The owner of any building used, in whole or in part, for human occupancy and against whom no proceedings hereunder are pending with regard to such building may request the Superintendent of Buildings to cause an inspection thereof to be made, whereupon the Superintendent of Buildings shall cause an inspection of such building to be made and if, upon such inspection and a report thereon to the Village Board, it shall be disclosed that the same is not a dangerous building, the Village Board will direct the Superintendent of Buildings to issue a certificate to that effect to such applicant. The issuance of such certificate is not to be construed as a finding that such building is not a dangerous building beyond the date of issuance thereof. Should, however, such inspection disclose said building or structure to be a dangerous building, the Village Board will direct the Superintendent of Buildings to give written notice to the applicant to appear before them on a certain date within 15 days from the date of said notice and shall thereupon proceed in the same manner as prescribed in § 128-7B, C, D, E and F of this chapter. Such notice shall contain the same particulars as are required by § 128-6D hereof.

B. Effect of application for inspection. No qualified owner who has applied for inspection, pursuant to Subsection A of this section, shall be prosecuted under § 128-15 hereof with regard to any building of which inspection has been requested unless he fails to comply with the order of the Village Board made pursuant to Subsection A hereof.

ARTICLE II
Duties of Officials; Administration

§ 128-6. Superintendent of Buildings.

The Superintendent of Buildings shall:

A. Inspections, generally. Inspect or cause to be inspected, as often as may be necessary to ensure the enforcement of this chapter, all buildings in the Village for the purpose of determining whether any conditions exist therein which render such places dangerous buildings within the terms of § 128-2 of this chapter and whether any conditions exist therein not in compliance with the standards of this chapter.

B. Inspections upon complaint. Inspect any building, wall or structure about which a complaint is filed by a person to the effect that the same is or may be existing in violation of the terms of this chapter.

C. Issuance of notice to comply. Notify, in writing, the owner of any building found by him to be a dangerous building within the standards set forth in § 128-2 of this chapter and of any building found by him not conforming to the standards set forth in Article III hereof that he must repair or remove said building, in accordance with the terms of the notice and this chapter, or otherwise comply with the standards set forth in this chapter within a reasonable time to be fixed by said notice.

D. Contents of notice. Set forth, in the notice provided for in Subsection C hereof, a description of the building or structure or parts thereof deemed to violate the provisions of this chapter, a statement of the particulars in which the building is dangerous or fails to comply with the standards set forth in Article III hereof and a direction requiring compliance with the standards set forth in this chapter or that the building or structure be put in such condition as to comply with the terms of this chapter or that said building or structure be removed.

E. Report to Village Board. Report to the Village Board any noncompliance with the notice provided for in Subsections C and D.

F. Appearance; testimony at hearings. Appear at all hearings conducted by the Village Board and testify as to the condition of the dangerous building.

G. Institution of actions; proceedings. With the assistance of the Village Counsel, do such acts and take such proceedings as may be required to bring about the repair or removal of buildings as ordered by the Village Board and take such steps as may be required by the provisions of § 89, Subdivision 7a, of the Village Law[1] to cause the removal or repair of any building which is dangerous or unsafe to the public and to cause the assessment of all costs and expenses incidental thereto against the land on which said buildings are located.

H. Posting notice. Firmly affix a notice, in a conspicuous place, in front of all dangerous buildings immediately after the issuance of the order provided for in § 128-7D of this chapter as follows: This building has been found to be a dangerous building by the Board of Trustees of the Village of Freeport. This notice is to remain on this building

1. **Editor's Note: Currently, see Village Law § 4-412.**

until it is repaired or removed or made to comply with the direction which has been given the owner. It is unlawful to remove this notice until such direction has been complied with.

§ 128-7. Board of Trustees.

The Village Board shall:

A. Issuance of notice to appear. Upon receipt of a report of the Superintendent of Buildings as provided for in § 128-6E hereof, give written notice to the persons interested in said building to appear before them on a certain date, within 15 days of the date of notice, to show cause why compliance with the standards set forth in this chapter should not be made or why the building or structure reported to be a dangerous building should not be repaired or removed in accordance with a statement of particulars set forth in the Superintendent of Buildings' notice provided for by § 128-6C and D of this chapter.

B. Hearing. Hold a hearing and hear testimony as to whatever evidence the persons interested in said building may offer relative to the dangerous building.

C. Written findings. Make a written finding of facts as to whether or not the building in question is a dangerous building within the meaning of § 128-2 hereof.

D. Issuance of orders. Issue an order commanding the persons interested in said building to repair or remove any building found to be a dangerous building within the terms of this chapter or to comply with the standards set forth in this chapter. Such order shall fix the time when compliance therewith shall commence, not more than 10 days after the making thereof, and shall fix a reasonable time within which such compliance shall be so completed. The Village Board may, in its discretion and upon good cause shown, extend the time for full compliance with said order.

E. Effect of noncompliance with order.

(1) If the owner fails to comply with the order provided for in Subsection D hereof or any extension thereof, the Village Board may direct the Superintendent of Buildings to cause such dangerous building or structure to be repaired or removed, as the facts may warrant, under the standards hereinbefore set forth, provided that before proceeding to repair or to remove or cause the repair or removal of any dangerous or unsafe building, the Superintendent of Buildings may, with the advice and assistance of the Village Counsel, proceed in accordance with the provisions of § 89, Subdivision 7-a, of the Village Law[2] and institute appropriate proceedings before a court of competent jurisdiction to obtain an order or judgment directing or authorizing such repair or removal. The Superintendent, of Buildings shall, with the assistance of the Village Counsel, take such legal action as may be necessary to cause the costs of such repair or removal, and all costs and expenses incurred by the Village in connection with said proceedings shall be charged against the land on which the building stands or did stand as a municipal lien, or such costs shall be added to the tax roll as an

2. Editor's Note: Currently, see Village Law § 4-412.

assessment or shall be levied as a special tax against the land upon which the building stands or did stand.

(2) The lien of the Village or any expense incurred with regard to the repair or removal of any dangerous building shall have priority over all other liens and encumbrances, except taxes, assessments and water rates. Except as to the liens imposed for expenses incurred as a result of the repair or removal of any dangerous building, nothing herein contained shall be construed as placing upon the property a lien which supersedes or is superior to the lien of any mortgage with regard to any building and property executed and recorded prior to the existence of such lien.

F. Report to Village Counsel. Report, to the Village Counsel the names of all persons not complying with the order provided for in Subsection D hereof.

G. Authority to initiate proceedings. The Village Board may, in the first instance and without service of any notice by the Superintendent of Buildings, give notice to the persons interested in any building, which they have reason to believe may be a dangerous building, to appear before them on a certain date, within 15 days from the date of such notice, to show cause why the building or structure specified in such notice should not be repaired or removed or otherwise made to comply with the provisions of this chapter. Such notice shall contain the same particulars as are required by § 128-6D of this chapter. Upon the return day of said notice, the Village Board shall thereupon proceed in the same manner as prescribed in Subsections B, C, D, E and F of this section.

H. Vacation; amendment of order. The Village Board may from time to time and upon due notice vacate, modify or amend any order made by them, as herein provided, and may, either on their own motion or upon the motion of any person interested, reopen any proceedings in which they have made an order for the purpose of taking further testimony and, upon such rehearing, render any decision and make any order consistent with the provisions of this chapter that they shall deem just and equitable.

§ 128-8. Review of order of Board of Trustees.

Any person deeming himself aggrieved by any order or direction of the Village Board may have the determination reviewed by the Supreme Court in the manner prescribed by the Civil Practice Law and Rules.

§ 128-9. Village Counsel.

The Village Counsel shall:

A. Prosecute violations of orders. Prosecute all persons failing to comply with the terms of any order granted to be given under § 128-7D.

B. Prosecute violations of chapter. Prosecute all persons who shall in any way violate the terms of this chapter.

C. Appear at hearings. Appear at all hearings before the Village Board with regard to dangerous buildings.

D. Institute actions. In his discretion, bring suit to correct all municipal liens, assessments or costs incurred by the Village for repairing or causing to be removed dangerous buildings.

E. Enforcement, generally. Take such other legal action as is necessary to carry out the terms and provisions of this chapter, including actions to abate nuisances, or for the enforcement of this chapter by injunction or otherwise.

§ 128-10. Fire and Police Departments.

The employees of the Fire Department and the employees of the Police Department of the Village shall make a report, in writing, to the Superintendent of Buildings of all buildings and structures which, in the discharge of their respective duties, are found or may be suspected to be dangerous or substandard buildings within the terms of this chapter. Such reports must be delivered to the Superintendent of Buildings within 24 hours of the discovery of such building by an employee of said Fire Department and/or Police Department.

§ 128-11. Service of notices or orders.

All notices or orders required to be given hereunder may be served by delivering to and leaving a copy of the same with the person entitled to such notice. In cases where any such person is absent from the Village, all notices or orders provided for herein shall be sent by registered mail to said person so absent to the last known address of said person or to the last address of said person as shown by the records of the receiver of taxes and/or in the office of the County Clerk of Nassau County. Whenever such service is made by registered mail, a copy of such notice or order shall also be posted in a conspicuous place on the front of the dangerous building or substandard building to which it relates. Such mailing and posting shall be deemed adequate service.

§ 128-12. Nonliability of officials.

No officer, agent or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Village Counsel until the final determination of the proceedings therein.

§ 128-13. Removal or repair of buildings.

The following remedies shall be applied in substance by the Superintendent of Buildings and the Village Board in ordering removal or repair:

A. Repair. If the dangerous building can be reasonably repaired so that it will no longer exist in violation of this chapter, it shall be ordered repaired. In all cases where a

building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered removed. All repairs are to be performed in a workmanlike manner to the minimum standards of the respective trade.

B. Removal. In all cases where a dangerous building is a fire hazard, existing or erected in violation of any ordinance of this Village or statute of the State of New York, it shall be ordered removed unless such hazard or violation can be cured, in which event the building shall be ordered repaired.

C. Unsafe structures. Any structures or part of a structure or premises that from any cause may at any time become dangerous or unsafe structurally or as a fire hazard shall be repaired and secured or taken down and removed. A vacant building that is unguarded or open at door or window shall be deemed dangerous or unsafe as a fire hazard within the meaning of this section.

§ 128-14. Cumulative nature of remedies.

The several remedies herein provided with respect to the repair or removal of dangerous buildings or of substandard buildings or the assessment and recovery of the cost of repair or removal thereof incurred by the Village and any other remedies, legal or equitable, available shall be deemed cumulative, and any and all thereof may be pursued concurrently or consecutively. The pursuit of any remedy shall not be construed as an election or waiver of the right to pursue any and all of the others.

§ 128-15. Penalties for offenses. [Amended 3-23-1992 by L.L. No. 2-1992]

A. Responsibility of owner. The owner of any dangerous building who knowingly permits such dangerous building to be used for human occupancy or who shall fail to comply with any order of the Village Board to repair or remove said building or otherwise make it comply with the standards set forth in this chapter shall be guilty of a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of not more than $4,000, or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Effect of a continuing violation. For the purposes of Subsection A of this section, each day during which there is a failure to comply with the provisions of this chapter or of any order issued by the Village Board shall constitute a separate offense.

C. Effect of occupancy. In any prosecution under this section, the fact that any dangerous building or any part of said building was used for human occupancy shall be presumptive evidence that the same was so used with the knowledge and consent of the owner.

D. Removal of notice. Any person removing the notice provided for in § 128-6H hereof shall be guilty of a violation and, upon conviction thereof, shall be fined a sum not to exceed $250 for each offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

E. Disposition of penalties. All penalties collected under this chapter shall be the property of the Village, but no provision of this chapter shall be construed to prohibit the Village from creating and maintaining a separate revolving fund out of such penalties, not to exceed the sum of $10,000 and out of which payment may be made for repairs or removals made or caused to be made as provided herein.

ARTICLE III
Standards for Residence Buildings

§ 128-16. Minimum requirements.

The following standards are hereby established as the minimum requirements necessary to render a dwelling unit or residence building fit for human occupancy.

§ 128-17. Window requirements.

Every living room in every dwelling unit shall have one or more windows opening directly upon a street or other open public space or upon a court or open space located upon the same lot or plot as the building. The tops of windows in each room shall have an area between stop beads of at least 1/10 of the floor area of the room, and at least 50% of the required window area shall be available as clear ventilating area. In addition, all windows shall contain an approved device which will permit a window to remain open at various positions.

§ 128-18. Toilet rooms for dwelling units.

A. Each building containing one or more dwelling units shall have a minimum of a private toilet and lavatory basin and bathing facilities, consisting of either a shower or tub connected for use by running water, for each dwelling unit. Such toilet and lavatory basin and bathing facilities may be contained in the same room but said room may not be used for any other purpose. The room in which such toilet and lavatory basin and bathing facilities are contained shall have proper ventilation in accordance with the regulations prescribed by the Building Code and/or the Plumbing Code of the Village.

B. The finished floor and cove base in the bathing and toilet areas shall consist of an impervious material.

§ 128-19. Water and electric requirements.

Each dwelling unit shall have facilities for adequate running water and hot water in the bathroom and kitchen or room furnished with kitchen equipment. Each room in such dwelling unit shall have adequate electric fixtures therein so as to afford adequate lighting facilities in accordance with the Village of Freeport Electrical Code.

§ 128-20. Occupancy of dwelling units.

A. No dwelling unit shall be occupied by more persons than twice the number of living rooms in the dwelling unit less one except that two persons may occupy a dwelling unit

containing one room. No living or sleeping room shall be so overcrowded that there shall be afforded less than 600 cubic feet of air for each occupant and 300 cubic feet of air for each additional occupant of such room. No room in any dwelling unit shall have sleeping accommodations for more persons than such rooms can accommodate without overcrowding such rooms in violation of this section.

B. The minimum ceiling height in any living or sleeping room or habitable room shall be seven feet six inches for a minimum of 40% of the floor.

C. No kitchen or bathroom shall be considered a sleeping room in addition to its normal use.

§ 128-21. Heating of dwellings. [Amended 12-22-1980 by L.L. No. 13-1980]

A. Every dwelling unit and rooming house shall have heating facilities which shall be properly installed and maintained in good working order and shall safely and adequately heat all habitable rooms, bathrooms, shower rooms and water closet compartments. The use of unvented flame space heaters and space heaters without back-draft diverters and automatic controls is prohibited.

B. Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guest rooms on terms, either expressed or implied, is required to furnish heat to the occupants thereof shall supply heat as required by the New York State Property Maintenance Code. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. Where fuel rationing is imposed, or an energy crisis or an emergency exists, the Superintendent of Buildings is authorized to grant a general variance or exemption from the provisions of this section and the chapter and to take such action as he deems necessary or appropriate under the circumstances in the interest of public health, for the period of the fuel rationing, energy crisis or emergency.

D. Noncompliance.

(1) When there are repeated instances during a heating season of noncompliance with the provisions of Subsection B of this section in a multiple dwelling, the Superintendent may order and direct that a prompt inspection of the heating system be made by a qualified heating engineer at the expense of the owner or operator, or both. A copy of the inspection report with the recommendations of the engineer shall be filed with the Department of Buildings not later than 10 days following the date of the Superintendent's order.

(2) The Superintendent of Buildings shall take such action and make such order as he shall deem necessary or desirable to implement the report and recommendations of the engineer. Nothing contained in this Subsection D shall limit or abridge in any way any duties or powers of the Superintendent imposed upon him or given to him by law, or operate in any respect as a waiver of the responsibility of the owner or operator, or both, to comply with the provisions of this section.

E. Portable heating equipment. Portable heating equipment employing a flame and heating equipment using gasoline or kerosene do not meet the standards of this chapter and are prohibited.

F. Hot water. Every lavatory sink, bathroom shower and/or tub and kitchen sink shall be capable of providing water at the tap with a minimum temperature of 120° F.

§ 128-22. Substandard buildings.

Any building wherein conditions exist which fail to conform to the foregoing standards is hereby declared to be substandard and the use thereof for human occupancy declared unlawful.

§ 128-23. Defects preventing human occupancy.

Any buildings which shall have any or all of the following defects shall also be deemed and are hereby declared substandard buildings and shall not be used for human occupancy:

A. Cellar or basement units. Any cellar or basement unit or any living room in which 2/3 or more is below the mean grade level thereto, provided that if such cellar or basement dwelling unit shall be vacated and shall cease to be used for dwelling purposes, then and in that event such building shall cease to be a substandard building because of the existence therein of such dwelling units. Mean grade level shall be determined by averaged ground level within the distance of the first 10 feet from the outside wall of such cellar or basement.

B. Dilapidated and unfit buildings. Those which have become or are so dilapidated, decayed, unsafe and unsanitary that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those who live or may live therein.

C. Inadequate light, air and sanitation. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who do or may live therein.

D. Unsafe, unsanitary or dangerous buildings. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village.

§ 128-24. Painting, screening and insect extermination.

A. Painting. Exterior surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Screening. From May 1 to October 1, entrances to residential buildings shall be provided with self-closing-type devices or screens and windows, and other openings used for ventilation shall be appropriately screened. **[Amended 3-26-1984 by L.L. No. 2-1984]**

C. Infestation. Grounds, buildings and structures shall be maintained free of insect, raccoon, vermin, and rodent harborage and infestation. Methods used for exterminating insects, raccoon, vermin and rodents shall conform with generally accepted practice. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

D. Grounds. To facilitate proper drainage, dust control and sidewalk maintenance, all front yards, side yards, rear yards and all other portions of uncovered soil shall have a ground cover of lawn grass, plant life or other living ground cover similar in nature. Said cover shall be regularly maintained and, where necessary, seeded, cut, trimmed and irrigated. **[Added 2-27-1978 by L.L. No. 5-1978]**

ARTICLE IV
Rental Premises[3]

[Added 11-23-1981 by L.L. No. 24-1981]

§ 128-25. Preservation of existing remedies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, county or state or existing requirements of any other provision of local laws or ordinances of the Village or county or state laws and regulations. In the case of a conflict between this article and other regulations, that which sets the more stringent requirement will prevail.

§ 128-26. Permit required. [Amended 7-12-1999 by L.L. No. 7-1999]

A. It shall be unlawful and a violation of this chapter and an offense within the meaning of the Penal Law of the State of New York for any person to:

(1) List, solicit, advertise or offer, exhibit or show to any person a rental dwelling unit located within the Incorporated Village of Freeport for the purpose of bringing about the rental thereof where no currently effective permit has been issued in respect of such rental dwelling unit by the Superintendent of Buildings of such Village, as herein provided.

(2) Accept a deposit of rent or security, or a commission, in connection with the rental of a rental dwelling unit located within the Incorporated Village of Freeport where no currently effective permit has been issued in respect of such rental dwelling unit, by the Superintendent of Buildings of such Village, as herein provided.

3. **Editor';s Note: Former Article IV, Permits for Rental Premises, as amended, was repealed 6-22-1981 by L.L. No. 14-1981.**

B. In the event that a person convicted of a violation of Subsection A of this section shall have been a real estate broker or sales person licensed by the State of New York at the time such violation was committed, it shall be the duty of the Superintendent of Buildings to transmit a record of such conviction to the Division of Licensing Services of the Department of State and to make complaint thereto against such license on behalf of the Village, pursuant to the provisions of the Real Estate Property Law.

C. It shall be unlawful to use, establish, maintain, operate or let any premises, entirely or partially for residence occupancy, where any rent is paid or charge is made for such use or occupancy in the Village of Freeport without first having obtained a permit therefor. Failure or refusal to procure a permit hereunder shall be deemed a violation.

D. Application for such permit shall be made, in writing, to the Superintendent of Buildings on a form provided therefor and shall contain the name of the applicant, the location of the premises and the number of dwellings and units and persons to be accommodated.

E. Each application shall be accompanied by a plot plan or sketch showing the size and location of the premises, all buildings and structures and the floor plan, to scale, of each dwelling unit and accommodation.

F. Each application shall be executed by the owner of the premises or such person who operates such premises if other than the owner.

G. The permit shall be valid for a period of two years from the date of issuance pursuant to the fee schedule.

§ 128-27. Fees. [Amended 2-26-1990 by L.L. No. 17-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a rental permit or a renewal thereof.

§ 128-28. Compliance with regulations required.

No permit shall be issued under any application unless all provisions of the local laws and Code of Ordinances of the Village of Freeport, the laws and sanitary and housing regulations of the County of Nassau and the laws of the State of New York have been complied with.

§ 128-29. Penalties for offenses.

A. Any violation of this article shall be deemed to be a violation, as defined under the Penal Law of the State of New York, and shall be punishable by a fine of not more than $5,000 or by imprisonment for not more than 15 days, or both such fine and imprisonment, said penalties to be in addition to suspension or revocation of any permit issued under the provisions of this article. **[Amended 3-23-1992 by L.L. No. 3-1992; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. In the event of any failure to comply with this article, each and every day such violation continues shall constitute a separate offense, and the penalties prescribed herein shall be applicable to each separate offense, except that no further penalties shall

be imposed for the period during which any appeal from a conviction of such offense is pending.

C. An injunction may be obtained by the Superintendent of Buildings in addition to any other remedy hereunder in the event of any violation or refusal to comply with the provisions of this article. Failure or refusal to procure a permit hereunder shall be deemed a violation.

§ 128-30. Severability.

If a term, part, provision, section, subdivision or paragraph of this article shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

§ 128-31. Inspection.

The Superintendent of Buildings of the Village of Freeport is authorized to make or cause to be made inspections determine the condition of the dwellings, to safeguard the health, safety, morals and welfare of the public. The Superintendent or his designated representatives, is authorized to enter, upon consent of the owner, tenant or occupant, any dwelling, dwelling unit, rooming house, rooming unit or premises at any reasonable time during daylight hours, or at such other time as may be necessary in an emergency, without consent of the owner, tenant or occupant, for the purpose of performing his duties under this law.

§ 128-32. Application for search warrant.

The Superintendent of Buildings of the Village of Freeport or his designated representative is authorized to make application to the Village Court or District Court of Nassau County for the issuance of a search warrant in order to conduct an inspection of any premises covered by this article where the owner, tenant or occupant refuses or fails to allow an inspection of its rental premises and where there is reasonable cause to believe that a violation of this law has occurred. The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.

§ 128-33. Warrantless searches prohibited. [Amended 8-19-1996 by L.L. No. 4-1996]

Nothing in this article except for provisions concerning emergency inspections shall be deemed to authorize the Superintendent of Buildings or his authorized representative to conduct an inspection of any premises subject to this article without consent of the owner, tenant or occupant of the premises or without a warrant duly issued by an appropriate court.

§ 128-34. Presumption of rent.

Any dwelling, dwelling unit, rooming house, rooming unit or any other premises subject to this article shall be presumed to be rented for a fee, and a charge made if said premises are not occupied by the legal owner thereof. This presumption shall be rebuttable.

§ 128-35. Units unfit for human habitation.

Whenever the Superintendent of Buildings determines that a dwelling unit, rooming house or rooming unit or premises is unfit for human habitation or use as provided in § 128-23, he may include such findings within the notice of violation provided for in § 128-6C of this Code. He may also include a notice of his intent to vacate the dwelling, dwelling unit, rooming house, rooming unit or premises if compliance with the provisions of the notice of violation is not secured within the time specified.

§ 128-36. Cellar or basement units prohibited.

No sleeping unit shall be rented or offered for rent in any cellar or basement.

§ 128-37. Responsibilities of owner.

A. Owners of premises shall be responsible for compliance with this article and shall remain responsible therefor regardless of the fact that this section may also place certain responsibilities on operators and occupants and regardless of any agreement between owners and operators as to which party shall assume such responsibility.

B. Owners of premises shall be responsible for proper maintenance, condition and operation of service facilities and for furnishing a hot-water supply, smoke and carbon monoxide detectors and window guards in multiple dwellings or rented premises. Furthermore, owners shall be responsible for making ordinary repairs as ordered by the Superintendent of Buildings, including, but not limited to, the repair or replacement of deteriorated windows and doors, defective plumbing and repair or replacement of outdated electrical systems. No separate charge shall be made for any required safety devices. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. When a unit is unoccupied, the owner shall also be responsible for those duties which otherwise would fall on the occupant.

D. It shall be an affirmative defense to any prosecution for violation of this section that a landlord's performance of any of its obligations hereunder was prevented by acts of a tenant, including but not limited to refusal to permit entry, provided that the landlord establishes by a reasonable preponderance of the evidence that said landlord made every reasonable effort to secure the tenant's cooperation and in good faith satisfy its obligations hereunder.

E. Wherever there shall be more than 12 families living in a multiple dwelling in which the owner thereof does not reside, the owner must provide for a janitor, housekeeper or superintendent who shall reside on the premises and have charge of same. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

F. In any multiple dwelling subject to the requirements of § 128-37E, the owner of the property must, by March 1 of each year, provide to the Building Department a list of phone numbers for responsible parties to be contacted in the event that the janitor, housekeeper or superintendent cannot be located on the property. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 128-38. Responsibilities of owner or occupant. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Owners or occupants of dwelling units shall be responsible for compliance with this article in regard to the following:

A. Limiting occupancy of that part of the premises which he occupies or controls to the maximum permitted by the chapter.

B. Maintenance of that part of the premises, which he occupies or controls, in a sanitary and safe condition.

C. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances as well as other building equipment and storage facilities in that part of the premises which he occupies or controls and providing reasonable care in the operation, maintenance and use thereof.

D. Keeping exits from his dwelling unit clear and unencumbered.

E. Disposal of garbage and refuse into provided facilities in a sanitary manner.

F. Extermination of insects, rodents and other pests within his dwelling unit if his unit is the only one infested on the premises.

G. Hanging, maintaining and removing required screens.

H. Keeping his domestic animals and pets in an appropriate manner and under control.

§ 128-39. When effective.

This article shall take effect immediately upon its enactment.

ARTICLE V
Actions of Real Estate Brokers, Agents and/or Salespersons
[Added 11-20-2006 by L.L. No. 6-2006]

§ 128-40. Definitions.

For purposes of this article, "real estate broker," "real estate agent" and/or "real estate salesperson" is defined under Section 440, Article 12, entitled Real Estate Brokers and Real Estate Salesmen, of the Real Property Law of the State of New York.

§ 128-41. Prohibition.

No person acting as a real estate broker, real estate agent and/or real estate salesperson, whether or not licensed by the State of New York, shall knowingly facilitate the use or occupancy of a detached dwelling or a two-family attached residence building in a manner which violates the use or occupancy of such dwelling or building which is permitted by the certificate of occupancy or certificate of existing use issued by the Superintendent of Buildings or his duly authorized representative for it or in a manner which violates the

permitted use or occupancy of such dwelling or building under the Freeport Village Code. A person shall be deemed to facilitate a use or occupancy by, among other things, advertising or listing a dwelling or building, showing a dwelling or building to a prospective user or occupant or otherwise soliciting or encouraging another person to use or occupy a dwelling or building. Upon conviction of a licensed broker, agent or salesperson for a violation of this section, in addition to the penalties provided for in this article, the Clerk of the Freeport Village Court shall forward a record of such conviction to the New York Department of State's licensing bureau.

§ 128-42. Enforcement and penalties for offenses.

Any person, corporation, company, partnership, firm or other legal entity violating any provisions of this article shall commit an offense, the fine for which shall not exceed $1,000 for each offense or 15 days in lieu in Nassau County Correctional Center, or both said fine and/or imprisonment.

§ 128-43. Administration and enforcement.

Unless otherwise provided, the provisions of this article shall be administered and enforced by the Superintendent of Buildings or his duly authorized representative and/or the Freeport Police Department.

§ 128-44. Severability.

Whenever any provision of this article is in conflict with any other provision of this article or any other statute or local law applicable or covering the same subject matter, the most restrictive provision or the one imposing the highest standard shall govern and be supreme.

§ 128-45. Effective date.

The provisions of this article shall be effective upon filing with the office of the Secretary of State.

ARTICLE VI
Window Guards
[Added 2-26-2007 by L.L. No. 2-2007]

§ 128-46. Definitions.

When used in this article, the following words or terms shall have the following meaning:

CHILD or CHILDREN — Any person 10 years of age or younger.

DEPARTMENT — The Building Department of the Incorporated Village of Freeport.

INSTALLATION OF WINDOW GUARD — Proper installation and maintenance of window guards in a manner approved by the Department.

LANDLORD — Owner, lessee, agent or other person who manages or controls a multiple dwelling or dwelling unit.

SUPERINTENDENT OF BUILDINGS — The Superintendent of Buildings for the Incorporated Village of Freeport.

TENANT — Lessee or other occupant regularly residing within a dwelling unit, regardless of whether said occupant is a party to a lease agreement.

§ 128-47. General notice.

A. Each year the landlord shall deliver to each dwelling unit a notice, in English and Spanish, no earlier than June 1 and no later than July 1, and within 30 days of any change in occupancy, by certified mail, or by enclosure with the rent bill, in substantially the following form:[4]

B. If by August 1 of the year for which the notice was sent a landlord does not have a written communication signed by the tenant, and does not otherwise have actual knowledge of the need or desire for window guards, then the landlord or his agent shall at reasonable times inspect the dwelling unit to ascertain whether a child 10 years of age or younger resides in the dwelling and, if so, whether approved window guards are properly installed and maintained.

C. Every landlord shall notify, no later than September 1 each year, commencing September 1, 2007, the Superintendent of Buildings of the Incorporated Village of Freeport, in writing, of all dwelling units which have been verified by him as requiring window guards and of those units which have not responded to his census inquiry and/or where access has been denied.

D. The Superintendent of Buildings shall notify the Freeport Fire Department of all such dwelling units where window guards have been installed, no later than November 1 of each year beginning in 2007.

§ 128-48. Mandatory window guards.

A. No communication from a landlord to a tenant shall indicate that the installation of window guards is optional or in any manner dependent upon payments by the tenant.

B. Landlords shall not impose any type of precondition, such as fees, or any other psychological deterrent, preliminary or subsequent to the installation of window guards.

§ 128-49. Tenant obligation to provide information and access.

A. No tenant in a dwelling unit shall refuse or unreasonably fail to provide accurate and truthful information regarding the residency of children therein, or refuse, prevent or obstruct any inspection required by this article.

4. Editor's Note: Said form is included as an attachment to this chapter.

B. A landlord who has been denied access to a dwelling unit for the purpose of installing or inspecting window guards required by the Code of the Incorporated Village of Freeport shall notify in writing to the Superintendent of Buildings, 46 North Ocean Avenue, Freeport, New York, 11520. Said statement shall specify the landlord's efforts to gain access and the circumstances of the denial thereof.

C. Tenants or occupants shall respond to mandated inquiries by the landlord as to their window guard needs or desires. Tenants or occupants must also provide access and permit installation of guards and stops, where required.

§ 128-50. Selective window guard installation prohibited.

Window guards may not be installed selectively. They shall be installed in all windows, except fire escape access windows and a secondary egress window, on all windows above grade.

§ 128-51. Specifications for window guards for double-hung windows.

The following specifications apply to window guards for double-hung windows.

A. Guards shall be constructed of rigid metal, free of sharp projections, edges or rough surfaces.

B. Guards shall be so constructed as to reject the passage of a solid five-inch sphere at every space and interval.

C. Guards shall bear a load of 150 pounds at center-span when extended to maximum width. A test with the guard attached in accordance with the manufacturer's instructions for installation must be performed, and the results, including information as to temporary or permanent distortion, certified by a professional engineer or independent testing laboratory.

D. Specific guard guidelines.

(1) On guards utilizing nontelescoping bars, there shall be a permanent spot weld on at least two of the horizontal bars so as to provide a minimum of two inches' overlap when the guard is fully extended.

(2) On telescoping bars, when the guard is extended to the maximum allowable width, there shall be a minimum overlap of five inches or 1/3 of the length of the bar, whichever is greater.

(3) A permanent label shall be affixed on at least one horizontal bar, on each facing surface. Said label shall read: WARNING! EXTENSION OF THIS GUARD BEYOND ___ INCHES IS DANGEROUS AND ILLEGAL. [NOTE: Insert the number of inches appropriate to the particular model in the space].

(4) On telescoping guards, there shall be an additional stile or other approved support(s), at the telescopic opening of the outer tubing of the bars, that shall prevent any spreading of the bars.

E. Guards shall be a minimum of 15 inches high measured along the vertical stiles.

F. The channel stiles shall each have at least two holes for permanent window mounting. If guards are more than 15 inches in height, additional mounting holes are required to provide a maximum interval of 18 inches between mounting holes.

G. Stops.

(1) Rigid metal L-shaped stops, to be a minimum of 1/2 the width of the window track and each leg of which shall measure at least two inches, shall be installed securely with two screws in the upper tracks of each side of the bottom window to prevent the lower window from being raised more than 4 1/2 inches above the lowest section of the top horizontal bar of the window guard.

(2) Where L-shaped stops cannot be placed in the window track without interfering with the normal operation of the window, a rigid metal strip may be securely fastened across the track of the bottom window to prevent the lower window from being raised more than 4 1/2 inches above the lowest section of the top horizontal bar of the window guard. Strips shall be mounted on each of the windows and shall be secured by two screws on each side of the window track. [Note: The use of the term "securely fastened" or "securely mounted" refers to the use of the prescribed number, type and size of screws in the specified positions or locations.]

(3) In situations where the stops described in Subsection G(1) and (2) above cannot be used, such as in ballast windows, rigid metal L-shaped stops may be securely fastened to the frame of the window to prevent the lower window from being raised more than 4 1/2 inches above the lowest section of the top horizontal bar of the window guards. A stop shall be securely mounted on each side of the exterior lower window frame and shall be secured by two approved screws in each stop.

(4) In special situations where the stops described in Subsection G(1), (2), and (3) above cannot be used, a letter request for a waiver may be made to the Superintendent of Buildings for approval of an alternative stopping device.

(5) Stops are not required where approved window guards are installed that are of sufficient height to prevent an opening of more than 4 1/2 inches above the lowest section of the top horizontal bar of the window guard when the lower window is raised to its maximum open position.

H. Screws. Screws used to mount window guards and stopping devices shall be one-way sheet metal screws or metal tamper-resistant screws. Tamper-resistant screws are defined as screws requiring special tools for their installation and/or removal, which tools are not readily available in retail hardware stores. All tamper-resistant screws must be countersunk flush with the stile or stopping device.

(1) Appropriate screws shall be:

(a) Minimum size No. 10 and long enough to penetrate one inch into a wooden window frame; or

(b) Of an adequate type, size and length to be securely fastened to a metal window frame.

(2) The manufacturer shall supply all required screws with guards.

I. The coating of guards shall be unleaded. A statement from the paint manufacturer attesting to this fact must accompany application for window guard approval.

J. Coded manufacturer's identification symbol (guard model) and fabrication date symbols (month and year) shall be imprinted indelibly (die-stamped) on one end of the stiles, so located as to be readily visible when viewed from within the room where the guard has been installed.

K. Each guard sold by a manufacturer shall be sold with a self-contained envelope or plastic bag containing:

(1) Approved installation instructions;

(2) L-shaped or other approved stops; and

(3) Specified screws for installation of guard and stops. If wood screws are supplied by the manufacturer, a warning label should be included stating that for metal installations, screws of the appropriate type, size and length must be substituted. This warning shall be imprinted on the packaging container.

L. Instructions for safe installation shall be provided with each guard by manufacturer.

(1) Instructions shall specify maximum window width for which the guard is intended and shall contain the following prominently printed wording: WARNING: USE OF THIS GUARD BEYOND SPECIFIED MAXIMUM WIDTH IS DANGEROUS AND ILLEGAL.

(2) Instructions shall prominently warn that guards and stops must be installed only in sound (nonrotting) window tracks.

(3) Instructions shall prominently specify: WINDOW GUARDS MAY NOT BE INSTALLED IN WINDOWS PROVIDING ACCESS TO FIRE ESCAPES.

(4) Instructions shall specify that guards be installed so that the bottom horizontal members are mounted a maximum of 4 1/2 inches above the window sill.

(5) Instructions shall specify the use of the supplied L-shaped stops to be installed with screws provided, or alternative approved stopping devices also provided with prescribed screws, to limit the opening above the lowest section of the top horizontal bar to 4 1/2 inches when the bottom sash is raised.

§ 128-52. Specifications for window guards for other than double-hung windows.

A. Applications for approval of window guards for use in other than double-hung windows shall specify the window type(s) for which the guard submitted is intended. Mounting materials and instructions for installation for each specific type of window must be included with the application and must be provided to the consumer with the guards.

B. Guards shall be constructed so as to reject the passage of a solid five-inch sphere at every space and interval.

C. Guards intended for casements, sliders and other types or combinations of windows in which the height of the openings are not subject to limitation, must be of such size as to fill the entire aperture and must reject passage of a solid five-inch sphere at every space and interval.

(1) When approved limiting devices are utilized in lieu of window guards, the size of any unguarded opening may not exceed 4 1/2 inches so as to reject passage of a solid five-inch sphere at every space or interval.

(2) On guards utilizing nontelescoping bars, there shall be a permanent spot weld on at least two of the horizontal bars so as to provide a minimum of two inches' overlap when the guard is fully extended.

(3) On telescoping bars, when the guard is extended to the maximum allowable width, there shall be a minimum overlap of five inches or 1/3 of the length of the bar, whichever is greater.

(4) A permanent label shall be affixed on at least one horizontal bar on each facing surface. Said label shall read: WARNING! EXTENSION OF THIS GUARD BEYOND ___ INCHES IS DANGEROUS AND ILLEGAL. (Insert the number of inches appropriate to the particular model in this space.)

(5) On telescoping guards, there shall be an additional stile or other approved support(s) at the telescoping opening of the outer tubing of the bars that shall prevent any spreading of the bars.

D. Guards shall bear a load of 150 pounds at centerspan when extended to maximum width. A test with guards attached in accordance with the manufacturer's instructions for installation must be performed and results certified by a professional engineer or independent testing laboratory. The information shall include any finding of a temporary or permanent distortion.

E. Each channel stile shall have at least two mounting holes. If the guard is more than 15 inches high, additional mounting holes are required to provide a maximum of 18 inches between mounting holes.

F. Coating of guards shall be unleaded. A statement from the paint manufacturer attesting to this fact must accompany the application for window guard approval.

G. Coded manufacturer's identification symbol (guard model) and fabrication date symbols (month and year) shall be imprinted on one of the end stiles so located as to be readily visible when viewed from within the room where the guard has been installed.

H. Sliding windows and vertical pivoting windows may use stopping devices in lieu of window guards as follows:

(1) Sliding windows. A solid metal block, measuring at least 1/2 the depth of the window track and 1/2 the width, shall be securely fastened by two screws into the bottom window track, and a solid metal block or an L-shaped metal stop shall be

securely fastened by two screws into the upper window track, to prevent the window from opening more than 4 1/2 inches.

(2) Vertical pivoting windows. Metal stopping devices shall be securely fastened to the upper and lower window frames by two screws so as to prevent the window from pivoting open more than 4 1/2 inches. The height of the stopping devices shall extend no less than one inch nor more than two inches beyond the window frame as needed to stop the window. The protruding edge of the stopping device shall be smooth and rounded.

I. For types of non-double-hung windows, other than those described in Subsection H and in special situations where the stops described herein cannot be used, application may be made to the Superintendent of Buildings for approval of an alternative stopping device.

J. Screws used to mount window guards and stopping devices shall be one-way metal screws or metal tamper-resistant screws. Tamper-resistant screws are defined as screws requiring special tools for their installation and/or removal, which tools are not readily available in retail hardware stores. All tamper-resistant screws shall be countersunk flush with the stile or stopping device.

(1) Appropriate screws shall be:

(a) A minimum size No. 10.

(b) Long enough to penetrate one inch into a wooden window frame; or

(c) Of adequate type, size and length to be securely fastened to a metal window frame.

(2) The manufacturer shall supply all required screws.

K. Each guard sold shall be sold with a self-contained envelope or plastic bag containing:

(1) Approved installation instructions;

(2) Approved stopping devices; and

(3) Specified screws needed for installation of the window guard and/or stopping devices. If wood screws are supplied by a manufacturer, a warning label or message imprinted on the packaging container shall warn that for metal installations, screws of the appropriate types, size and length must be substituted. This warning shall be imprinted on the packaging container.

L. Instructions for safe installation of window guards shall be provided by the manufacturer for each specific type of window for which they are intended.

(1) Instructions shall specify that window guards may not be installed on windows providing access to fire escapes.

(2) Instructions shall specify maximum window width and height for which the guard is intended and shall contain the following prominently printed wording: WARNING: USE OF THIS GUARD BEYOND SPECIFIED MAXIMUM WIDTH IS DANGEROUS AND ILLEGAL!

(3) Instructions shall prominently warn that guards must be installed only in sound (nonrotting) mountings or tracks.

§ 128-53. Mandatory window guards.

A. Any and all windows requiring a window guard pursuant to this article shall be so equipped on or before September 1, 2007.

B. Any and all windows requiring a window guard, where an occupant so requires same, shall be properly installed prior to such occupation of the rental unit.

§ 128-54. Mandatory access.

A. It shall be a violation of this article for any tenant or occupant to refuse or unreasonably deny the landlord access to the dwelling unit for purposes of installing or inspecting any required window guards, provided that the landlord supplies reasonable documentation of his efforts to install, inspect or maintain said window guards.

B. Any tenant or occupant shall be responsible to ensure that any window guard shall not be tampered with, modified or removed once it has been installed and shall notify the landlord in writing if same has been tampered with, modified or removed, and said landlord shall correct said condition within five days of receipt of said notice.

§ 128-55. Applicability.

This article shall apply to all apartment buildings, townhouses, condominiums, cooperative buildings and all dwellings containing more than one family and non-owner-occupied single-family homes.

§ 128-56. Penalties for offenses.

A. Any violation of this article shall be deemed to be a violation as defined under the Penal Law of the State of New York and shall be punishable by a fine of not more than $1,000 or by imprisonment for not more than 15 days, or both such fine and imprisonment, said penalties to be in addition to suspension or revocation of any permit issued under the provisions of this article.

B. In the event of any failure to comply with this article, each and every day such violation continues shall constitute a separate offense, and the penalties prescribed herein shall be applicable to each separate offense, except that no further penalties shall be imposed for the period during which any appeal from a conviction of such offenses is pending.

§ 128-57. Severability.

In the event that any part or portion of this article shall be adjudged or determined to be invalid for any reason, such adjudication or determination shall not affect the validity of any other part or portion of this article. In the event that any provision of this article shall conflict

or be inconsistent with any other provision of law, the more restrictive such provision shall be deemed to prevail to the extent inconsistent.

ARTICLE VII
Stairwells
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 128-58. Identification of stairwells.

In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.

ARTICLE VIII
Housing Standards
[Adopted 1-11-2022 by L.L. No. 1-2022]

§ 128-59. Property maintenance requirements.

The purpose of this article is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of premises situated within the Village, whether used or intended to be used or designed to be used, in whole or in part, for residential, commercial, business or industrial use and occupancy, and to fix certain responsibilities and duties upon owners, operators and occupants in order to ensure the desirable character of the property.

§ 128-60. Maintenance standards.

It shall be a violation of this section for any person, owner or occupant to create, cause, maintain or permit to continue any condition which is prohibited or otherwise inconsistent with the provisions of this section or the NYS Property Maintenance Code.

A. Open areas; parking spaces.

(1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(2) Fences, planting areas and other minor construction shall be maintained in a safe and substantial condition. Such maintenance shall include, but not be limited to, the replacement or removal of trees and shrubs which may die and/or otherwise be destroyed, and the replacement and/or repair of fences or other structures

which may become in disrepair. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(3) Steps, walks, driveways, parking spaces and similar paved areas shall be in a proper state of repair, maintained so as to afford safe passage under normal use and weather conditions and shall be maintained free from hazardous conditions. Any holes or other hazards that may exist shall be filled or necessary repairs or replacement carried out. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(4) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(5) All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of eight inches. All noxious weeds are prohibited. Any trees or shrubs or portions thereof located on private property and constituting a hazard to persons or property shall be removed. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(6) A junked vehicle may not be parked, stored or left in the open. Unlicensed vehicles must be relocated to a completely enclosed location or otherwise removed from the property. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(7) That portion of the public right-of-way not covered by pavement or a similar surface and located between the portion of the right-of-way used for vehicular traffic and the boundary line of said right-of-way shall be maintained by the adjoining property owner. Such maintenance shall include but not be limited to the removal of litter, glass, paper and all other nonindigenous materials and the cutting of all weeds except trees, bushes and shrubs to a height of less than four inches. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(8) No person shall park any motor vehicle or boat in any front yard area except on driveways constructed and installed in compliance with the Village Code. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(9) The accumulation of any filth, dirt, ashes, junk, garbage, wastewater, raw sewage, sewage, wastepaper, dust, rubbish, sticks, stones, wood (including log piles

exposed to the weather and elements), leaves, paper or paper boxes, iron, tin, nails, bottles or glass of any kind, old cars and parts thereof, discarded appliances such as refrigerators and the like is prohibited upon any premises. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(10) The exterior of the premises and all structures located on the premises shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and shall be free of unsanitary conditions. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

(11) Approved methods of erosion control and stormwater retention shall be provided for on all properties and shall conform to the requirements of Chapter 210, Article XXIX, of the this Code. Where existing site conditions fail to control erosion and contain stormwater on site, appropriate corrective measures shall be taken The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

B. Nonresidential.

(1) Nonresidential, as defined herein, shall at all times be maintained in compliance with the provisions of this code regulating open areas, parking spaces and buildings or structures.

(2) Storage of shopping baskets, carts and wagons shall be in compliance with § 155 of the this Code.

(3) All fences and planting areas installed on the premises shall be maintained by the owner or occupant of the property. Such maintenance shall include but not be limited to the replacement of trees and shrubs which may die and/or otherwise be destroyed and to the replacement and/or repair of fences which may become in disrepair. The owner or occupant shall, upon written notice of the Enforcement Officer, replace any shrubbery and/or trees and/or replace or repair any fence installed on the premises. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

C. Buildings and structures.

(1) All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering. Said surfaces, having once been coated with any finish such as paint, varnish, lacquer, etc., must be continuously maintained and recoated as necessary to keep uniformity of color and texture. Such surface shall be recoated in a workmanlike manner.

(2) Floors, walls, ceilings, stairs, furnishings and fixtures of buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof and porch, or appurtenance thereto, shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public.

(3) The foundation walls of every building shall be maintained in good repair and shall be structurally sound. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. All buildings shall be properly placed on the foundation. Any building that has applied for a permit to raise a property height and has not completed the raising of the property within the time frame defined in the building permit will be deemed a violation.

(4) Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot, materials missing from the structure or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from holes, breaks, rotting material and loose and unsecured objects and material and improperly secured objects and material. Such objects or materials shall be removed and repaired or replaced.

(5) The owner, agent or other responsible party of a building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. The owner, agent or other responsible party shall ensure that all openings on a vacant property shall be provided with painted exterior-grade plywood closures, securely fastened.

(6) Buildings and structures shall be maintained in such condition so that they shall not become an unoccupied hazard as defined in Chapter 88 of this Code.

(7) All signs, awnings and lighting systems shall be maintained in a completely operable, clean, nondeteriorated and safe condition in accordance with § 210-209 of this Code.

(8) If a sign is removed from the exterior of a building or structure, the area that was covered by the removed sign and now left exposed, even if a new sign is installed, shall be cleaned, painted and maintained so that the exterior of the building or structure shall have a uniform color and texture.

(9) Any building or structure which is structurally unsound, unsanitary or which has become unsafe by reason of the elements, age, general deterioration, inadequate maintenance, dilapidation, obsolescence or abandonment, or which is otherwise dangerous to human life, shall be prohibited upon any premises.

§ 128-61. Hazardous or open excavations or accumulation of industrial or commercial material prohibited.

It shall be unlawful for any person or persons to abandon, store, accumulate and/or maintain any industrial or commercial material, as defined herein, or to leave, cause, suffer, permit or maintain an excavation or trench, on any lot or premises, in an open, unsecured, unstable, dangerous or hazardous condition or place. Such industrial or commercial material or excavation or trench shall be effectively and properly fenced, shored or barricaded and shall be a sufficient distance from the property line so as to prevent the creation and/or maintenance of an unstable, unsafe or hazardous condition. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

§ 128-62. Graffiti; defacement of property.

A. It shall be the responsibility of Any person or entity owning or occupying any building or structure which has been defaced with graffiti to cause such graffiti to be removed or covered over. When a covering is used, the cover must be the same or similar color as the surface upon which the graffiti was made. Responsibility for removal or covering of graffiti shall lie with the owner or occupant, notwithstanding that said person may not have created the graffiti. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. The requirements of this section shall be in addition to and not in lieu of the requirements of the Village Code. If any section is inconsistent, the more restrictive shall apply.

B. Any person or entity owning or occupying any building or structure shall be liable for the cost of removing or covering the same.

§ 128-63. Nuisances and abatement.

All buildings, dwellings, dwelling units, multiple dwellings, yards, courts, open areas and vacant lots which are in violation of this code are hereby declared to be a nuisance and shall be abated by being corrected, made sanitary, repaired, vacated or demolished, in accordance with the orders of the Superintendent of the Building Department or the Superintendent of Public Works.

§ 128-64. Removal or repair of nuisance buildings.

All violation, within the terms of § 128-59 to § 128-62 of this section, are hereby declared to be public nuisances and shall be repaired or removed as herein provided.

§ 128-65. Inconsistent provisions.

Whenever the provisions of any local ordinance, resolution or regulation imposes requirements with regard to residence buildings inconsistent with the terms and provisions of this section or any part thereof, the provisions of this section shall govern, provided that should any such ordinance, resolution or regulation impose more stringent requirements with

regard to nuisance buildings, as herein defined, than the provisions of this section impose, then such more stringent requirements shall be construed to apply.

§ 128-66. Requests for inspections of building.

A. Right of inspection; certificate to issue. The owner, occupant, agent, or other responsible party of any building used, in whole or in part, for human occupancy and against whom no proceedings hereunder are pending with regard to such building may request the Superintendent of Buildings to cause an inspection thereof to be made, whereupon the Superintendent of Buildings shall cause an inspection of such building to be made and if, upon such inspection and a report thereon to the Village Board, it shall be disclosed that the same is not a nuisance building, the Village Board will direct the Superintendent of Buildings to issue a certificate to that effect to such applicant. The issuance of such certificate is not to be construed as a finding that such building is not a nuisance building beyond the date of issuance thereof. Should, however, such inspection disclose said building or structure to be a nuisance building, the Village Board will direct the Superintendent of Buildings to give written notice to the applicant to appear before them on a certain date within 15 days from the date of said notice and shall thereupon proceed in the same manner as prescribed in § 128-7B, C, D, E and F of this section. Such notice shall contain the same particulars as are required by § 128-6D hereof.

B. Effect of application for inspection. No qualified owner who has applied for inspection, pursuant to Subsection A of this section, shall be prosecuted under § 128-59 hereof with regard to any building of which inspection has been requested unless he fails to comply with the order of the Village Board made pursuant to Subsection A hereof.

ARTICLE IX
Specifications for Properties to be Boarded Up
[Adopted 1-23-2023 by L.L. No. 1-2023]

§ 128-67. Specifications for properties to be boarded up.

A. Any properties that are to be boarded up must be boarded up with plexiglass installed on the exterior of the windows/doors.

B. Any properties that are currently boarded up must switch the Board up material to plexiglass within 60 days of the adoption of this article.

ARTICLE X

Transient Rental Properties
[Adopted 1-23-2023 by L.L. No. 2-2023]

§ 128-68. Legislative intent and purpose.

The Board of Trustees of the Village of Freeport finds that the effects of transient rentals in the Village of Freeport, a suburban community, pose a threat to the health, safety, and well-being of the residents of the Village of Freeport.

§ 128-69. Definitions.

For the purpose of this section, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in common usage.

TRANSIENT RENTAL PROPERTY — A rental dwelling unit occupied by persons other than the owner or a family member of the owner and for which rent is received by the owner, directly or indirectly, in exchange for such rental occupation for a period of less than 28 nights. For the purposes of this article, the term "transient rental property" shall mean all non-owner-occupied dwelling units rented for a period of less than 28 nights and shall not include:

A. Properties used exclusively for nonresidential commercial purposes in any zoning district; or

B. Any legally operating hotel/motel business operating exclusively and catering to transient clientele; that is, customers who customarily reside at these establishments for short durations for the purpose of vacating, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business.

§ 128-70. Prohibited acts.

A. No dwelling unit, whether single-family, multi-dwelling or mixed residential use, shall be used or occupied as a transient rental property. No rental permit shall be issued for the use of any property within the Village as transient rental property.

B. Every individual day/night of rental is considered a separate offense for the purposes of this chapter.

§ 128-71. Presumption of use.

A. The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:

   (1) The dwelling unit or any room therein is offered for lease on a short-term rental website, including, but not limited to, Airbnb, HomeAway, VRBO and the like, for a period of less than 30 nights.

(2) The dwelling is offered for lease in any medium for a period of less than 30 nights.

B. The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Official that the dwelling unit is not a transient rental property.

§ 128-72. Penalties for offenses.

Any person, association, firm or corporation who or which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:

A. Upon conviction of a first offense, by a fine of not less than $1,000 and not exceeding $5,000 or by imprisonment for a period not to exceed 15 days, or both;

B. Upon conviction of a second offense, committed within a period of 10 years of the first conviction, such violation will be subject to a fine of not less than $2,500 nor more than $10,000 or by imprisonment for a period not to exceed 15 days, or both;

C. Upon conviction of a third offense, committed within a period of 10 years of the first conviction, such violation will be subject to a fine of not less than $5,000 nor more than $10,000 or by imprisonment for a period not to exceed 15 days, or both;

D. Upon conviction of a fourth or subsequent offense, after having been convicted three or more times within a period of 10 years, such violation shall be prosecuted as an unclassified misdemeanor, with a minimum fine of $10,000 and a maximum fine of $30,000 or a maximum period of incarceration of one year, or both.

HOUSING STANDARDS

128 Attachment 1

Notice to Tenant or Occupant

Department of Buildings
Village of Freeport
Notice to Tenant or Occupant

You are required by law to have window guards installed in all windows* if a child 10 years of age or younger lives in your apartment.

Your landlord is required by law to install window guards in your apartment:

❒ if a child 10 years of age or younger lives in your apartment.

OR

if you ask him to install window guards at any time (you need not give a reason).

It is a violation of law to refuse, interfere with installation, or remove or tamper with window guards where required, or to fail to complete and return this form to your landlord.

If this form is not returned promptly an inspection by the landlord will follow.

Check whichever apply:

❒ Children 10 years of age or younger live in my apartment.

❒ No children 10 years of age or younger live in my apartment.

❒ I want window guards even though I have no children 10 years of age or younger.

❒ Window guards are installed in all windows.*

❒ Window guards are not installed in all windows.*

❒ Window guards do not need maintenance or repair.

FREEPORT CODE

Tenant's Name: _____ _____
(Print) (Address/Apt. No)

Tenant's Name: _____ _____
(Signature) (Date)

Return this form to:

_____ Name and address of building owner or

_____ Managing agent

***Except windows giving access to fire escapes that are required means of egress from the dwelling unit.**

For further information call:

Superintendent of Buildings
Incorporated Village of Freeport
46 North Ocean Avenue
Freeport, New York 11520
(516) 377-2242

HOUSING STANDARDS

Notice to Tenant or Occupant

Departmento de Edificios
Village of Freeport
Notice to Tenant or Occupant

Usted esta obligado por ley a hacer instalar rejas en todos las ventanas* si un niño de 10 años de edad, o menor, vive en su apartmento.

Su Casero esta obligado por ley a instalar rejas en las ventanas de su apartmento si:

❒ un niño de 10 años de edad, o menor, vive en su apartmento; o si

❒ usted le solicita en cualquier opportunidad que instale rejas en las ventanas (no necesita dar una explicacion).

Constituve una infraccion de la ley negarse, interferir con la instalacion, or retirar las rejas de las ventanas cuando se requiere tenerias, o dejar de llenar y devolver este formulario a su casero. Si este formulario no es devuelto opportunamente, se procedera a realizar una inspeccion por parte del casero.

Marcar segun corresponda:

❒ Niños de 10 años de edad o menores viven an mi apartamento
❒ Ningun niños de 10 años de edad o menor vive en mi apartamento
❒ Deseo que se instalan rejas en las ventanas aun cuando no tengo niños de 10 años de edad menores

❒ Se han instalado rejas en todas las ventanas*
❒ No se han instalado rejas en todas las ventanas*

❒ Las rejas de ventanas necesitan mantenimiento o reparacion

❒ Las rejas de ventanas no necesitan mantenimiento o reparacion

FREEPORT CODE

Nombre del Inquilino: _____ _____
(Letra de Imprenta) (Direccion/No. de Apto.)

Nombre del Inquilino: _____ _____
(Firma) (Fecha)

Devolver a:

_____ Nombre y direccion del Proprietario,

_____ Agente o administrador

***Con excepcion de las ventanas que den acceso a las salidas de incendios que qonstituyan un medio obllgatorio de salida de la vivenda.**

Para pedir mayores informes dirigase a:

Superintendent of Buildings
Incorporated Village of Freeport
46 North Ocean Avenue
Freeport, New York 11520
(516) 377-2242

Chapter 130

INSURANCE

ARTICLE I
Claims Against Fire Insurance Proceeds

§ 130-1. Definitions.
§ 130-2. Filing of notice of intention.
§ 130-3. Special lien.
§ 130-4. Construal of provisions.

ARTICLE II
Defense and Indemnification of Village Officers and Employees

§ 130-5. Definitions.
§ 130-6. Duty to provide for defense; exception.
§ 130-7. Representation by Village Attorney or private counsel.
§ 130-8. Representation of groups by same counsel; fees and expenses.
§ 130-9. Responsibility of Village Attorney.
§ 130-10. Village to indemnify employees; judgments and settlements.
§ 130-11. Exceptions.
§ 130-12. Construal.
§ 130-13. Liability insurance.
§ 130-14. Applicability; when effective.
§ 130-15. Village liable for costs; additional benefits.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Claims Against Fire Insurance Proceeds
[Adopted 5-14-1979 by L.L. No. 4-1979]

§ 130-1. Definitions.

As used in this article, any inconsistent provision of law notwithstanding, the following terms shall have the following meanings:

LIEN — Any lien, including liens for taxes, special ad valorem levies, special assessments and municipal charges arising by operation of law against property in favor of Village and remaining undischarged.

REAL PROPERTY — Property upon which there is erected any residential, commercial or industrial building or structure except an owner-occupied single-family residential structure and owner-occupied two-family residential structures. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

SPECIAL LIEN — A lien upon fire insurance proceeds pursuant to this article and Chapter 738 of the Laws of 1977.

TREASURER — The Village Treasurer.

§ 130-2. Filing of notice of intention. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Treasurer shall file a notice of intention to claim against the proceeds of fire insurance policies pursuant to § 22 of the General Municipal Law with the State Superintendent of Financial Services for entry in the index of liens maintained by him as provided in § 331 of the Insurance Law.

§ 130-3. Special lien. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Prior to the payment of any proceeds of a policy of insurance for damages caused by fire to real property, which policy insures the interest of an owner and is issued on real property located within the Village, and following notification to the Treasurer by an insurer of the filing of a claim for payment of such proceeds, the Treasurer shall claim, by serving a certificate of lien against such proceeds to the extent of any lien (including interest and penalties to the date of this claim) thereon, which claim when made and perfected in the manner provided for in § 22 of the General Municipal Law and § 3410 of the Insurance Law shall constitute a special lien against such proceeds and shall, as to such proceeds, be prior to all other liens and claims except the claim of a mortgagee of record named in such policy. Notice of the service of the certificate of the special lien shall be given to the insured by certified mail.

§ 130-4. Construal of provisions.

The provisions of this article shall not be deemed or construed to alter or impair the right of the Village to acquire or enforce any lien against property but shall be in addition to any other power provided by law to acquire or enforce such right.

ARTICLE II
Defense and Indemnification of Village Officers and Employees
[Adopted 6-2-1980 by L.L. No. 7-1980]

§ 130-5. Definitions.

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

EMPLOYEE — Unless the context otherwise requires, any person holding a position by election, appointment or employment in the service of the Village of Freeport, whether or not compensated, but shall not include an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative. 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.

§ 130-6. Duty to provide for defense; exception.

A. The Village 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 Section 1981 or 1983 of Title 42 of the United States Code; provided, however, that the duty of the Village to defend or save harmless shall be conditioned upon:

(1) The delivery to the Village Attorney at his office by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after he is served with such document. Such delivery shall be deemed a request by the employee that the Village provide for his defense pursuant to this article.

(2) The full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the Village based upon the same act or omission and in the prosecution of any appeal.

B. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Village of Freeport.

§ 130-7. Representation by Village Attorney or private counsel.

Subject to the conditions set forth in § 130-6 of this article, the employee shall be entitled to be represented by the Village Attorney; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Village Attorney determines, based upon his investigation and review of the facts and circumstances of the case, that representation by the Village Attorney 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 Village Attorney shall notify the employee, in writing, of such determination that the employee is entitled to be represented by private counsel.

§ 130-8. Representation of groups by same counsel; fees and expenses.

The Village Attorney may require, as a condition to payment of the fees and expenses of such representation by private counsel, 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 § 130-7 of this article, the Village Attorney shall so certify to the Village Treasurer. Reasonable attorneys' fees and litigation expenses shall be paid by the Village 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 § 130-7 of this article 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 Village Treasurer. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.

§ 130-9. Responsibility of Village Attorney.

Where the employee delivers process and a request for a defense to the Village Attorney, as required by § 130-6 of this article, the Village Attorney shall take the necessary steps, including the retention of private counsel, under the terms and conditions therein provided 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.

§ 130-10. Village to indemnify employees; judgments and settlements.

A. The Village shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court for compensatory and/or punitive damages, 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. **[Amended 5-11-1981 by L.L. No. 10-1981]**

B. An employee represented by private counsel shall cause to be submitted to the head of the department, commission, division, office or agency in which he is employed any proposed settlement which may be subject to indemnification by the Village, and, if not inconsistent with the provisions of this section, such head of the department, commission, division, office or agency in which he is employed shall certify such settlement and submit such settlement and certification to the Village Attorney. The Village 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 Village. Nothing in this section shall be construed to authorize the Village to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Village 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 head of the department, commission, division, office or agency in which he is employed, and, if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such head of the department, commission, division, office or agency. If the Mayor and the Board of Trustees concurs in such certification, the judgment or settlement shall be paid upon the audit and warrant of the Village Treasurer.

§ 130-11. Exceptions. [Amended 7-14-1997 by L.L. No. 16-1997]

A. Except as provided in Subsection B of this section, nothing in this article shall authorize the Village to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties or money recovered from an employee pursuant to Article 7-A of the State Finance Law.

B. The Incorporated Village of Freeport shall provide for the defense of any civil action or proceeding brought against a duly appointed police officer of the Incorporated Village of Freeport and shall indemnify and save harmless such police officer from any

judgment of a court of competent jurisdiction whenever such action, proceeding or judgment is for damages, including punitive or exemplary damages, arising out of a negligent act or other tort of such police officer committed while in the proper discharge of his duties and within the scope of his employment.

(1) The determination of whether any such police officer properly discharged his duties within the scope of this employment shall be made by a majority vote of a three-member panel. The panel shall consist of the Mayor, the Deputy Mayor and the Chief of Police or a Police Inspector.

§ 130-12. Construal.

A. The provisions of this article shall not be construed to affect, alter or repeal any provision of the Workers' Compensation Law.

B. This article shall not in any way affect the obligation of any claimant to give notice to the Village under any provision of law.

C. 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.

D. 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 Village 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.

§ 130-13. Liability insurance.

The Board of Trustees may, by resolution, undertake to purchase liability insurance for its officers and employees for acts within the purview of this article.

§ 130-14. Applicability; when effective.

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

B. This article shall become effective immediately upon filing with the Secretary of State.

§ 130-15. Village liable for costs; additional benefits. [Added 2-8-1982 by L.L. No. 2-1982]

Pursuant to the provisions of § 18 of the Public Officers Law, the Incorporated Village of Freeport hereby agrees to be held liable for costs incurred under the provisions of said section, by conferring upon the officers and employees of the Incorporated Village of Freeport the benefits of § 18 of the Public Officers Law. Such benefits shall supplement and shall be available in addition to the defense or indemnification protection conferred by §§ 130-5 through 130-14 of the Code of the Incorporated Village of Freeport.

Chapter 133

JUNK DEALERS

ARTICLE I
Junk Businesses

§ 133-1. License required.
§ 133-2. Application for license.
§ 133-3. License fee.

ARTICLE II
Automobile Wrecking

§ 133-4. New businesses prohibited.
§ 133-5. License required.
§ 133-6. License fee; expiration.
§ 133-7. Interpretation.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 by Art. II of Ch. 14 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
Junk Businesses

§ 133-1. License required.

No person shall engage in the business commonly known as the junk business or in buying or gathering in the streets or public places of the Village or offering to buy or gather any personal property or articles of merchandise commonly referred to as junk without first obtaining an annual license therefor.

§ 133-2. Application for license.

In addition to the information required of an applicant under the provisions of § 138-2, every applicant hereunder shall set forth, in a sworn statement, the following details:

A. Location of premises. The exact location where he will store the junk he accumulates.

B. Vehicle identification. The number, year of manufacture, model and license number of the vehicle in which he proposes to make his collections of junk.

C. Location of vehicles. The place where such vehicles are regularly stored or garaged.

§ 133-3. License fee. [Amended 2-26-1990 by L.L. No. 18-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a junk business license or a renewal thereof.

ARTICLE II
Automobile Wrecking

§ 133-4. New businesses prohibited.

Hereafter, except such as are now lawfully engaged therein, it shall not be lawful for any individual, corporation or association to engage in or operate the business commonly known as automobile wrecking for the sale or storage of wrecked automobiles or of used, junked or salvaged parts and accessories to such automobiles.

§ 133-5. License required.

Any individual, corporation or association now lawfully engaged in such business in the Village shall first procure an annual license therefor as hereinafter provided.

§ 133-6. License fee; expiration.

A. Such license shall be issued by the Village Clerk after the filing of an application therefor and the approval of the Board of Trustees. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for an automobile wrecking license or a renewal thereof. **[Amended 2-26-1990 by L.L. No. 19-1990]**

B. Such license shall be valid for one year, in accordance with § 138-4, unless revoked for fraud or misrepresentation in the procuring thereof or for violation of this section.

§ 133-7. Interpretation.

A. Effect on Zoning Ordinance and Building Code. Nothing herein contained shall be construed as in any wise amending or limiting the provisions of the ordinance of the Village commonly known as the Zoning Ordinance and the Building Code, or either of them.[1]

B. Effect on automobile businesses. Nothing herein contained shall be construed as limiting or abridging the business of buying, selling or exchanging such automobiles or the storage or exposition thereof in open lots or yards where the same are not wrecked or acquired for the purpose of selling parts thereof or accessories thereto.

1. **Editor's Note: See Ch. 86, Building Construction, and Ch. 210, Zoning.**

Chapter 134

LANDMARKS PRESERVATION

ARTICLE I
Purpose and Policy

§ 134-1. Findings of fact; declaration of purpose.

ARTICLE II
Word Usage

§ 134-2. Definitions.

ARTICLE III
Landmarks Preservation Commission

§ 134-3. Commission created.
§ 134-4. Powers and duties.
§ 134-5. Officers.
§ 134-6. Quorum.

ARTICLE IV
Designation of Landmarks

§ 134-7. Application for designation.
§ 134-8. Permits not to be issued for proposed landmarks; designation on Map.

ARTICLE V
Exemption From Taxes

§ 134-9. Terms and procedure for exemption.
§ 134-10. (Reserved)

ARTICLE VI
Regulations of Construction

§ 134-11. Construction, alterations and repairs.

ARTICLE VII
Identification of Landmarks; Severability; Penalties

§ 134-12. Identification of landmarks, landmark sites and Historic Districts.
§ 134-13. Severability.
§ 134-14. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 6-24-1985 by L.L. No. 3-1985. Amendments noted where applicable.]

ARTICLE I
Purpose and Policy

§ 134-1. Findings of fact; declaration of purpose.

A. The Board of Trustees of the Incorporated Village of Freeport hereby finds that:

(1) There exists in the Incorporated Village of Freeport places, sites, structures and buildings of special historic significance or which, by reason of famous events, the antiquity or uniqueness of architectural construction and design are of particular significance to the heritage of our Village.

(2) The conservation, protection and preservation of such places, sites, structures and buildings is a public necessity and will promote the public health, safety and general welfare.

B. Now, therefore, the Board of Trustees of the Incorporated Village of Freeport hereby declares that the purpose of this chapter is to accomplish the conservation, protection and preservation of such places, sites, structures and buildings.

ARTICLE II
Word Usage

§ 134-2. Definitions.

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

ALTERATION — Any act or process which changes one or more of the exterior architectural features of a structure designated as a landmark or any structure or building in an Historic District.

BUILDING — A structure wholly or partially enclosed within exterior walls, or within exterior or party walls and a roof, affording shelter to persons, animals or property.

EXTERIOR ARCHITECTURAL FEATURES — The architectural style, design, general arrangement and components of all of the outer surfaces of any building or structure, including but not limited to the kind, color and texture of the building material, and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to said building or structure.

HISTORIC DISTRICT — Any area which contains places, sites, structures or buildings which have a special character and ambiance or historical value or aesthetic interest and which represent one or more periods or styles of architecture of an era of history and which causes such area to constitute a distinct section of the Village.

LANDMARK — Any place, structure or building of historical value or aesthetic interest by reason of its antiquity or uniqueness of architectural design or as part of the development, heritage or cultural characteristics of the Village, town, county, state or nation.

LANDMARK AND HISTORIC DISTRICT MAP — A map to be prepared and maintained by the Department of Buildings, identifying the location of all landmarks, landmark sites and Historic Districts.

LANDMARK SITE — A parcel or part thereof on which is situated a landmark, and any abutting parcel or part thereof constituting part of the premises on which the landmark is situated.

STRUCTURE — Any assembly of materials, forming a construction framed of component structural parts for occupancy or use, including buildings.

STYLES OF ARCHITECTURE — A style recognized by any one of the following organizations:

The National Register of Historic Places

Historic American Buildings Survey
Historic American Engineering Record
United States Department of the Interior
National Park Service
Division for Historic Preservation
New York State Office of Parks and Recreation
Nassau County Museum
National Trust for Historic Preservation
Society of Architectural Historians

ARTICLE III
Landmarks Preservation Commission

§ 134-3. Commission created.

A. There is hereby created a Landmarks Preservation Commission which shall consist of nine members, eight of whom shall be appointed by the Board of Trustees.

B. Among the membership, there shall be one member of the American Institute of Architects or equivalent, one architectural historian, the Superintendent of Buildings, who shall be a permanent member of the Commission, one member of the New York State Bar and five residents of the Incorporated Village of Freeport.

C. Except in the case of the Superintendent of Buildings, members are to be appointed for terms of three years; provided, however, that of those members first taking office, three shall be appointed for one year, three for two years and two for three years. Members may serve for more than one term, and each member shall serve until the appointment of a successor.

D. In the event of a vacancy occurring during the term of a member of the Landmarks Preservation Commission, the Board of Trustees shall make an appointment to complete the unexpired term of such member, and where such member is required to have specified qualifications, such vacancy shall be filled by appointment in the manner herein prescribed with a person having the same qualifications.

E. The members of the Commission shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties in consequence of Board of Trustees appropriation for such purposes.

§ 134-4. Powers and duties.

A. The Landmarks Preservation Commission shall have the powers and duties granted by the articles of this chapter.

B. In addition, the Landmarks Preservation Commission shall have the power to retain consultants, including but not limited to technical experts, engineers, architects and historians to advise in the preparation of any plans or projects, or to render assistance

and advice in connection with any project, to fulfill the duties of the Landmarks Preservation Commission. Any contract to retain such consultants which involves the expenditure of Village funds shall be subject to the approval of the Board of Trustees.

C. In addition to the foregoing, the Landmarks Preservation Commission shall have the power to prescribe reasonable rules, regulations and procedures for the form, content and processing of applications and the information and documentation required for such processing, provided that they are not inconsistent with the provisions of this chapter.

§ 134-5. Officers.

The Mayor shall designate one of the members of the Landmarks Preservation Commission, but not the Superintendent of Buildings, to serve as Chairman for a period of three years. The Superintendent of Buildings shall serve as Executive Secretary of the Landmarks Preservation Commission. The Commission may elect a Vice Chairman from among the remaining seven members of the Landmarks Preservation Commission, who shall serve for a period of one year and who shall act as Chairman in the absence, illness, incapacity, death or resignation of the Chairman and until such time as the Mayor shall designate a new Chairman.

§ 134-6. Quorum. [Amended 4-25-1988 by L.L. No. 1-1988; 6-16-2014 by L.L. No. 3-2014]

A majority of the members of the Landmarks Preservation Commission shall constitute a quorum for the transaction of its business or the performance of its functions, and the concurring vote of a majority. of the members of the Landmarks Preservation Commission shall be necessary for the adoption of any recommendation, motions or other acts of the Landmarks Preservation Commission. Failure to obtain a majority of the Commission shall cause a denial of the recommendation, motion or other act presented.

ARTICLE IV
Designation of Landmarks

§ 134-7. Application for designation.

A. Any person may request the designation of a landmark, landmark site or Historic District by submitting to the Landmarks Preservation Commission an application for such designation on a form furnished by the Landmarks Preservation Commission. In addition, the Landmarks Preservation Commission may, on its own motion, initiate proceedings for the designation of a landmark, landmark site or Historic District. All applications shall be filed with the Superintendent of Buildings as Executive Secretary of the Commission. No fee shall be charged for filing said application.

B. In the event that the Landmarks Preservation Commission receives an application or decides to initiate proceedings on its own motion for designation, written notice that such application is being entertained shall be given by the Commission to the owner or owners of the parcel or parcels on which the proposed landmark, landmark site or Historic District is situated, if different from the applicant, within 30 days after the receipt of the application, or initiation of the proceeding by the Commission, by

registered or certified mail, return receipt requested, mailed to said owner or owners, if different from the applicant, at their actual place of residence, last known residence or mailing address, based on records kept in the regular course of business by the Village Clerk, the Assessor of Taxes of the Village or by the Electric, Water or Building Departments of the Village. Said notice shall also be given to the owners of all real property located within 250 feet of the exterior boundary lines of the subject parcel(s) in the same manner. Said owner or owners shall have the right to confer with and to submit written comments to the Landmarks Preservation Commission prior to final action by said Commission on the application.

C. The Landmarks Preservation Commission shall either approve or disapprove an application within 30 days after the receipt of the application or initiation of the proceeding by the Preservation Commission, or within 30 days after the date of postmark of the written notice sent to the owner or owners of the parcel, if different from the applicant, as required by Subdivision B of this section, whichever occurs later. The approval may limit itself to the designation or establishment of the proposed Historic District, the designation of a landmark or landmark site as described in the application, or may include modifications thereof. In addition, if the Commission receives an application which it deems incomplete or lacking in sufficient information or documentation, it shall so notify the applicant in writing by ordinary mail in the same manner prescribed in Subdivision B of this section. Said notification shall have the effect of extending the time for the completion of the application process; and the applicant then shall have an additional 14 days from the date of postmark of the notice to file said information or documentation with the Commission. No more than two such extensions shall be granted to an applicant by the Commission for a particular application.

D. Whether or not such extensions are sought and granted, if the Landmarks Preservation Commission disapproves the application, the proceedings with regard to the proposed Historic District, landmark or landmark site shall terminate, unless the applicant or the owner or owners of the subject parcel or parcels, if different from the applicant, shall request a public hearing by the Board of Trustees. In the event that the Commission renders no decision within said thirty-day period, the application shall be deemed disapproved. No application shall be renewed for a period of one year from the date of initial filing. All applications, whether approved or disapproved, shall immediately be filed with the Clerk of the Board of Trustees, and notice of such approval or disapproval shall be mailed by the Village Clerk to the applicant and to the owner or owners of the subject property, if different from the applicant, in the manner prescribed in Subsection B of this section. The applicant or owner shall then have 10 days from the date of postmark of said notice of disapproval or, in the case of an application deemed disapproved, 10 days from the date of expiration of said thirty-day period to file a written request with the Village Clerk for a public hearing by the Board of Trustees.

E. Within 30 days of the date of the filing of such approved application or within 30 days of the date of filing of a request for a public hearing in the event of a disapproval, the Board of Trustees shall call a public hearing on the application, whether approved or disapproved by the Landmarks Preservation Commission. Such hearing shall be advertised in a newspaper of general circulation in the Village in the manner prescribed by law for the holding of public hearings; and notice thereof shall be served by

registered or certified mail, return receipt requested, postmarked at least 14 days prior to the date of the public hearing upon the applicant and upon the owner or owners of the proposed landmark or landmark site, if different from the applicant, or upon the owner or owners of the properties within the proposed historic district, if different from the applicant, and to the owner or owners of all property located within 250 feet of the exterior boundary lines of the subject place, site, structure or Historic District, in the manner prescribed in Subsection B of this section.

F. The Board of Trustees shall either approve or deny said application within 30 days of the holding of said hearing and shall direct the Village Clerk, as Clerk of the Board, to notify the Superintendent of Buildings and the Landmarks Preservation Commission, by memorandum, and the applicant and the owner or owners of the subject property, if different from the applicant, of its decision by registered or certified mail in the manner prescribed in Subsection B of this section. If the Board of Trustees approves an application, the Village Clerk shall also notify the Village Treasurer and the Assessor of Taxes of the Village.

G. The determination of the Board of Trustees to approve or deny an application shall be final and is subject to judicial review in accordance with the provisions of Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 134-8. Permits not to be issued for proposed landmarks; designation on Map.

A. Upon receipt of notice that the Landmarks Preservation Commission is considering a place, site, structure or building for designation as a landmark or landmark site or as part of an Historic District, the Superintendent of Buildings shall not issue any permit for the demolition, alteration or improvement of said place, site, structure or building for a period of 180 days, unless, prior to the expiration of said period, there is a final determination by the Board of Trustees that said place, site, structure or building has not qualified as a landmark or landmark site or as part of an Historic District. If within said period the Board of Trustees shall have designated the property in question as a landmark or landmark site or as part of an Historic District, no building permit shall be issued except pursuant to Article VI of this chapter.

B. Upon notification that the Board of Trustees has designated a landmark, a landmark site or Historic District, the Superintendent of Buildings shall immediately cause such property to be so designated on the Landmark and Historic District Map.

ARTICLE V
Exemption From Taxes
[Added 10-25-1999 by L.L. No. 13-1999[1]]

§ 134-9. Terms and procedure for exemption.

A. Landmark property shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

1. **Editor's Note: This local law repealed former Art. V, Reimbursement of Taxes.**

Year of Exemption	Percent of Exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

B. No such exemption shall be granted for such alterations or rehabilitation unless:

(1) Such property has been designated as a landmark, or is property that contributes to the character of an historic district, pursuant to the provisions of this chapter; and

(2) Alterations or rehabilitation to said property are made for means of historic preservation; and

(3) Such alterations or rehabilitation of historic property meet guidelines and review standards set forth within § 134-11 herein; and

(4) Such alterations or rehabilitation of historic property are approved by the Village's Landmarks Preservation Commission prior to the commencement of work; and

(5) Alterations or rehabilitation are commenced subsequent to the effective date of this article.

C. Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the State Board. The application shall be filed with the Village Assessor on or before the appropriate tax status date for the Village of Freeport.

D. Such exemption shall be granted where the Village Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The Village Assessor shall approve such application, and such property 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 Village of Freeport's taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

§ 134-10. (Reserved)

ARTICLE VI
Regulations of Construction

§ 134-11. Construction, alterations and repairs.

A. No structure, site, place or building designated as a landmark or landmark site appearing on the Landmark and Historic District Map and the Official Zoning Map of the area in which the landmark or landmark site is located, and no structure, site, place, building or real property which is located within the boundaries of an Historic District shall be constructed, altered, repaired, moved or demolished except in compliance with the requirements set forth in this article.

B. The Landmarks Preservation Commission shall review all plans for the moving, exterior construction, alteration or repair, landscaping or demolition of places, sites, structures or buildings designated as landmarks or landmark sites and all places, sites, structures or buildings which are located within the boundaries of an Historic District.

(1) It shall be the duty of the Landmarks Preservation Commission to review such plans before a building permit for the proposed activity is granted by the Superintendent of Buildings.

(2) The Landmarks Preservation Commission shall review plans relating only to the exterior features of a structure or building, which are visible from the public way, and shall have no jurisdiction to consider interior walls, arrangements or structures.

(3) In reviewing the plans, the Landmarks Preservation Commission shall give consideration to:

(a) The historical and architectural value and significance of the building or structure and its relationship to the historic and architectural value of the surrounding area.

(b) The general appropriateness of proposed exterior design, colors, arrangement, texture and materials.

(c) Any other factors relating to aesthetic considerations which the Landmarks Preservation Commission deems pertinent to the benefit of the Village and to the historic significance of the structure or building and surrounding area.

C. Alterations, repairs and additions to buildings or structures which are located within the boundaries of an Historic District or which are designated as landmarks shall be made consistent with the materials and styles of the particular architectural period of which said building or structure is characteristic.

D. New construction shall be consistent with the architectural styles of historic value in the Historic District. However, the Landmarks Preservation Commission may approve the construction of buildings or structures which have a dissimilar architectural style to that

of the Historic District if said Commission deems it proper that the new construction will be in the best interests of the Historic District.

E. Moving of buildings or structures designated as landmarks or which are located within the boundaries of an Historic District may be allowed as an alternative to demolition.

F. Procedure for the review of plans.

(1) Applications for a building permit to construct, alter, repair, move or demolish any place, site, structure or building designated as a landmark or any place, site, structure or building, located within the boundaries of an Historic District shall be made to the Superintendent of Buildings pursuant to the Code of the Village of Freeport or other applicable law, except as otherwise provided hereafter. The application shall state that the property is a landmark and/or is located within the boundaries of an Historic District. Plans shall be submitted showing the structure or building in question and also giving its relation to adjacent structures or buildings and the construction, alteration, repair, moving or demolition sought to be accomplished.

(2) The Superintendent of Buildings shall then transmit the application and the plans to the Landmarks Preservation Commission.

(3) The Landmarks Preservation Commission shall then review the plans according to the provisions of this chapter. In reviewing the plans, the Landmarks Preservation Commission may confer with the applicant or his (her) authorized representative concerning the building permit.

(4) Notwithstanding any other provisions of this chapter, if the applicant establishes to the satisfaction of the Commission that there is unnecessary hardship in the strict application of the provisions of this article:

(a) A notice to proceed will be granted if the applicant provides proof that the following facts and conditions exist:

[1] The land or improvement in question cannot yield a reasonable return if the proposed construction, removal, alteration or demolition is not permitted; or

[2] Unique circumstances.

[a] That the hardship of the applicant is due to unique circumstances;

[b] The proposed alteration, construction, removal or demolition will not alter the essential character of the area; and

[c] The hardship is the result of the application of this chapter and is not the result of any act or omission by the applicant.

(b) Any relief granted shall be in conformance with the objectives of this chapter.

(5) The Landmarks Preservation Commission shall approve, modify and approve or disapprove such plans within 60 days after receiving the application and said

plans and shall transmit a record of its proceedings and findings to the Superintendent of Buildings and the applicant. If the Commission fails to act within 60 days of receipt of the application, the application shall be deemed to have been approved by the Commission.

(6) The Superintendent of Buildings shall not grant a building permit until such time that an application has been approved by the Landmarks Preservation Commission or 60 days have elapsed from the date the application is received by the Commission, whichever occurs sooner.

(7) Nothing in this article shall be construed to prevent ordinary maintenance or repair with like materials of similar quality and color of any place, site, structure or building designated as a landmark or landmark site or any property which is located within the boundaries of an Historic District.

(8) This chapter shall not apply in any case where the Superintendent of Buildings or any authorized Village enforcement agency orders or directs the construction, removal, alteration or demolition of any improvement on a landmark site or in an Historic District for the purpose of remedying conditions determined to be unsafe or dangerous to the life, health or property of any person.

ARTICLE VII
Identification of Landmarks; Severability; Penalties

§ 134-12. Identification of landmarks, landmark sites and Historic Districts.

The Superintendent of Buildings shall be responsible for appropriate public identification of areas designated as landmarks, landmark sites and Historic Districts on the Landmark and Historic District Map. The Landmarks Preservation Commission must approve the size, style, color, typography, material of construction and wording of all privately owned signs identifying landmarks, landmark sites and properties within Historic Districts, prior to installation, consistent with the provisions of Article VI.

§ 134-13. Severability.

If any provisions of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

§ 134-14. Penalties for offenses.

A. A violation of this chapter shall be punishable by a fine not exceeding $1,000 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. The imposition of the penalties in this article shall not preclude the Village Attorney from instituting any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, demolition, alteration, repair, conversion, maintenance or

use or to enjoin, restrain, correct or abate a violation or to prevent an illegal act, conduct of business or use in or about any premises designated as either a landmark, landmark site or contained within an area designated an Historic District.

Chapter 136

LAUNDROMATS

§ 136-1. Legislative intent.
§ 136-2. Definitions.
§ 136-3. Sign required.
§ 136-4. Posting of sign.
§ 136-5. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 3-26-1984 by L.L. No. 1-1984. Amendments noted where applicable.]

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§ 136-1. Legislative intent.

In order to achieve a more satisfactory method of customer service, the Village Board hereby requires self-service laundromats and coin-operated laundries to post signs containing price and refund information.

§ 136-2. Definitions.

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

PERSON — Any individual, firm, partnership, corporation, association, company or organization of any kind.

SELF-SERVICE LAUNDROMATS or COIN-OPERATED LAUNDRIES — Include all laundromats and any apartment building with two or more washing machines or clothes dryers which are activated by the insertion of one or more coins.

§ 136-3. Sign required.

All self-service laundromats and coin-operated laundries shall be required to post a sign with dimensions no less than 24 inches by 36 inches. This sign shall list the owner's name and address and shall give the price for the use of the washer and dryer, the cycle time per unit of payment and information for the method of refund if the coins are lost in the machines, including a telephone number and address to contact for refunds. Information for the method of obtaining a refund shall read as follows: "If the coins are lost in the coin receptacle of the washer or dryer, contact (insert the name, address and telephone number of the owner or a person designated by the owner of the self-service laundromat or coin-operated laundry to contact for a refund)."

§ 136-4. Posting of sign.

The sign described in § 136-3 shall be prominently displayed in a clearly visible area of the self-service laundromat.

§ 136-5. Penalties for offenses.

A. Any person committing an offense against this chapter or any section or provision thereof shall be guilty of a violation punishable by a fine not exceeding $1,000 or by imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Each day (twenty-four-hour period) that such offense shall continue shall constitute a separate additional violation.

Chapter 138

LICENSING OF BUSINESSES

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§ 138-3. Bond requirements.
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§ 138-6. Application to Board of Trustees.
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§ 138-36. Enforcement.
§ 138-37. Severability.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 16 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I

General Licensing Requirements

§ 138-1. When license required.

Whenever in any ordinance it is provided that a license be obtained before engaging upon any act or in any specified business, trade or occupation or before providing services for payment or hire for the convenience, comfort or entertainment of others or for any other designated purpose, it shall be a violation hereof for any person to engage upon or undertake any activity or enterprise thus specified until a license has been issued to him in compliance with the provisions of this article and of any other applicable ordinance.

§ 138-2. Application for license.

Except as otherwise specifically provided, every applicant for a license shall file a statement with the Village Clerk, which statement shall be signed and sworn to by the applicant in person if an individual, by all partners if a partnership and by the president or duly authorized officer if a corporation, showing:

A. Name. The name of the applicant.

B. Business address. His business address.

C. Home address. His home address if he is a natural person.

D. Age. If his age is 21 years or less and if less, his precise age.

E. Purpose. The precise purpose for which the license is sought.

F. Location of licensed premises. The place within the Village where the licensee will engage in the licensed activity or enterprise.

G. Criminal history. Whether or not the applicant or, in the case of a corporation, whether any officer or director thereof has been convicted of a crime or violation of any ordinance of the Village and, if so, the nature of such offense and the penalty assessed therefor.

H. Credentials from principal. Satisfactory credentials from his principal if the applicant is to act as an agent.

I. References. References or letters of recommendation by at least three reputable businessmen or property owners of the Village such as will establish, to the satisfaction of the Mayor, the good character and business responsibility of the applicant.

J. Other data. Any other data necessary to meet the requirements of any ordinance by provisions of which the license sought is required.

§ 138-3. Bond requirements.

Whenever, by the terms of any ordinance, a bond is required to protect the Village or any other person against loss because of the fault or default of a licensee, no license shall be

issued until a bond in the full amount specified and in form approved by the Village Counsel has been filed with the Village Clerk and the fact of its filing, the amount of its coverage and the date of its expiration has been noted on the license.

§ 138-4. Expiration of license. [Amended 11-26-1973]

All licenses issued on an annual basis shall expire on the 31st day of July of each year unless a different expiration date is set forth in a specific section of this Code. The precise date of expiration shall be clearly marked upon each temporary license.

§ 138-5. Issuance or denial of license.

All licenses shall be issued by the Mayor to such persons as he shall deem fit and proper upon an evaluation of their qualifications and upon compliance of the applicant with the provisions of this article or any other applicable ordinance; however, licenses for circuses, theaters or other exhibitions or performances, the keeping of billiard or poolrooms, bowling alleys, shooting galleries and other similar places of amusements for money or hire or the giving of exhibitions, performances or entertainments at any place within the Village or the use of mechanically operated amusement devices shall be refused when, in the judgment of the Mayor, they shall be likely to disturb the peace and order of the Village or be immoral or improper.

§ 138-6. Application to Board of Trustees.

Any applicant who has been refused a license by the Mayor may apply for its issuance to the Board of Trustees at a meeting thereof, and the same may be granted or refused by the Board.

§ 138-7. Signing and record of licenses.

Every license issued shall be signed by the Mayor and countersigned by the Village Clerk, who shall keep a record thereof and the amount of fee to be paid therefor.

§ 138-8. Payment of license fee.

No license shall be effective until the fee therefor, as established by the Board of Trustees, shall have been paid to the Treasurer, who shall endorse his receipt of the fee upon each license which is presented to him properly signed and countersigned and accompanied by the amount of the fee.

§ 138-9. Cause for revocation.

Any license issued pursuant to the provisions of this article or any other ordinance may be revoked by the Mayor, after notice and hearing, for any of the following causes:

A. Fraud or false statement in the application for the license.

B. Fraud or false statement in connection with the carrying out of the business, activity or enterprise for which the license was issued.

C. Any violation of a term of this article or of any other ordinance under whose provisions the license was issued.

D. Conviction of the licensee of any crime.

E. Carrying out the licensed business, enterprise or activity in an unlawful manner or in such a way as to breach the peace or constitute a menace to the health, safety or general welfare of the public.

F. Carrying out the licensed business, enterprise or activity in such manner that the same disturbs the peace and quiet of the neighborhood.

G. Any transfer or assignment of the license to any person, except upon written consent of the Mayor, upon due application and the presentation of information concerning the proposed transferee's qualifications, similar to those furnished by the original applicant.

§ 138-10. License renewal.

Unless specifically provided otherwise, any license duly issued may be renewed upon application by the licensee and accompanied by the appropriate fee and a continuance or renewal of bonds as provided in § 138-3 hereof.

§ 138-11. Display of license.

Every person to whom a license or permit has been issued shall have the same with him at the site or place at all times when the business or act licensed is being performed and available for inspection by a police officer or any other authorized person.

ARTICLE II
Auctioneers

§ 138-12. License required.

No person shall engage in business as an auctioneer or conduct an auction in the Village without first obtaining a license therefor.

§ 138-13. License fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Basic fee. A basic annual fee as set from time to time by resolution of the Board of Trustees is required as a condition precedent to the granting of an auctioneer's license.

B. Additional fee. A fee as set from time to time by resolution of the Board of Trustees, in addition to the basic fee, shall be due and payable for each and every day during which a licensed auctioneer conducts an auction or acts as an auctioneer. Such payment shall

be made to the Treasurer on or before the next business day following such auction at his office in the Municipal Building.

§ 138-14. Fee for license for certain sales. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

In any sale by virtue of the foreclosure of a chattel mortgage, conditional sales contract or lien of any kind or sale by order of a creditors' committee, instead of the fee prescribed in § 138-13B, a fee as set from time to time by resolution of the Board of Trustees shall be required with payment thereof to be made to the Village Treasurer within 24 hours following such sale.

§ 138-15. Sales exempt from fee provisions.

Sections 138-12 and 138-13 of this article notwithstanding, no fee shall be required to be paid for a permit to conduct an auction directed to be held within the Village by the order of any court of competent jurisdiction or for a permit to a church or charitable, veterans, fraternal or religious organization to conduct an auction, the proceeds of which are to be devoted solely to the purposes of such organization.

ARTICLE III
Special Sales

§ 138-16. Definitions.

The following words and terms, as used in this article, shall be deemed to mean and be construed as follows:

LICENSE — A license issued pursuant to this article.

LICENSEE — Any person to whom a license has been issued pursuant to this article.

PUBLISHED, PUBLISHING, ADVERTISEMENT, ADVERTISING — Any and all means of conveying notice of a sale or notice of intention to conduct a sale to the public, whether by word of mouth, by newspaper advertisement, by magazine advertisement, by handbill, by written notice, by printed notice, by printed display, by billboard display, by poster or by radio announcement and any and all means oral, written or printed.

SALE — The sale or an offer to sell goods, wares and merchandise of any and all kinds and description on hand and in stock to the public in connection with a declared purpose, as set forth by advertising, on the part of the seller that such sale is anticipatory to the termination, closing, liquidation, revision, windup, discontinuance, conclusion or abandonment of the business in connection with such sale. It shall also include any sale advertised to be a fire sale, adjustment sale, creditor's sale, trustee's sale, liquidation sale, reorganization sale, alteration sale, executor's sale, administration sale, insolvent sale, insurance salvage sale, mortgage sale, assignee's sale, adjustor's sale, receiver's sale, loss-of-lease sale, wholesaler's closeout sale, creditors' committee sale, forced-out-of-business sale, removal sale and any and all sales advertised in such manner as to reasonably convey to the public that upon the disposal of the stock of goods on hand, the business will cease and be discontinued.

§ 138-17. License required.

No person shall hereafter publish, advertise, solicit for or conduct any sale of the type herein defined without a license therefor.

§ 138-18. Application for license; issuance.

A. Execution; contents. The application for license shall be made to the Mayor upon forms to be supplied to said applicant for that purpose and shall contain a statement subscribed to under oath or affirmation by the person, member of the firm or officer of the corporation applying for such license, which statement shall contain the following information:

(1) A description of the place where such sale is to be held.

(2) The nature of the occupancy, whether by lease or sublease, and the effective date of termination of such occupancy.

(3) The means to be employed in publishing such sale, together with the proposed language content in any advertisement.

(4) An itemized list of the goods, wares and merchandise to be offered for sale, the place where such stock was purchased or acquired and, if not purchased, the manner of such acquisition.

(5) Such application shall contain any additional information as the Mayor may require.

B. Action upon application. Upon receipt of such application and payment of the fee hereinafter prescribed, the Chairman of the Board of Police Commissioners shall cause the same to be examined and investigated. If, after such investigation, the Mayor is satisfied as to the truth of the statement contained in such application as to the form and content in connection with such sale, he may then issue a license permitting the publication and conduct of such sale. Such a license shall be for a period not to exceed 30 days, except that upon satisfactory proof by the licensee that the stock itemized in the original application has not been disposed of and no new stock has been added thereto, the Mayor may renew such license for an additional thirty-day period upon payment of the prescribed renewal fee.

§ 138-19. Procedure for renewal of license.

A. Application. Such license may be renewed for an additional thirty-day period upon payment of the prescribed renewal fee and the filing of an application therefor with the Mayor upon forms to be supplied to said applicant for such renewal and containing a statement subscribed to under oath or affirmation by the person, member of the firm or officer of the corporation applying for such renewal, which statement shall contain the following information:

(1) An itemized list of the goods, wares and merchandise remaining out of the stock listed in the original application which remains unsold.

(2) A statement that no additional merchandise is being offered for sale.

B. Action upon application. Upon receipt of such renewal application and payment of the fee hereinafter prescribed, the Chairman of the Board of Police Commissioners shall cause the same to be examined and investigated. If, after such investigation and report, the Mayor is satisfied as to the truth of the statement contained in such renewal application, he may then issue a renewal license for an additional thirty-day period.

§ 138-20. License fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Upon filing an original application or a renewal application for a license to advertise and conduct a sale or special sale as hereinbefore defined, the applicant shall pay a license fee as set from time to time by resolution of the Board of Trustees.

§ 138-21. Suspension or revocation of license.

The Mayor shall have the power to suspend and revoke any license or renewal thereof granted in accordance with this article at any time.

§ 138-22. Display of license; sales and stock records.

Upon commencement of any sale as hereinbefore defined, the license issued shall be prominently displayed near the entrance to the premises. A duplicate original of the application and stock list, pursuant to which such license was issued, shall at all times be available to the Chairman of the Board of Police Commissioners or his representative, and the licensee shall permit an inspection of all merchandise in the premises. Suitable books and records shall be kept by the licensee and shall be available for inspection at all times. In the course of business each day, the stock list attached to the application shall be revised, and those goods disposed of during such day shall be so removed therefrom, and no goods shall be added to said list.

§ 138-23. Exemptions.

The provisions of this article shall not apply to or affect the following persons:

A. Persons acting pursuant to an order or process of a court of competent jurisdiction.

B. Persons acting in accordance with powers and duties as public officers, such as sheriffs and constables.

C. Persons conducting bankruptcy sales.

ARTICLE IV

Gardeners and Landscapers

[Added 2-5-2001 by L.L. No. 1-2001]

§ 138-24. Scope and purpose.

It is the finding of the Board of Trustees that the provisions of this article are necessary and desirable to regulate and control the enterprise of commercial landscape gardening or groundskeeping activities and services which pose a potential or actual risk of noise, odors or other nuisance or which might otherwise impair or disturb the public health, safety, peace, welfare and good order of the community. It is the intention of this article to license certain persons engaged routinely in the trade or occupation of commercial landscape gardening and to limit, regulate or prohibit related activities by any person which, if left unregulated, would tend to create or encourage public or private nuisances, noise or other environmental pollution or disturbance of the public peace and order.

§ 138-25. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed:

COMMERCIAL LANDSCAPE GARDENING — The business or trade of rendering any landscaping, gardening, lawn maintenance service business or groundskeeping services, as defined herein, either as principal independent contractor or through an agent or employee, for a fee, charge or other compensation, to or for the benefit of any owner, tenant or occupant of lands, grounds or buildings, including but not limited to lawn maintenance services.

GARDENING — The filling, sowing, cultivation, trimming, fertilization, pruning, cutting, shaping, treatment, spraying or other maintenance and care of any lawn, tree, flower, sod, shrub, bush, plant or other flora on any lot, plot or parcel of land.

GROUNDSKEEPING — The cleaning of any lot, plot or parcel of land by means of gathering and removing weeds or any fallen, diseased, dead or discarded tree limbs, branches, brush, leaves, grass or lawn clippings, fruit or flower waste or other plant waste and any litter, dirt, debris, rubbish or other refuse or waste present or engendered on or about the premises.

LANDSCAPING — The planting, arranging, placing or removal of any lawns, sod, trees, flowers, shrubs, bushes or other flora on any lot, plot or parcel of land for a planned design or purpose or to achieve some aesthetic effect.

PERSON — Includes any individual, firm, partnership, corporation or business of any form, style or nature.

PUBLIC HIGHWAY — Includes any street open to the public for its full width from property line to property line, including the sidewalk area, whether or not installed,

PUBLIC PROPERTY — Includes any real property owned by the Village of Freeport.

§ 138-26. Authority to grant licenses.

A. The Village Clerk shall have the authority to grant the license and vehicle permit required by this article.

(1) License and/or necessary vehicle permit applications under this article shall be submitted to the Village Clerk and, except as otherwise required by the provisions of this article, shall comply with the requirements of the application supplied by said Clerk.

(2) The Board of Trustees, by resolution, shall adopt, and from time to time may amend, a schedule of fees for the processing, administration and issuance of licenses and permits, and any reinstatement or renewals thereof, pursuant to this article.

(3) All licenses and permits issued pursuant to this article shall expire on the last day of February of each year.

B. Any person who submits an application for either a license or a vehicle permit at least 30 days before the license or vehicle permit is either required or is due to expire shall be deemed to have said license vehicle permit until such time as the Village Clerk either grants or denies the application.

§ 138-27. Application for license.

License applications under this article shall be submitted to the Village Clerk pursuant to the provisions of this article and shall include the following:

A. A certification by the applicant that no commercial vehicles will be parked or garaged within the Village during nonbusiness hours, or if the vehicle will be parked or garaged within the Village during nonbusiness hours, proof that the commercial vehicle will be parked or garaged in a manner that does not violate the Village Code or parking regulations.

B. A statement that the operation of the commercial landscape gardening business shall be in strict accordance with the Incorporated Village of Freeport Noise Control Law, Chapter 155, Article III, of the Code of the Village of Freeport, § 155-15 et seq.

C. A statement that the commercial landscape gardening business is in compliance with, including, but not limited to, all federal, state and local laws, ordinances or regulations. The application shall be accompanied by a current copy of the applicant's Nassau County Department of Consumer Affairs license.

D. All other information which the Village Clerk deems appropriate.

E. Copies of registrations of all vehicles and trailers from the New York State Department of Motor Vehicles.

F. Photographs of all vehicles and trailers to be licensed depicting the information required by § 138-29B.

§ 138-28. Business license and vehicle permits required; exemptions.

A. Permit required.

(1) It shall be unlawful for any person to engage in or practice the trade or business of commercial landscape gardening within the corporate limits of the Incorporated Village of Freeport without having first obtained and having in full force and effect and affixed to each vehicle a license or vehicle permit and a license for such purpose, issued pursuant to the requirement of this article.

(2) Every truck, dump truck, van or other motor vehicle and every trailer, container or other towable device owned, leased or otherwise used by any person engaged in the trade or business of commercial landscape gardening, except those persons exempted under Subsection B, shall have an accessory vehicle permit, required by this article, firmly affixed to such vehicle or device at all times that such vehicle or device is located and used in the Village in the course of such trade or business.

B. Notwithstanding the provisions of Subsection A hereinabove, the following persons shall be exempt from the licensing requirements of such subsection:

(1) Any person engaged in such trade or business as the employee or agent of a person licensed under this article while the employee or agent is under the actual direction, supervision and control of his employer.

(2) Any person engaged in such trade or business or such person's actual employees or agents pursuant to a contract or subcontract for such services with any federal, state or local government agency or authority.

(3) Any person engaged in the rendering of landscaping, gardening, lawn maintenance service business or groundskeeping services pursuant to and within the scope of his duties and responsibilities as an employee of any governmental agency or authority or as the private employee of any owner, tenant or occupant of land solely while in or upon the lands owned, leased or occupied by his employer.

(4) Any person who renders or performs necessary or related landscaping, gardening, lawn maintenance service business or groundskeeping services incidental to the erection, construction, renovation, alteration or demolition of any building or structure pursuant to building permits, construction contracts or other regulations or requirements.

(5) Any person providing landscaping, gardening or groundskeeping services on a casual or part-time basis, cutting three or fewer lawns per week, provided that such person is under 19 years of age.

§ 138-29. Copies of license; information to be on vehicles.

A. A person licensed pursuant to this article shall at all times keep a copy of such license affixed to the vehicle or accessory vehicle and/or at the site at which such person is rendering any landscaping, gardening, lawn maintenance service business or

groundskeeping services and shall immediately produce such copy for inspection by any person lawfully requesting the production of the same, including but not limited to any peace or police officer and any inspector, official or the Village or other government agency or authority.

B. Every motor vehicle and towable device required to have a license or an accessory vehicle permit pursuant to this article shall also have the name, trade name or other business name of the permit holder, together with the business address and phone number of the same, plainly, legibly and conspicuously painted or imprinted in letters and figures each at least two inches in height and at least one inch in width on each side of every such motor vehicle and towable device whenever the same is located and used within the corporate limits of the Village.

§ 138-30. General regulations and restriction.

A. No person, whether or not licensed, required to be licensed or otherwise exempt from licensure under the provisions of this article shall:

(1) Commence or continue the performance of any landscaping, gardening or groundskeeping services between the hours of 9:00 p.m. and 8:00 a.m., prevailing time.

(2) Use any gas, diesel, electric or other machine or device which emits noise and fumes in the performance of any landscaping, gardening, lawn maintenance service business or groundskeeping services unless such device is affixed with a muffler and exhaust emissions control device manufactured and originally installed on such machine or device by the manufacturer or distributor of such equipment.

(3) Use any air blower or similar device to move, scatter, gather, disperse or place any dirt, soil, plant waste, leaves, lawn or grass clippings, litter, debris or other refuse of any kind in, on or upon any public street, sidewalk, waterways or other public place or in or upon the private lands or private property; and in any such event, all such materials shall immediately be gathered and placed in sealed receptacles designed and intended to hold the same and removed and disposed of at the cost and expense of the person performing such service or activity.

B. Any person applying pesticides within the Incorporated Village of Freeport shall, upon inquiry from a police officer, or any other person charged with the enforcement of this article, produce proof of New York State Department of Environmental Conservation certification. The enforcing officer shall file a report with the Department of Environmental Conservation which identifies the person found to be applying pesticides or herbicides without said certification, describing the date, time and location and the circumstances surrounding the alleged offense.

§ 138-31. Denial or revocation of business license or vehicle permits.

A. The Village Clerk may deny a license or accessory vehicle permit if the Clerk determines that:

(1) There is a materially false statement made in the application for said license and/or permit or a renewal thereof; or

(2) The applicant and/or license/permit holder has violated any provision of this article as indicated in § 138-32; or

(3) The applicant and/or license/permit holder has failed to make timely payment of any fee pursuant to § 138-26 or payment of any fine imposed pursuant to § 138-35; or **[Amended 3-26-2001 by L.L. No. 2-2001]**

(4) A license/permit fee paid by an applicant by check is dishonored; or

(5) Any person who has been convicted of any provision of this article, three or more times within any twenty-four-consecutive-month period.

§ 138-32. Revocation of license.

A. The Clerk of the Incorporated Village of Freeport may revoke any license issued under this article, upon the following:

(1) Two or more convictions of violating any provision of this article within a twenty-four-month period.

(2) Revocation or loss of a Nassau County Department of Consumer Affairs license.

(3) Three or more convictions of parking violations for licensed vehicles, within a twenty-four-month period.

B. Upon such notification, the Village Clerk shall send a written notification of revocation of a license or permit. Said notice shall be mailed by certified mail, return receipt requested, to the address indicated on the application. No revocation shall be effective until 30 days after said mailing.

C. The licensee or permittee may request a hearing on said revocation, in writing, to the Village Clerk. Said request shall be received in the Village Clerk' s office prior to the expiration of the thirty-day period in Subsection B above, or the revocation shall become effective. Said request shall stay any revocation, pending a hearing as provided for in § 138-33.

§ 138-33. Hearing upon denial or revocation of business license or vehicle permit.

Any person whose license/permit application, whether for initial issuance, reinstatement or renewal, has been denied, or whose license/permit has been revoked, in accordance with the provisions of this article may request a hearing before the Board of Trustees. A request for such a hearing shall be made by a person whose license/permit application has been denied, or whose license/permit has been revoked, in writing to the Village Clerk not more than 30 days after notice of such denial or revocation has been mailed by the Village Clerk to said applicant or license/permit holder. Said hearing shall be conducted by the Board of Trustees within 30 days of the filing of said appeal, unless for good cause shown said hearing is adjourned or rescheduled either at the request of the person appealing, or by the Board of Trustees on its own motion. At the hearing, the person shall be heard in his or her defense in

person or by counsel, and may offer evidence and testimony on his or her behalf. The licensee shall have the right to counsel, and to present witnesses on his behalf, and to cross-examine witnesses at said hearing. The person conducting the hearing may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents deemed pertinent to the hearing. Within 45 days of the close of the hearing, the Board of Trustees shall issue a determination either upholding in whole or in part, modifying or overruling the determination of the Village Clerk in denying or revoking said permit. Said determination shall be filed in the office of the Village Clerk and a copy mailed to the applicant by the Clerk. Said determination shall be deemed final for purposes of appeal and judicial review pursuant to Article 78 of the Civil Practice Law and Rules.

§ 138-34. Notices and determinations.

For the purpose of this article, all notices and determinations shall be sent by the Village Clerk in writing by ordinary first class mail to the applicant or permit holder at the address given by said person on the most recent application for a permit as submitted and updated by said person from time to time, and shall be deemed sent when the same are deposited in a post office or an official depository under the exclusive care and custody of the United States Postal Service within New York State.

§ 138-35. Penalties for offenses.

A. Each and every violation of the terms and provisions of this article shall constitute a violation of said terms as defined by the Penal Law of the State of New York and be punishable as such by a maximum fine of $1,000, a term of imprisonment not to exceed 15 days, or both such fine and imprisonment. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Each and every day (twenty-four-hour period) that such violation continues shall constitute a separate and distinct violation.

§ 138-36. Enforcement.

The terms and provisions of this article shall be enforceable by the Department of Buildings and the Freeport Police Department.

§ 138-37. Severability.

If any clause, sentence, paragraph, subparagraph, section, subsection, subdivision, article or part of this article 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, subparagraph, section, subdivision, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Chapter 142

LOST AND ABANDONED PROPERTY

ARTICLE I

Lost and Abandoned Property on Public Streets, Sidewalks, Municipal Parking Fields, and Municipal Property

§ 142-1. Definitions.

§ 142-2. Abandonment of certain property prohibited.

§ 142-3. Abandoned vehicles.

§ 142-4. Removal of abandoned property.

§ 142-5. Penalties for offenses.

§ 142-6. Notice regarding vehicles removed.

§ 142-7. Notices to owners of property.

§ 142-8. Redemption of property; fees.

§ 142-9. Sales of property at auction.

§ 142-10. Unsold property.

§ 142-11. Disposition of funds.

§ 142-12. Exception.

§ 142-13. Conversion of abandoned vehicles.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 8-18-2014 by L.L. No. 7-2014.[1] Amendments noted where applicable]

ARTICLE I

Lost and Abandoned Property on Public Streets, Sidewalks, Municipal Parking Fields, and Municipal Property

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)][2]

§ 142-1. Definitions.

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

PERSON — A natural person of either sex, corporations, partnerships, associations, joint-stock companies, societies and all other entities capable of being sued.

STREET — A street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert and crosswalk and every class of road, square or place used by the general public.

§ 142-2. Abandonment of certain property prohibited.

It shall be unlawful for any person, his agent or employee to leave or to suffer or permit to be left any vehicle, cart, wagon, box, barrel, bale of merchandise or other movable property, either owned by him or in his possession, custody or control, upon any street, sidewalk or municipal parking field or to erect or cause to be erected thereon any shed, building or other obstruction.

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1. **Editor's Note: This local law also repealed former Ch. 142, Lost and Abandoned Property, adopted 1-8-1963 by L.L. No. 1-1963, as amended.**

2. **Editor's Note: Chapter 142 was reorganized to add Article I and place all sections of chapter within said article at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 142-3. Abandoned vehicles.

A. It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to deposit or cause to be permitted to be deposited an abandoned, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer on any public street within the corporate limits of the Village of Freeport.

B. Any motor vehicle not exhibiting number plates as required by the Vehicle and Traffic Law of the State of New York shall be deemed to be in immediate violation of this chapter and will be subject to removal without notice. It shall be deemed a violation of this chapter if a motor vehicle remains parked for a period in excess of 48 hours after notice of violation has been posted on the motor vehicle.

§ 142-4. Removal of abandoned property.

The Freeport Police Department of the Village shall remove or cause to be removed any vehicle, cart, wagon, box, barrel, bale of merchandise or other movable property found upon any street, sidewalk or municipal parking field and shall take same or cause same to be taken to property or premises of the Village where same shall be held until redeemed or sold as hereinafter provided.

§ 142-5. Penalties for offenses.

Any person violating any of the provisions of this chapter shall be liable for a fine of:

A. For the first offense: $350 and/or 15 days in the Nassau County Correctional Center; and

B. For the second and all subsequent offenses: $750 and/or 15 days in the Nassau County Correctional Center.

§ 142-6. Notice regarding vehicles removed.

The Freeport Police Department shall notify, in writing, the Nassau County Police Department and the Commissioner of Motor Vehicles of the removal of any motor vehicle as hereinabove provided, and in the event that the Commissioner of Motor Vehicles declines to accept custody of such motor vehicle in accordance with § 424 of the Vehicle and Traffic Law of the State of New York, the same shall be disposed of as herein provided.

§ 142-7. Notices to owners of property.

Whenever the Freeport Police Department shall receive any property containing identification of ownership or right to possession, a notice shall be sent by registered mail to such person advising that such property is held by the Chief of Police and advising the amount necessary to redeem same.

§ 142-8. Redemption of property; fees.

Such property may be redeemed by the owner thereof at any time prior to the sale, dismantling, destruction or disposal thereof, and the owner shall be entitled to receive such property upon tendering, in the case of a motor vehicle, the sum of $250, plus the sum of $25 per day, commencing with the third day after the vehicle is removed to the date of redemption, and for all other property, the sum of $150. In addition, the person seeking to redeem shall be required to pay the cost of advertising the sale thereof, if any. No property shall be delivered to a person seeking to redeem unless proof is submitted establishing such person's ownership or right to possession to the satisfaction of the Freeport Police Department. 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 delivery is made is, in fact, not entitled thereto, the person to whom the same ought to have been made shall recover the same, with interest and costs, from the person to whom same shall have been delivered.

§ 142-9. Sales of property at auction.

Where any such property remains in the custody of the Chief of Police for a period of 15 days after removal and with respect to which no person has presented proof establishing such person's ownership or right to possession to the satisfaction of the Freeport Police Department as hereinabove provided, the Freeport Police Department shall give public notice in the official newspaper of the Village advising that at a specified place and time, not less than five days after such notice is published, such property will be sold at public auction for the best price he can obtain. A general description in such notice of the property to be sold shall be sufficient. Said sale shall be conducted by the Freeport Police Department or by any employee of his department designated by him or by an auctioneer designated by the Chief of Police.

§ 142-10. Unsold property.

In the event that said property shall remain unsold at public auction, the Freeport Police Department may reoffer said property for sale at a subsequent public auction held pursuant to this chapter or he may dismantle, destroy or otherwise sell or dispose of such property. Any such sale or other disposition of such property pursuant to this chapter shall be without liability on the part of the Village to the owner of such property or other person lawfully entitled thereto or having an interest therein.

§ 142-11. Disposition of funds.

Immediately after property is redeemed, the Freeport Police Department shall pay the amount received for redemption, costs and expenses of the article redeemed, together with an itemized statement thereof, to the Treasurer of the Village. Immediately after a sale or other disposition of such property, the Chief of Police shall pay the proceeds of sale or other disposition of such property, with an itemized statement of the article sold, the price received and the costs and expenses of sale to the Treasurer, and the treasurer shall retain and credit the general fund with so much of the proceeds as equals the costs and expenses of such sale, plus the sum of $250 for each motor vehicle sold and $150 for such other article sold to

cover the cost of removing and storing the property. The remainder of the moneys realized from such sales shall be paid without interest to the lawful owner thereof.

§ 142-12. Exception.

The provisions of this chapter shall not apply to any property which may come into the possession or custody of the Nassau County Police Department, which is retained by the Police Department and not delivered to the custody of the Freeport Police Department.

§ 142-13. Conversion of abandoned vehicles.

The Police Department is authorized to convert in any calendar year up to 1% of its unclaimed abandoned vehicles, but in no event more than two said vehicles in any calendar year, as authorized by § 1224 of the Vehicle and Traffic Law of the State of New York.

Chapter 145

(RESERVED)

[1]

1. **Editor's Note: Former Chapter 145, Mail Area Assessment District, of the 1979 Code, adopted 4-27-1987 by L.L. No. 2-1987, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 146

(RESERVED)

[1]

1. **Editor's Note: Former Chapter 146, Memorial and Independence Days, of the 1979 Code, as amended 4-17-1978 by L.L. No. 11-1978, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

Chapter 151

PAWNBROKERS

§ 151-1. License required.
§ 151-2. Surety bond.
§ 151-3. License fee; duration of license.
§ 151-4. Records.
§ 151-5. Permitted rate of interest.
§ 151-6. Public auction of pledges; surplus money.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 by Art. III of Ch. 14 of the 1966 Code. Amendments noted where applicable.]

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§ 151-1. License required.

No person shall engage in business as a pawnbroker without first obtaining an annual license therefor.

§ 151-2. Surety bond.

A. Every applicant hereunder shall file with the Village Clerk, prior to the delivery of a license, a surety bond executed by the person so licensed and issued by an acceptable surety company, in form approved by the Village Counsel, in an amount of $10,000 and conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed as set forth by ordinance and by the laws of the State of New York.

B. Such bond shall provide that action thereon may be brought by any person to whom a judgment has been awarded because of loss caused by such licensee's fault or default.

§ 151-3. License fee; duration of license.

The license fee to be charged for carrying on the business shall be $250 for each year ending on the first day of May or the fraction of any year during which the licensed business is carried on.

§ 151-4. Records.

A. Contents. Every such pawnbroker shall keep a book in which shall be fairly written, at the time of such loan, an account and description of the goods, articles or things pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging said goods, articles or things.

B. Accessibility. Such book shall be open at all reasonable times to the inspection of the Mayor, the Chairman of the Board of Police Commissioners or any person who shall be

duly authorized in writing for that purpose by any or either of them and who shall exhibit such written authority to such pawnbroker.

§ 151-5. Permitted rate of interest.

No pawnbroker shall ask, demand or receive any greater rate of interest than 3% per month or fraction of a month for the first six months and 2% per month for each succeeding month upon any part of a loan not exceeding $100 or than 2% per month or fraction of a month for the six months and 1% per month or any fraction of a month for each succeeding month on any part of any loan in excess of $100. A minimum interest charge of $0.25 per month may be made on any loan. No pawnbroker shall receive or be entitled to any interest or charges on any such loan for any period of time exceeding 15 months from the date of the making of such loan.

§ 151-6. Public auction of pledges; surplus money.

A. Restriction. No pawnbroker shall sell any pawn or pledge until the same shall have remained six months in his possession, and all such sales shall be at public auction and not otherwise and shall be conducted by an auctioneer licensed by the Village.

B. Disposition of surplus money. The surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same and the expense of the advertisement and sale, shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place.

Chapter 155

PEACE AND GOOD ORDER

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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 18 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
General Regulations

§ 155-1. Discarded refrigerators.

It shall be unlawful for any person to permit or allow a discarded refrigerator or one not in use to remain in any place accessible to children unless the latching or locking mechanism on the door or doors of the same are bolted and located in such manner so that it is impossible to open the same by the use of the hands.

§ 155-2. Disorderly conduct. [Amended 2-4-1974]

No person shall indulge in disorderly or noisy or disturbing conduct within the Village. Any person who commits any of the following acts will be considered in violation of this provision:

A. Offensive language. Uses or indulges in offensive, disorderly, threatening, abusive or insulting language, conduct or behavior.

B. Disorderliness. Acts in such manner as to annoy, disturb, interfere with, obstruct or be offensive to others.

C. Loafing and loitering.

(1) Congregates, stands, loafs or loiters upon any street, sidewalk, bridge or crossing so as to obstruct the same, hinder or prevent persons passing or attempting or desiring to pass thereon; or to congregate, stand, loaf or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, officer or factory or other like building so as to obstruct the same, hinder or prevent persons walking along or into or out of the same or attempting or desiring to do so; or by sitting upon or leaning upon or against any railing or other barrier about any area, entrance, basement or window to obstruct the light or prevent passage of persons or tenants occupying the building to which such area, entrance, basement or window belongs.

(2) Loafing and loitering on public property. Congregates, collects, assembles or groups together and after being so collected, assembled or grouped together stands or loiters on any sidewalk, parks on any street comer or at any other place in the Village to the hindrance or obstruction to free passage of any person or persons passing on or along any sidewalk or street in the Village.

D. Causing crowd to collect. By his actions causes a crowd to collect, except when lawfully addressing such a crowd.

E. Noises. Shouts or makes any other noise, either outside or inside a building, during the nighttime to the annoyance or disturbance of any considerable number of persons.[1]

F. Jostling. Interferes with any persons in any place by jostling against such person or unnecessarily crowding him or by placing a hand in the proximity of such person's pocket, pocketbook or handbag.

G. Soliciting alms. Stations himself on the public streets or follows pedestrians for the purpose of soliciting alms or solicits alms on the public streets unlawfully.

H. (Reserved)[2]

1. **Editor's Note: Regarding unnecessary noise, see also Art. III of this chapter.**

2. **Editor's Note: Former Subsection H, which pertained to loitering for lewd purposes, was repealed 6-13-1983 by L.L. No. 12-1983.**

I. Disturbances in public conveyances. Causes a disturbance in any railroad car, omnibus or other public conveyance by running through it, climbing through windows or upon the seats or otherwise annoying passengers or employees therein.

J. Tampering with municipal property. Damages, destroys or makes improper or unauthorized use of any municipal property, including parks, parking fields or stadiums, or conducts himself in a manner contrary to any notices, rules or regulations of the Village or refuses to obey the orders of any person or persons in authority with respect to the use of or conduct in or with respect to such property.

§ 155-3. Public intoxication.

No person shall appear or be upon any street, sidewalk, highway or in any public hall, park or other public place in the Village in a condition of intoxication.[3]

§ 155-4. Lewdness.

A. (Reserved)[4]

B. Lewd signs and billboards. No person shall expose, display, post, exhibit, paint, print or mark upon any wall or object or place any placard, poster, bill, painting or sign, either as an advertisement or otherwise, upon any building, billboard, wall, fence, tree or other surface, so as to be visible from any street or public place, which shall be of a lewd, indecent, immodest, immoral or vulgar character and such as may be calculated to shock the sense of decency and propriety.

§ 155-5. Carbonation devices.

All persons are hereby prohibited from selling any capsule, container or device containing compressed air, compressed gas or any form of explosive or propulsive material, specifically the type of container used for carbonation or aeration of liquids or any device of like nature or similar in construction, to any person below the age of 18 years.

§ 155-6. Missiles.

No person shall propel, throw or shoot any missile or solid objects such as stones, snowballs, sticks, metal, bullets or similar materials upon or across or toward any street, sidewalk, highway or other public place in the Village where such act would, in fact or potentially, injure or threaten injury to any person or property.

3. Editor's Note: For additional provisions regarding alcoholic beverages, see Art. II of this chapter.

4. Editor's Note: Former Subsection A, pertaining to lewd acts and gestures, was repealed 6-13-1983 by L.L. No. 12-1983.

§ 155-7. Places of public assembly.

A. Obstruction of aisles prohibited. No person conducting, directing or permitting persons to attend services or meetings in a religious edifice or to attend any performance or other function in a theater, music hall, motion-picture house or any other place of assembly for any purpose whatever shall allow or permit any seats, chairs or other articles to be placed in any of the aisles therein or permit any person to stand or be seated or remain in any of the aisles.

B. Smoking. No person shall smoke cigars, cigarettes or pipes or carry a lighted cigar, cigarette or pipe into any theater, opera house, motion-picture house or other place of public assembly, except that smoking may be permitted in the loges or balconies of any motion-picture house or theater.

§ 155-8. Trespassing; penalty.

A. It shall be unlawful for any person to enter without authority or to trespass upon or to damage any private property or property owned by or under the control of the Village.

B. Any person who, without authority, enters or attempts to enter or who trespasses or attempts to trespass or who damages or attempts to damage any private property or any property owned by or under the control of the Village or who willfully violates, upon Village property, any regulation established by or under the authority of the Board of Trustees of the Village to maintain order and to preserve or safeguard said property shall be punishable by a fine not to exceed $1,000 for each offense, and such violation shall constitute disorderly conduct. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

ARTICLE II
Alcoholic Beverages in Public Places
[Added 3-27-1978 by L.L. No. 6-1978]

§ 155-9. Legislative declaration. [Amended 7-11-1983 by L.L. No. 13-1983]

The Board of Trustees of the Incorporated Village of Freeport hereby declares and finds it to be in the public interest and in the promotion of public order to provide for the regulation of certain conduct in public places and in motor vehicles within the Village of Freeport.

§ 155-10. Definitions.

A. For the purpose of this article, the terms used herein are defined as follows:

ALCOHOLIC BEVERAGES — Means and includes any liquid intended for human consumption containing more than 1/2 of 1% by volume of alcohol.

EVENT — Means and includes a fair, picnic, block party or other community gathering in any public place.

INTENT TO CONSUME — Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

OPEN BOTTLE, CAN OR OTHER CONTAINER — Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

PUBLIC PLACE — A place to which the public or a substantial group of persons has access, including, but not limited to, any highway, street, road, sidewalk, parking area, shopping area, place of amusement, playground, park or beach located within the Village of Freeport, except that the definition of a "public place" shall not include those premises duly licensed for the sale and consumption of alcoholic beverages on the premises or within and on private property.

B. Words singular in form may include the plural, and words plural in form may include the singular; and words in the masculine gender shall include the feminine and neuter genders. **[Added 7-11-1983 by L.L. No. 13-1983]**

§ 155-11. Restrictions on alcoholic beverages. [Amended 7-11-1983 by L.L. No. 13-1983]

A. Unless otherwise authorized by the ordinances of the Village of Freeport or the provisions of this article, it shall be unlawful and an offense against this article for any person knowingly to possess, carry or transport any open bottle, can or other container containing liquor, wine, beer or other alcoholic beverage with the intent to consume the same in or on any public place in the Village of Freeport, or in a motor vehicle, as said term is defined in the Vehicle and Traffic Law of the State of New York, which is parked or moving on or over a public place in the Village of Freeport. This section shall not apply within the specific confines of those premises duly licensed for the sale and consumption of alcoholic beverages on the premises or within and on private property. This section shall be construed in conjunction with Vehicle and Traffic Law § 1227 as to enforcement on public highways or a right-of-way public highway. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Unless otherwise authorized by the ordinances of the Village of Freeport or the provisions of this article, it shall be unlawful and an offense against this article for any person to consume liquor, wine, beer or other alcoholic beverage in or on any public place in the Village of Freeport. This section shall not apply within the specific confines of those premises duly licensed for the sale and consumption of alcoholic beverages on the premises or within and on private property.

C. Presumptions of possession.

(1) A person who knowingly possesses, carries or transports any open bottle, can or other container containing liquor, wine, beer or other alcoholic beverage in or on any public place, or in a motor vehicle in the Village of Freeport, is presumed to

do so with the intent of consuming the same in said public place or motor vehicle.

(2) The existence of any open bottle, can or other container containing liquor, wine, beer or other alcoholic beverage found in any motor vehicle, except a public omnibus, in the Village of Freeport, and occupied by one or more persons at the time of its discovery, shall be presumptive evidence that the same is in the possession of all of the occupants thereof, and each of them, and in violation of this article.

(3) Either of the presumptions contained in Subsection C(1) and (2) of this section may be rebutted by competent legal evidence tending to negate such intent.

§ 155-12. (Reserved)[5]

§ 155-13. Inconsistency with other laws.

If any provision of this article is inconsistent with any federal or state statute, law, rule or regulation, then such statute, law, rule or regulation, shall prevail.

§ 155-14. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A violation of any provision of this article shall constitute an offense punishable by a fine not to exceed $1,000 or by imprisonment for a term not to exceed 15 days, or both. Each violation of this article shall be deemed a separate violation.

ARTICLE III
Noise Control
[Amended 11-28-1983 by L.L. No. 17-1983]

§ 155-15. Title.

This article shall be known as the "Incorporated Village of Freeport Noise Control Law."

§ 155-16. Policy.

It is hereby declared to be the policy of the Incorporated Village of Freeport to prevent excessive, unnecessary, unreasonable or unusually loud noise which may jeopardize the well-being, public health, comfort, convenience, safety and welfare of its citizens and the peace and quiet of Freeport and its inhabitants. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.

5. Editor's Note: Former § 155-12, Permits for special events, was repealed 7-11-1983 by L.L. No. 13-1983.

§ 155-17. Definitions.

A. All definitions used in this article, where applicable, shall be in conformance with the terminology of the American National Standards Institute. A copy of the American National Standards definitions shall be available at the Village Clerk's office for public use.

B. Unless otherwise indicated by context, the following terms and phrases shall mean:

AIR COMPRESSOR — A device which draws in air or gas, compresses it and delivers it at a higher pressure.

AIR-CONDITIONING AND AIR-HANDLING DEVICE — Any device that is designed to be used or is actually used to cool, move or condition air, including, but not limited to, air conditioners, cooling towers, fans and blowers.

AMBIENT NOISE — The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

A-WEIGHTED SOUND LEVEL — The sound-pressure level in decibels as measured on a sound level meter using the A-weighting network and designated as db(A).

CONSTRUCTION — Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, premises, parks, utility lines or other property, including, but not limited to, related activities such as land clearing, grading, earth-moving, excavating, blasting, filling and landscaping.

CONSTRUCTION SITE — Any location, including land and water, where construction takes place.

CONTINUOUS SOUND — Any sound that is not an impulsive sound.

DECIBEL (db) — A unit for measuring the pressure level of a sound. For the purpose of this article, the standard reference pressure stated herein will be used to ensure a consistent and standard reference for measuring sound. The sound pressure level measured in decibels is equal to 20 times the logarithm to the base ten of the ratio of the effective pressure of the sound measured to the reference pressure, such reference pressure being 20 micropascals (20 micronewtons per square meter). This is equivalent to 20 $\log_{10}$ PRMS 20 Micro-N/M^2.

DEVICE — Any machine, mechanism or equipment which is intended to or which actually produces sound or vibrations.

DISCRETE TONE — A sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of time (American National Standards Institute terminology).

EMERGENCY OPERATION — The operation or parking of an authorized emergency vehicle when such vehicle is engaged in transporting a sick or injured person, responding to or working or assisting at the scene of an accident, disaster, police call, alarm of fire or any emergency.

EXHAUST SYSTEM — A system which removes and transports air or gas from a device.

FREQUENCY — A function periodic in time which is the reciprocal of the period.

IMPULSIVE SOUND — A sound of short duration, usually less than one second and of high intensity, with an abrupt onset and rapid decay (American National Standards Institute terminology). (Examples include an explosion or discharge of a firearm.)

L_{10} — The A-weighted sound level measured with slow response that is exceeded 10% of the time in any one-hour interval. The measurement time interval need not be one hour, provided that the measurement results are representative of a one-hour interval.

L_{90} — The A-weighted sound level measured with slow response that is exceeded 90% of the time in any one-hour interval. The measurement time interval need not be one hour, provided that the measurement results are representative of a one-hour interval.

MAXIMUM GROSS WEIGHT — The weight of the vehicle unladen, plus the weight of the maximum load to be carried by such vehicle during the registration period or the maximum gross weight for which the vehicle is registered, whichever is greater.

MOTOR VEHICLE — Every vehicle operated or driven upon a public highway, which is propelled by any power other than muscular power.

MUFFLER — A device for abating the sound of escaping gases of an internal combustion engine or other sound source.

NOISE-SENSITIVE ZONE — An area adjacent to a site, including, but not limited to, any authorized school, church, house of worship, senior citizen center, day-care center, hospital or nursing home which requires specific noise limitations.

PAVING BREAKER — Any powered construction device that is designed to be used or is actually used to cut or trench pavement subbase, macadam, gravel, concrete or hard ground.

PERSON — Includes the singular and plural and also any natural person, firm, corporation, political subdivision, government agency, association, club, partnership, society or any other form of association or organization or any legal entity whatsoever.

PUBLIC HIGHWAY — Any highway, road, street, avenue, public place, public driveway or any other public way.

RECREATIONAL MOTOR VEHICLE — Any vehicle which is propelled by any power other than muscular power that is designed for or capable of cross-country travel, such as a motorcycle, trail bike or minibike. A recreational vehicle is also classed as a motor vehicle when such recreational vehicle is operated or driven upon a public highway. A snowmobile is any self-propelled vehicle designed for travel on snow or ice. Lawn mowers, powered garden vehicles and other similar utilitarian domestic vehicles are specifically excepted therefrom.

REFUSE-COLLECTING VEHICLE — Any motor vehicle designed to compact and transport refuse.

SOUND — An oscillation in pressure, stress, particle displacement or other physical parameter in a medium with internal forces (American National Standards Institute terminology).

SOUND LEVEL — The weighted pressure level, measured by the use of a metering characteristic and the weighing A, B and C (American National Standards Institute terminology). For purposes of enforcing and interpreting the provisions of this article, unless a different frequency weighting is indicated, the A-weighting slow response shall apply.

SOUND LEVEL METER — An instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks for the measurement of sound levels (American National Standards Institute terminology).

SOUND-REPRODUCTION DEVICE — Any device that is designed to be used or is actually used for the production or reproduction of sound, including, but not limited to, any musical instrument, radio, television, tape recorder, phonograph or any other sound-amplifying equipment.

SOUND SOURCE — Any activity or device that produces sound.

SOUND TRUCK — Any vehicle having mounted thereon or attached thereto sound-amplifying equipment.

ZONING DISTRICT — Any zone as defined in the Zoning Ordinance of the Incorporated Village of Freeport.[6]

§ 155-18. Construal of provisions.

Any act in violation of any of the other provisions of this article is also deemed to be in violation of § 155-19 of this article. Nothing in this article shall be deemed to prohibit the prosecution and conviction of a person on two or more charges which may constitute violations of different sections of this article arising out of a single act, occasion or set of circumstances. However, no more than a single penalty may be imposed for each separate and distinct offense. Furthermore, each day (twenty-four-hour period) of violation of any provision of this article shall constitute a separate offense.

§ 155-19. Standards in determining unreasonable noise. [Amended 5-24-2004 by L.L. No. 2-2004]

No person shall make, continue or cause or permit to be made, verbally or mechanically, any unreasonable noise. An "unreasonable noise" shall mean any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities or which causes medically serious injury to animal life or damage to property or business. Standards to be considered in determining whether unreasonable noise exists in a particular situation include the following:

A. The volume of the noise.

6. **Editor's Note: See Ch. 210, Zoning.**

B. The intensity of the noise.

C. Whether the nature of the noise is usual or unusual in the context of ordinary human experience.

D. Whether the origin of the noise is natural or unnatural in the context of ordinary human experience.

E. The volume and intensity of the background noise, if any.

F. The proximity of the noise to residential sleeping facilities.

G. The nature and the zoning district of the area from within which the noise emanates.

H. The time of day or night the noise occurs.

I. The time duration of the noise.

J. Whether the sound source is temporary.

K. Whether the noise is continuous or impulsive.

L. The presence of discrete tones.

M. Whether the noise is in excess of the decibel levels as set forth within this chapter, provided another standard, under this section, is also utilized.

§ 155-20. Prohibited acts.

The following acts and the causing thereof are declared to be in violation of this article:

A. Sound-reproduction devices. **[Amended 5-24-2004 by L.L. No. 2-2004]**

(1) No person shall operate, use, cause or permit to be operated a sound-reproduction device that produces unreasonable noise and/or a sound level which is equal to or exceeds 85 db(A)s.

(2) No person shall operate, use, cause or permit to be operated any sound-reproduction device for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial operation, including, but not limited to, the sale of radios, televisions, phonographs, tape recorders, phonograph records or tapes in front or outside of any building, place or premises, or in or through any aperture of such building, place or premises abutting on or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or on any public street, park or place, where the sound therefrom may be heard upon any public street, park or place, or from any stand, platform or other structure, or from any airplane or other device used for flying over the Incorporated Village of Freeport, or on a boat or on the waters within the jurisdiction of the Incorporated Village of Freeport, or anywhere on public streets, parks or places. Nothing in this subsection is intended to prohibit sounds emanating from sporting, entertainment or other public events where such devices are used.

(3) Noise across property boundaries; exceptions. **[Amended 7-6-1998 by L.L. No. 1-1998]**

(a) No person shall operate, use, cause or permit to be operated or used any sound-reproduction device in any public place in such a manner that the sound emanating therefrom creates unreasonable noise across a real property boundary. Furthermore, the use of any sound reproduction device that produces noise across a real property boundary during any of the following hours is hereby prohibited:

[1] On Monday through Thursday (other than legal holidays) before 8:00 a.m. or after 10:00 p.m.

[2] On Friday (other than legal holidays) before 8:00 a.m. or after 11:00 p.m.

[3] On Saturdays and those Sundays followed immediately by a legal holiday, and legal holidays followed immediately by a weekend, before 10:00 a.m. or after 11:00 p.m.

[4] On Sundays not followed immediately by a legal holiday, and legal holidays followed immediately by a weekday, before 10:00 a.m. or after 10:00 p.m.

(b) Exceptions.

[1] Bells, chimes and carillons. Nothing herein contained shall preclude or prohibit the use of loudspeakers or other sound-amplifying devices to broadcast the sound of bells, chimes or carillons or replicas thereof by a church or other house of worship; sounds created by any government agency by the use of public warning devices; or sounds connected with sporting events or any public or private school, or with an authorized carnival, fair, exhibition or parade allowed by permit of the Village Board.

[2] Religious and seasonal music. Nothing herein contained shall preclude or prohibit the reasonable use of loudspeakers in business-zoned areas of the Village solely to broadcast religious and seasonal music from December 1 through January 1 of the following year, between the hours of 9:00 a.m. and 9:00 p.m.

B. Sound-signal devices. No person shall operate or cause to be operated any sound-signal device, including, but not limited to, any klaxon, horn, whistle, bell, gong, drum or siren, so as to create unreasonable noise, except where authorized by the Vehicle and Traffic Law of the State of New York.

C. Emergency-warning device. No person shall operate or cause to be operated any emergency-warning device, except:

(1) To give notice as a warning of any emergency;

(2) On an authorized vehicle when such vehicle is engaged in emergency operations; or

(3) When such device is under test.

D. Burglar alarms. No person shall operate or cause to be operated any audible burglar alarm or any motor vehicle burglar alarm unless such alarm shall be capable of automatically terminating operation within 15 minutes after such alarm is first activated. Any member of the Police Department of the Incorporated Village of Freeport shall have the authority to take such steps as may be necessary to disconnect such alarm at any time when such alarm is operating.

E. Motorboats.

(1) No person shall operate, cause or permit to be operated any engine-powered motorboat in any canal, channel, river, creek, stream, bay or other waterway within the territorial limits of the Incorporated Village of Freeport at any time, at any speed or under any condition of load, acceleration of deceleration or in any manner whatsoever, so as to exceed a sound level of 80 db(A)s when measured at any shoreline within the Village.

(2) This provision shall not apply to races or regattas conducted under permit issued by the Village Clerk or the Mayor and Board of Trustees of the Incorporated Village of Freeport pursuant to the Code of the Village of Freeport or other applicable law.

F. Shouting. No person shall shout, yell, call, hoot, whistle or sing on public streets or in public places in such a manner as to create unreasonable noise.

G. Containers and construction material. No person shall load, unload, handle, transport, open, close or destroy any containers or construction material in such a manner as to create unreasonable noise.

H. Squealing tires. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.

I. Exhausts. No person shall cause or permit the discharge into the open air exhaust of any device, including, but not limited to, any steam engine, diesel engine, internal-combustion engine or turbine engine, so as to create unreasonable noise.

J. Domestic power tools and equipment. No person shall operate, cause or permit to be operated any powered tool or equipment, including, but not limited to, saws, sanders, drills, grinders, lawn or garden tools, mowers, tractors, leaf blowers or gatherers or similar devices, when used outdoors in a residentially zoned district during the hours of 9:00 p.m. and 8:00 a.m. of the following day. Between the hours of 8:00 a.m. and 9:00 p.m., no person shall operate, cause or permit to be operated any of the aforementioned tools or equipment in such a way as to create unreasonable noise across a real property line of a residential property. For purposes of enforcement of this subsection, "unreasonable noise" means a sound level in excess of 85 db(A)s when measured at said real property line.

K. Modification of noise-control devices. No person shall operate, cause or permit to be operated any device that has been modified so as to cause the sound emitted to be greater than that emitted by such device as originally manufactured.

L. Standing motor vehicles.

(1) No person shall operate, cause or permit to be operated any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds or any auxiliary equipment attached to such vehicle for a period longer than 20 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space so that the sound therefrom is audible across a residential real property boundary between the hours of 8:00 p.m. and 7:00 a.m. the following day.

(2) This subsection shall not apply to authorized emergency vehicles or to public utility vehicles actually engaged in any emergency repair activity.

M. Vehicle or motorboat repairs and testing. No person shall cause or permit the repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle or motorboat in such a manner as to cause unreasonable noise across a residential real property boundary.

§ 155-21. Refuse-collecting equipment. [Amended 11-26-1984 by L.L. No. 8-1984]

A. No person shall operate, cause or permit to be operated a refuse-collecting vehicle which, when collecting or compacting, exceeds a sound level of 80 db(A)s when measured at a distance of 10 feet from any surface of the collecting or compacting unit.

B. No person shall operate, cause or permit to be operated any refuse-collecting vehicle in any area within the Village zoned for residential use, or within or on premises adjacent to an area zoned for residential use, or in any area designated as a noise-sensitive zone, or within or on premises adjacent to a noise-sensitive zone, prior to 7:00 a.m. on any day.

C. No person shall operate, cause or permit to be operated any regenerative-air-type street sweeper in any area within the Village zoned for residential use, or within or on premises adjacent to an area zoned for residential use, or in any area designated as a noise-sensitive zone, or within or on premises adjacent to a noise-sensitive zone, on any day, between the hours of 8:00 p.m. and 7:00 a.m. of the following day. **[Added 12-14-1987 by L.L. No. 7-1987]**

§ 155-22. Recreational vehicles.

No person shall operate, cause or permit to be operated any recreational vehicle:

A. On private property of another without the express prior written consent of the owner and the occupant of said property. Such consent may be revoked at any time by the grantor thereof. Where such express prior written consent has been obtained, the operator or person at the site responsible for such operation shall keep said consent on his person and available for immediate display at all times during the period of such operation. Excepted from the operation of this subsection are any private clubs or other organizations that permit the operation of recreational motor vehicles on their property in connection with the principal use of said property by the members of any such club or organization.

B. On any public grounds or property, including Village- or school-owned land, which shall include but not be limited to parks, ball parks and recreation areas.

C. In such a manner as to create unreasonable noise so as to unreasonably disturb or interfere with persons in the peaceful and quiet enjoyment of their property. To this end, no person shall operate a recreational motor vehicle before the hour of 9:00 a.m. and after the hour of 7:00 p.m., prevailing time, or sunset, whichever shall first occur.

D. In a careless, reckless or negligent manner so as to endanger the safety or property of any person.

§ 155-23. Operation of aircraft.

No person shall operate, cause or permit to be operated any aircraft so as to cause a violation of the Federal Aviation Administration's certified noise levels as presented in Advisory Circular 36-1 and/or all future revisions and publications.

§ 155-24. Air-conditioning and air-handling devices.

Except as provided in Subsection C of this section, no person shall operate, cause or permit to be operated an air-conditioning or air-handling device that exceeds the maximum sound-level limitations provided in this section.

A. In areas zoned residential, continuous sound in air from said equipment which has crossed the real property line of the property where said equipment or device is located, shall not exceed any of the following sound levels:

(1) Fifty-five db(A)s at any point.

(2) Fifty db(A)s outside a living-area window when measured at a distance of not more than three feet from the window opening of the property receiving said sound.

B. In areas zoned for multiple dwellings or apartments, continuous sound in air from said equipment shall not exceed 50 db(A)s outside any living-area window when measured at a distance of not more than three feet from the window opening of the property receiving said sound.

C. The provisions of this section shall not apply if the sound from the air conditioner or air-handling device produces an increase of less than five db(A)s in the sound level that exists in the absence of such sound.

§ 155-25. Air compressors.

No person shall operate, cause or permit to be operated an air compressor, unless a muffler certified by the manufacturer of such muffler to provide a dynamic insertion loss of not less than 20 db(A)s of the sound emitted from the exhaust of such compressor is installed on such exhaust.

§ 155-26. Paving breaker.

No person shall operate, cause or permit to be operated a paving breaker manufactured prior to December 31, 1974, other than one operated electrically or hydraulically, unless a muffler certified by the manufacturer of such muffler to provide a dynamic insertion loss of five db(A)s of the sound emitted from the air exhaust of such paving breaker is installed on such air exhaust.

§ 155-27. Places of public assembly. [Amended 5-24-2004 by L.L. No. 2-2004; 5-24-2010 by L.L. No. 1-2010; 7-28-2014 by L.L. No. 4-2014]

No person shall operate, cause or permit to be operated a place of public assembly, including, but not limited to, a restaurant, cabaret, social club, bar, grille, cafe, discotheque or dance hall, in which the sound level is equal to or exceeds 85 db(A)s at any point on the property line from which the noise emanates, and which does not meet the levels provided for in §§ 155-30 through 155-33 or §§ 155-37 and 155-38 of this chapter.

§ 155-28. Revisions and amendments.

The sections and provisions of Article III shall be revised or amended from time to time in order to be kept current with all updated federal and/or state noise-level standards.

§ 155-29. Sound levels limited; method of measurement. [Amended 5-24-2004 by L.L. No. 2-2004; 5-24-2010 by L.L. No. 1-2010]

No person shall operate, cause or permit to be operated in a zoning district, as defined in the Incorporated Village of Freeport's Zoning Ordinance[7], any device that produces a sound level exceeding the applicable, permissible limits specified in §§ 155-20 through 155-27, 155-30 through 155-33 or §§ 155-37 and 155-38 of this chapter. The measurement of any sound or noise shall be made with a sound level meter using an A-scale decibel level.

§ 155-30. Residential zoned districts.

Except as may otherwise be authorized by the provisions of this chapter:

A. During the hours of 8:00 a.m. to 6:00 p.m., no person shall operate, cause or permit to be operated any device which produces a sound level across a residential real property boundary or within any residential zoned district in excess of 65 db(A)s or an L_{10} in excess of 60 db(A)s.

B. During the hours of 6:00 p.m. to 8:00 a.m., no person shall operate, cause or permit to be operated any device which produces a sound level across a residential real property boundary or within any residential zoned district in excess of 55 db(A)s or an L_{10} in excess of 50 db(A)s.

C. The sound levels specified in Subsections A and B shall be decreased by five decibels if the sound contains impulsive or discrete tone characteristics.

7. Editor's Note: See Ch. 210, Zoning.

§ 155-31. Commercial, business, manufacturing and industrial operations.

A. Except as may otherwise be authorized by the provisions of this chapter, no person shall operate, cause or permit to be operated on a sound source site a commercial, business, manufacturing or industrial operation that produces a sound level exceeding the limitations as provided in Subsections B through E of this section.

B. Continuous sound in air which has crossed the property line of such sound source site and enters property zoned for residential use or property within a noise-sensitive zone shall not exceed either of the following levels:

(1) During the hours of 8:00 a.m. to 6:00 p.m.:

(a) A sound level in excess of 65 db(A)s measured with the slow response of a sound level meter; or

(b) An L_{10} in excess of 60 db(A)s.

(2) During the hours of 6:00 p.m. to 8:00 a.m. the following day:

(a) A sound level in excess of 55 db(A)s measured with the slow response of a sound level meter; or

(b) An L_{10} in excess of 50 db(A)s.

(3) The sound levels contained herein shall only apply to noise-sensitive zones when such are in use and not posted.

C. Continuous sound in air which has crossed the property line of a sound source site and enters property which is zoned for business or manufacturing or property where the public in general congregates, excepting property zoned for industrial use, shall not exceed either of the following levels:

(1) A sound level in excess of 65 db(A)s measured with the slow response of a sound level meter; or

(2) An L_{10} in excess of 60 db(A)s.

D. The sound levels specified in Subsections B and C shall be decreased by five decibels if the sound contains impulsive tone characteristics.

E. Exposure to sound that has crossed the property line of a sound source site and enters property zoned for industrial use shall not exceed any of the following levels:

(1) Continuous sound in air.

Duration per Day 24 Hours	Sound Level 80 db(A)s Slow Response
16	82
8	85
4	88
2	91

Duration per Day 24 Hours	Sound Level 80 db(A)s Slow Response
1	94
1/2	97
1/4	100

(2) Impulsive sound in air which has a peak pressure level in excess of 130 decibels.

§ 155-32. Construction activities.

No person shall conduct, cause or permit to be conducted construction activities in a manner so as to produce a sound level exceeding the limitations in this section.

A. Residential zoned districts. During the hours of 8:00 a.m. to 6:00 p.m., noise levels from a construction site shall not exceed an L_{10} of 70 db(A)s when measured at a distance 400 feet from the construction site; during the hours of 6:00 p.m. to 8:00 a.m., noise levels shall not exceed an L_{10} of 55 db(A)s when measured at a distance of 400 feet from the construction site.

B. Commercial, business, retail or manufacturing-zoned districts. During normal business hours, noise levels shall not exceed an L_{10} of 75 db(A)s when measured at a distance of 400 feet from the construction site; during other than normal business hours, noise levels shall not exceed an L_{10} of 80 db(A)s when measured at a distance of 400 feet from the construction site.

§ 155-33. Noise-sensitive zones.

No person shall cause or permit the creation of any unreasonable noise exceeding 55 db(A)s on any street, sidewalk or public place adjacent to any school, church, house of worship, senior citizen center, library or authorized day-care center while in use or adjacent to any hospital or nursing home at any time, provided that signs are displayed so as to identify such zone. Otherwise, the sound levels contained in § 155-31B and D shall apply to such noise-sensitive zones regardless of how the area itself is zoned.

§ 155-34. Enforcement.

The provisions of this article shall be enforced by the Police and Building Departments of the Incorporated Village of Freeport.

§ 155-35. Abatement orders.

In lieu of issuance of a summons, the Superintendent of Buildings of the Incorporated Village of Freeport may first issue an order requiring abatement of any source of sound or vibration alleged to be in violation of §§ 155-20L, 155-24, 155-30, 155-31, § 155-32 or 155-33 of this

article within a reasonable time period and according to guidelines to be approved by the Village Board which the Superintendent of Buildings may prescribe.

§ 155-36. Issuance of summons.

Except where a person is acting in good faith to comply with an abatement order issued pursuant to § 155-35, the violation of any provision of this article shall be caused for a summons to be issued by the Superintendent of Buildings or a Law Enforcement Officer of the Freeport Police Department.

§ 155-37. Order to halt certain sounds.

A. The Superintendent of Buildings shall order an immediate halt to any sound which exposes any person, except those excluded by Subsection B, to continuous sound levels in excess of those shown in Table I or to impulsive sound levels in excess of those shown in Table II. Within three days following issuance of such an order, the Superintendent of Buildings shall apply to the appropriate court for an injunction to replace the order.

TABLE I

Continuous Sound Levels Which Pose an Immediate Threat to Health and Welfare [measured at 50 feet (15 meters)]

Sound Level Limit [db(A)s]	Duration
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1 1/2 hours
105	45 minutes
108	22 minutes

TABLE II

Impulsive Sound Levels Which Pose an Immediate Threat to Health and Welfare [measured at 50 feet (15 meters)]

Sound Level Limits [db(A)s]	Number of Repetitions per Twenty-Four-Hour Period
145	1
135	10

TABLE II	
Impulsive Sound Levels Which Pose an Immediate Threat to Health and Welfare [measured at 50 feet (15 meters)]	
Sound Level Limits [db(A)s]	**Number of Repetitions per Twenty-Four-Hour Period**
125	100

B. No order pursuant to Subsection A shall be issued if the only persons exposed to sound levels in excess of those listed in Tables I and II are exposed as a result of:

(1) Trespass.

(2) Invitation upon private property by the person causing or permitting the sound.

(3) Employment by the person or a contractor of the person causing or permitting the sound.

C. Any person who violates an order issued pursuant to this section shall be deemed to be in violation both of this section and of § 155-19, and subject to the penalties contained in § 155-39 of this chapter.

§ 155-38. Special variances.

A. The Superintendent of Buildings of the Incorporated Village of Freeport shall have the authority, consistent with this section, to grant, modify or revoke special variances to this article.

B. Any person seeking a special variance pursuant to this section shall file an application with the Superintendent of Buildings. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this article would constitute an unreasonable hardship on the applicant, on the community or on other persons. Such information shall further include but not be limited to the following:

(1) The plans, specifications and other information pertinent to such sources, including, but not limited to, the nature and location of the facility or process for which such application is made and the reasons for which the variance is requested.

(2) The characteristics of the sound emitted by the source, including, but not limited to, the sound levels, the presence of implosive sounds and the hours during which such sound is generated.

(3) The proposed noise abatement and control methods to be used to restrict the emission of sound.

(4) The failure to supply the information required by the Superintendent of Buildings or the willful misrepresentation of a material fact contained in said application by

an applicant shall be cause for the rejection of the application by the Superintendent.

C. Any person who claims to be adversely affected by allowance of the special variance may file a statement with the Department of Buildings containing any information to support his claim. If the Department of Buildings finds that a sufficient controversy exists regarding an application, a public hearing may be held.

D. In determining whether to grant or deny the application, the Superintendent of Buildings shall balance the hardship to the applicant, the community and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact of property affected and any other adverse impacts of granting the special variance.

E. If the special variance is granted, it may contain restrictions and conditions, including a time limit on the permitted activity, that the Superintendent of Buildings determines to be appropriate. However, in no case shall the duration of the variance issued be in excess of 30 days. Within five days prior to the expiration of an existing variance any person holding a variance and requesting an extension of time may apply for a new variance under the provisions of this section. However, no person shall be entitled to variances totaling more than 90 days during any calendar year.

F. The variance shall act as a stay of prosecution for as long as it is in effect or has not been revoked or been otherwise modified by the Superintendent. Any person to whom a variance has been issued who continues to engage in any noise-producing activity for which the variance was sought following the termination or revocation of such variance shall be deemed to be in violation of both this section and § 155-19 of this chapter, in addition to any other provision of this chapter containing maximum permissible sound levels applicable to the activity in question, and subject to the penalties contained in § 155-39 of this chapter.

G. A variance granted under this section may be revoked or modified by the Superintendent of Buildings on three days' written notice sent by registered or certified mail to the person to whom said variance was granted if any of the terms, conditions or restrictions of the variance are violated.

H. The Superintendent of Buildings shall charge the applicant for a variance to be issued under the authority of this section or any extension or renewal thereof a fee of $50 to cover expenses for the processing of the variance application.

§ 155-39. Penalties for offenses. [Amended 5-24-2010 by L.L. No. 1-2010]

Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be fined in an amount not exceeding $750 for the first offense, $1,000 for the second offense and $2,000 for each offense thereafter or be imprisoned in the Nassau County Correctional Facility for a period not exceeding 15 days, or be subject to both such fine and imprisonment. Each day (twenty-four-hour period) such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any person under the age of 16 years who shall violate any of the provisions of this article shall be deemed to be a juvenile offender.

§ 155-40. Exemptions.

The operation of vehicles and equipment used by the Department of Public Works of the Incorporated Village of Freeport and any of its subdivisions in the performance of official duties shall be exempt from the requirements of this article until such time as vehicles and equipment capable of compliance are available and acquisition thereof is authorized by the Village Board.

§ 155-41. Severability.

If any provision of this article is held to be unconstitutional or invalid by any court, the remaining provisions of this article shall not be invalidated.

§ 155-42. Rules of interpretation and enforcement.

For purposes of interpretation and enforcement of the terms and provisions of this article in conjunction with the Zoning Ordinance of the Village of Freeport,[8] the following rules shall apply:

A. Whenever reference is made in this article to residential real property zones, areas zoned residential and the like, such areas shall include all classifications of property deemed residential under said Zoning Ordinance, including Residence AA District, Residence A District, Residence Apartment District, Marine Residence District and Marine Apartment-Boatel and Condominium District.

B. Whenever reference is made to areas zoned for business, such areas shall include all classifications of property deemed to be zoned for business under said Zoning Ordinance,[9] including Business AA District, Business A District, Business B District, Service Business SB District, Marine Business District and Planned Unit Development District – Medium Density, Primary Area, Secondary Area.

C. Whenever reference is made to areas zoned for manufacturing, such areas shall include all classifications of property deemed to be zoned for manufacturing under said Zoning Ordinance, including Manufacturing District.

D. Whenever reference is made to areas zoned for industrial use, said areas shall include all classifications of property deemed to be zoned for industrial use under said Zoning Ordinance, including Industrial District, Industrial B District and Marine Industries District.

§ 155-43. When effective.

This article shall take effect upon filing with the Secretary of State.

8. Editor's Note: See Ch. 210, Zoning.

9. Editor's Note: See Ch. 210 of this Code.

ARTICLE IV

Graffiti

[Added 12-11-2006 by L.L. 7-2006[10]]

§ 155-44. Purpose and intent.

A. The Board of Trustees of the Incorporated Village of Freeport is enacting this article to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property.

B. The Board of Trustees finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless the Village acts to remove graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the Village.

C. The Board of Trustees intends, through the adoption of this article, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement. The Board does not intend for this article to conflict with any existing anti-graffiti state laws.

§ 155-45. Definitions.

For the purposes of this article, the following words shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

AEROSOL PAINT CONTAINER — Any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

BROAD-TIPPED MARKER — Any felt-tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than 1/4 of an inch, containing ink or other pigmented liquid that is not water soluble.

ETCHING EQUIPMENT — Any tool, device, or substance that can be used to make permanent marks on any natural or man-made surface.

GRAFFITI — Any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface on public or private property.

GRAFFITI IMPLEMENT — An aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

PAINT STICK or GRAFFITI STICK — Any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least 1/8 of an inch in width.

10. Editor's Note: This local law also repealed former Art. IV, Graffiti, added 10-28-1985 by L.L. No. 5-1985.

PERSON — Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

§ 155-46. Prohibited acts.

A. Defacement. It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any Village-owned property or on any non-Village-owned property.

B. Possession of graffiti implements.

(1) By minors at or near school facilities. It shall be unlawful for any person under the age of 18 years to possess any graffiti implement while on any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provisions of this section shall not apply to the possession of broad-tipped markers by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that formally requires the possession of broad-tipped markers. The burden of proof in any prosecution for violation of this section shall be upon the minor student to establish the need to possess a broad-tipped marker.

(2) In designated public places. It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility, or other public building or structure owned or operated by the Village or while in or within 50 feet of any underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the Village.

§ 155-47. Accessibility to graffiti implements.

A. Furnishing to minors prohibited. It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any aerosol paint container, broad-tipped marker, or paint stick to any person under the age of eighteen (18) years without the written consent of the parents or guardian of the person.

B. Display and storage.

(1) Every person who owns, conducts, operates, or manages a retail commercial establishment selling aerosol paint containers, paint sticks or broad-tipped markers shall store the containers, sticks or markers in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business.

(2) In the event that a commercial retail establishment is unable to store the aerosol paint containers, paint sticks, or broad-tipped markers in an area as provided above, the establishment shall store the containers, sticks and markers in an area not accessible to the public in the regular course of business without employee assistance.

(3) Signage required. Every person who operates a retail commercial establishment selling graffiti implements shall:

(a) Place a sign in clear public view at or near the display of such products stating: "Graffiti is against the law. Any person who defaces real or personal property with paint or any other liquid or device is guilty of a crime punishable by imprisonment of up to 15 days and/or a fine up to $1,000.";

(b) Place a sign in the direct view of such persons responsible for accepting customer payment for graffiti implements stating: "Selling spray paint, paint sticks, or broad-tipped markers to persons under 18 years of age is against the law and punishable by a fine of $1,000.";

§ 155-47.1. Penalties and enforcement.

A. Fines, imprisonment, and enforcement. Any person violating this article shall be punished by a fine of $500 for the first offense; $1,000 for the second offense; and $1,500 for each subsequent offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(1) In the case of a minor, the parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines.

(2) Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fine and administrative costs.

(3) Upon an application and finding of indigence, the court may decline to order fines against the minor, parents or guardian.

B. Restitution. In addition to any punishment specified in this section, the court may order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court. In the case of a minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor to make the restitution.

C. Community service. In lieu of, or as part of, the penalties specified in this section, a minor or adult may be required to perform community service as described by the court based on the following minimum requirements:

(1) The minor or adult shall perform at least thirty (30) hours of community service.

(2) At least one parent or guardian of the minor shall be in attendance at a minimum of 50% of the period of assigned community service.

(3) The entire period of community service shall be performed under the supervision of a community service provider approved by the Chief of Police or the Village Court.

(4) Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative

effect on the minor or adult, including community service that involves graffiti removal.

D. Civil responsibility for damages for wrongful sale, display or storage. Any person who sells, displays or stores, or permits the sale, display or storage, of any graffiti implement in violation of the provisions of this article shall be personally liable for all costs incurred by any party in connection with the removal of graffiti, the repair of any property containing graffiti, or such party's prosecution of a civil claim for reimbursement or damages resulting from such graffiti removal or property repair, arising from the use by any person of such wrongfully sold, displayed or stored graffiti implement in violation of the provisions of this article, provided that such liability shall not exceed $2,500.

E. If any minor is so emancipated from his parent or legal guardian prior to the occurrence of such damage, in lieu of any liability under this article, the court may order such minor to perform services for the public good, as permitted under the general obligations.

F. This article shall be enforced by the Police Department of the Village of Freeport or by the Superintendent of Buildings or his duly authorized representative.

§ 155-47.2. Graffiti as nuisance.

A. The existence of graffiti on public or private property in violation of this article is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this article.

B. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has right to possess such property to at all times keep the property clear of graffiti.

§ 155-47.3. Removal of graffiti by perpetrator.

Any person applying graffiti on public or private property shall have the duty to remove the graffiti within 24 hours after notice by the Village or private owner of the property involved. Such removal shall be done in a manner prescribed by the Chief of Police, the Superintendent of the Department of Buildings, or any additional Village department head, as authorized by the Village Board. Any person applying graffiti shall be responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal of any shall constitute an additional violation of this article. Where graffiti is applied by an unemancipated minor, the parent or legal guardian shall also be responsible for such removal or for the payment for the removal.

§ 155-47.4. Removal of graffiti by property owner or Village of Freeport.

If graffiti is not removed by the perpetrator according to § 155-47.2, graffiti shall be removed pursuant to the following provisions:

A. The owner, tenant and/or persons in control of any building or personal property shall be required to remove any graffiti applied to such property not more than 48 hours after such graffiti occurs. Failure to remove graffiti shall be a violation of this chapter.

B. Failure or refusal to remove graffiti.

(1) In the event that the owner, tenant and/or person in control of such a building, property or personal property shall fail or refuse to remove graffiti from his property, then such person or persons may be notified, in writing, mailed to the property address, by the Superintendent of Buildings or his designated agent, that such person shall have a period of up to 48 hours from the receipt of such notice to complete removal or coverage of such graffiti. If weather conditions do not allow for the removal of said graffiti, the Superintendent of Buildings and/or their designated agent shall be permitted to extend the forty-eight-hour time frame for a period of time until weather conditions permit the removal of said graffiti. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(2) If such owner, tenant, and/or person in control fails to comply with the terms of such notice within the time set forth therein, then the Village of Freeport Department of Buildings may order employees of any Village department or a contractor with an agreement approved by the Village Board to engage in maintenance, repair and other services needed to effectuate the elimination or coverage of such graffiti on such property. All cost of such work shall be billed to the owner of the property and, if unpaid after 90 days, shall be certified to the Treasurer of the Incorporated Village of Freeport for inclusion as taxes upon such parcel of property as was benefited thereby.

§ 155-47.5. Severability.

Severability is intended throughout and within the provisions of the article. If any section, subsection, sentence, clause, phrase or portion of this article is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this article.

ARTICLE V
Prostitution and Solicitation
[Added 10-31-1988 by L.L. No. 8-1988]

§ 155-48. Engaging in sexual activities for a fee.

It shall be unlawful for any person to engage or agree or offer to engage in sexual conduct with another person in return for a fee.

§ 155-49. Patronization of prostitutes.

A. It shall be unlawful for any person to patronize a prostitute. A person patronizes a prostitute when:

(1) Pursuant to a prior understanding, such person pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him or her.

(2) Such person pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person or a third person will engage in sexual conduct with him or her.

(3) Such person solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

B. As used in this article, "person who is patronized" means the person with whom the defendant engaged in sexual conduct or was to have engaged in sexual conduct pursuant to the understanding or the person who was solicited or requested by the defendant to engage in sexual conduct.

§ 155-50. Solicitation unlawful.

A. It shall be unlawful for any person to remain or wander about in a public place and repeatedly beckon to or repeatedly stop or repeatedly attempt to stop or repeatedly attempt to engage passersby in conversation or repeatedly stop or attempt to stop motor vehicles or repeatedly interfere with the free passage of other persons for the purpose of prostitution or of patronizing a prostitute.

B. It shall be unlawful for any person to remain or wander about in a public place and repeatedly beckon to or repeatedly stop or repeatedly attempt to stop or repeatedly attempt to engage passersby in conversation or repeatedly stop or attempt to stop motor vehicles or repeatedly interfere with the free passage of other persons for the purpose of promoting prostitution.

§ 155-51. Permitting use of premises for prostitution.

It shall be unlawful for any person to frequent, patronize, reside or be employed in or in any way be connected with any house of prostitution or assignation or, as owner, agent or lessee, to let or rent any room, building or part thereof knowing that it is intended to be or will be used for such purpose or knowingly to permit any room, building or part thereof which is owned, occupied or under the control of such person to be used for the purpose of prostitution or assignation.

§ 155-52. Penalties for offenses.

A violation of any of the provisions of this article shall constitute a violation as said term is defined in the Penal Law of the State of New York and be punishable as such.

§ 155-53. Severability.

If any clause, sentence, paragraph, section or part thereof contained in this article 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 or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

ARTICLE VI
Parades and Public Assemblies
[Added 9-14-1999 by L.L. No. 9-1999]

§ 155-54. Definitions.

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

CHIEF OF POLICE — The Chief of Police of the Incorporated Village of Freeport.

PARADE — Any march, demonstration, procession or motorcade consisting of persons, animals or vehicles, or a combination thereof, upon the streets or public thoroughfares within the Village of Freeport with an intent of attracting public attention that interferes with the normal flow or regulation of traffic upon the streets or public thoroughfares within the Village of Freeport.

PARADE OR PUBLIC ASSEMBLY PERMIT — A permit as required by this article.

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

PUBLIC ASSEMBLY — Any meeting, demonstration, picket line, rally or gathering of more than 10 persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic.

SIDEWALK — Any area or way set aside or open to the general public for purposes of pedestrian traffic adjacent to a street or public thoroughfare which is the proposed parade route, whether or not it is paved.

STREET — Any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way or median strip thereof.

VILLAGE — The Incorporated Village of Freeport.

§ 155-55. Permit required.

No person shall engage in or conduct any parade or public assembly unless a permit is issued by the Chief of Police.

§ 155-56. Exceptions.

This article shall not apply to the following:

A. Funeral processions.

B. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities.

C. A governmental agency acting within the scope of its functions.

D. Spontaneous events occasioned by news or affairs coming into public knowledge within three days of such public assembly, provided that the organizer thereof gives written notice to the Police Chief for the Incorporated Village of Freeport at least 24 hours prior to such parade or public assembly. The Police Chief may waive the notice requirement hereof based on the factors reflected in § 157-57B.

§ 155-57. Application for permit.

A. A person seeking a parade or public assembly permit shall file an application with the Chief of Police on forms provided by such officer and the application shall be signed by the applicant under oath.

B. For single, nonrecurring parades or public assemblies, an application for a permit shall be filed with the Chief of Police at least 10 and not more than 180 days before the parade or public assembly is proposed to commence. The Chief of Police may waive the minimum ten-day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place and nature of the parade or public assembly, the anticipated number of participants and the Village of Freeport services required in connection with the event, the Chief of Police determines that the waiver will not present a hazard to public safety.

C. For parades or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades or assemblies during that calendar year may be filed with the Chief of Police at least 60 and not more than 180 days before the date and time at which the first such parade or public assembly is proposed to commence. The Chief of Police may waive the minimum sixty-day period after due consideration of the factors specified in Subsection B above.

D. The application for a parade or public assembly permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade or public assembly.

(2) The names, addresses and telephone numbers of the headquarters of the organization for which the parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization.

(3) The requested date of the parade or public assembly.

(4) The route to be traveled, including the starting point and the termination point.

(5) The approximate number of persons who, and animals and vehicles which, will constitute such parade or public assembly and the type of animals and description of the vehicles.

(6) The hours when such parade or public assembly will start and terminate.

(7) A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets proposed to be traversed.

(8) The location by street of any assembly areas for such parade or public assembly.

(9) The time at which units of the parade or public assembly will begin to assemble at any such area.

(10) The intervals of space to be maintained between units of such parade or public assembly.

(11) If the parade or public assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the Chief of Police authorizing the applicant to apply for the permit on his behalf.

(12) The type of public assembly, including a description of activities planned during the event.

(13) A description of any recording equipment, sound amplification equipment, banners, signs or other attention-getting devices to be used in connection with the parade or public assembly.

(14) The approximate number of participants (spectators are, by definition, not participants).

(15) The approximate number of spectators.

(16) A designation of any public facilities or equipment to be utilized.

(17) Any additional information that the Chief of Police finds reasonably necessary to a fair determination as to whether a permit should issue.

§ 155-58. Police protection; reimbursement of cost to Village.

The Chief of Police shall determine whether and to what extent additional police protection is reasonably necessary for the parade or public assembly for traffic control and public safety. The Chief of Police shall base this decision on the size, location, duration, time and date of the event, the number of streets and intersections blocked and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police, he shall so inform the applicant for the permit. The applicant then shall have the duty to reimburse the Village of Freeport for the actual cost of the additional police protection deemed necessary by the Chief of Police at the sole expense of the applicant.

§ 155-59. Standards for issuance.

A. The Chief of Police shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location.

(2) The conduct of the parade or public assembly will not require the diversion of so great a number of Village police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the Village.

(3) The concentration of persons, animals and vehicles at public assembly points of the parade or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas.

(4) The conduct of the parade or public assembly is not reasonably likely to cause injury to persons or property.

(5) The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas.

(7) There are sufficient parking places near the site of the parade or public assembly to accommodate the number of vehicles reasonably expected.

(8) The applicant has secured the police protection, if any, required under § 155-58.

(9) No parade or public assembly permit application for the same time and location is already granted or has been received and will be granted.

(10) No parade or public assembly permit application for the same time but a different location is already granted or has been received and will be granted, and the police resources required for that prior parade or public assembly are so great that, in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property.

(11) No event is scheduled elsewhere in the Village of Freeport where the police resources required for that event are so great that the deployment of police services for the proposed parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

B. No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a Village street, sidewalk or right-of-way unless advance approval for the erection or placement of the structure is obtained from the Board of Trustees of the Incorporated Village of Freeport.

§ 155-60. Nondiscrimination.

The Chief of Police shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this article based upon political, religious, ethnic, race, disability, sexual orientation or gender-related grounds.

§ 155-61. Notice of denial of application.

With the exception of a spontaneous event or an event where the filing time requirements have been waived by the Chief of Police, the Chief of Police shall act promptly upon a timely-filed application for a parade or public assembly permit. If the permit application is received by the Chief of Police 30 or more days prior to the planned event, the Chief of Police shall deny or grant the permit no later than 10 days after the permit application has been received. If the permit application is received by the Chief of Police less than 30 days before the date of the planned event, the Chief of Police shall then deny or grant the permit in no less than 48 hours. If the Chief of Police disapproves the application, he shall notify the applicant, either by personal delivery or certified mail at least 48 hours prior to the event, of his action and state the reasons for denial.

§ 155-62. Alternative permit.

A. The Chief of Police, in denying an application for a parade or public assembly permit, may authorize the conduct of the parade or public assembly at a date, time, location or route different from that named by the applicant. An applicant desiring to accept an alternative permit shall, within five days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. The Chief of Police may consider the availability of sidewalks, parks or other areas of public assembly.

B. An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a parade or public assembly permit issued under this article.

§ 155-63. Appeal procedure.

A. Any applicant shall have the right to appeal the denial of a parade or public assembly permit to the Board of Trustees of the Incorporated Village of Freeport. The denied applicant shall make the appeal within five days after receipt of the denial by filing a written notice with the Chief of Police and a copy of the notice with the Village Clerk. The Board of Trustees of the Incorporated Village of Freeport shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

B. In the event that the Board of Trustees of the Incorporated Village of Freeport rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

§ 155-64. Notice to Village and other officials.

Immediately upon the issuance of a parade or public assembly permit, the Chief of Police shall send a copy thereof to the following:

A. The Mayor.

B. The Village Attorney.

C. The Fire Chief.

D. The Director of the Department of Public Works.

E. The Postmaster.

F. The manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade or public assembly.

§ 155-65. Contents of permit.

Each parade or public assembly permit shall state the following information:

A. Starting and approximate ending time.

B. Minimum speed of parade units.

C. Maximum speed of parade units.

D. Maximum interval of space to be maintained between parade units.

E. The portions of the streets that may be occupied by the parade or public assembly.

F. The maximum length of the parade in miles or fractions thereof.

G. Such other information as the Chief of Police shall find necessary to the enforcement of this article.

§ 155-66. Duties of permittee.

A. A permit hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

B. The parade or public assembly chairman or other person heading such activity shall carry the parade or public assembly permit upon his/her person during the conduct of the parade or public assembly.

§ 155-67. Prohibitions.

The following prohibitions shall apply to all parades and public assemblies:

A. It shall be unlawful for any person to stage, present or conduct any parade or public assembly without first having obtained a permit as herein provided.

B. It shall be unlawful for any person to participate in a parade or public assembly for which the person knows a permit has not been granted.

C. It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed parade or public assembly to knowingly fail to comply with any condition of the permit.

D. It shall be unlawful for any person participating in any parade or public assembly to carry or possess any length of metal, lumber, wood or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is 1/4 inches or less in thickness and two inches or less in width or, if not generally rectangular in shape, such object shall not exceed 3/4 inches in its thickest dimension.

E. It shall be unlawful for any person to carry any sign, poster, plaque or notice, whether or not mounted on a length of material as specified in Subsection D of this section, unless such sign, poster, plaque or notice is constructed or made of a cloth, paper or cardboard material.

F. It shall be unlawful for any person participating in a parade or public assembly to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Village Code Chapter 155, Article III.

G. It shall be unlawful for any person to ride, drive, or cause to be ridden or driven, any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

§ 155-68. Public conduct; restriction of parking.

A. No person shall unreasonably hamper, obstruct or impede or interfere with any parade or public assembly or with any person, vehicle or animal participating or used in a parade or public assembly.

B. No driver of a vehicle shall drive between the vehicles or persons comprising a parade or public assembly when such vehicles or persons are in motion and are conspicuously designated as a parade or public assembly.

C. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade or public assembly. The Chief of Police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

§ 155-69. Revocation of permit.

The Chief of Police shall have the authority to revoke a parade or public assembly permit instantly upon violation of the conditions or standards for issuance as set forth in this article or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.

§ 155-70. Penalties for offenses.

Any person violating the provision of any section of this article shall, upon conviction, be punished by fine not to exceed $1,000 or imprisonment of not more than 15 days, or both.

§ 155-71. Severability.

If any section, subsection, sentence, clause or phrase of this article is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.

ARTICLE VII
Shopping Carts
[Added 3-20-2000 by L.L. No. 3-2000]

§ 155-72. Definitions.

As used in this article, the following words and phrases shall have the meaning or meanings indicated:

NAME or MARK — Any permanently affixed or permanently stamped name or mark which is used for the purpose of identifying the owner of shopping carts.

PERSON — A person of either sex, a corporation, partnership, association, joint-stock company or society and any other entity capable of being sued.

PUBLIC PROPERTY — Any park, square, culvert, stream, stream bed, field, woodland, lawn, parking area or lot, building, structure, entity or any other place or location owned by or under the control or supervision of the Incorporated Village of Freeport.

SHOPPING CART — A basket which is mounted on wheels, or a similar device, generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

STREET — Any street, avenue, thoroughfare, lane, alley, path, stairway, concourse, sidewalk, curb, crosswalk, parking area or lot open to the public or used by the public within the Incorporated Village of Freeport.

SUPERINTENDENT OF BUILDINGS — The Superintendent of Buildings for the Incorporated Village of Freeport.

§ 155-73. Identification of shopping carts.

Every person who owns or makes available to the public, in connection with the conduct of business or trade, any shopping cart shall mark or cause the shopping cart to be marked and identified with the name of the owner.

§ 155-74. Unlawful possession of shopping cart.

It is unlawful to willingly or knowingly, with the intent to deprive the owner of a shopping cart or possession:

A. Remove a shopping cart from the premises or parking area of any retail establishment or be in possession of a shopping cart that has been removed from the premises or parking area of a retail establishment.

B. Alter, deface, obliterate, destroy, cover up or otherwise remove or conceal a name or mark on a shopping cart, or be in possession of any shopping cart whose name or mark has been altered, defaced, obliterated, destroyed, covered up or otherwise removed or concealed, without the consent of the owner of the shopping cart.

C. Be in possession of or have custody or control of any shopping cart off the premises of the owner of said shopping cart.

§ 155-75. Abandonment; notification of owner.

A. When any shopping cart is left unattended on any street or upon any public or private property where there is no person present who has actual physical custody or control of the shopping cart, said cart shall be deemed to have been discarded or abandoned within the meaning of this article.

B. The Department of Public Works of the Incorporated Village of Freeport shall impound any shopping cart which is discarded, abandoned or off the premises of the owner of same pursuant to § 155-74 or 155-75. The Police Department of the Incorporated Village of Freeport, or the Superintendent of Buildings, shall direct the Department of Public Works of the Incorporated Village of Freeport to impound any shopping cart in the possession of another in violation of § 155-74 or 155-75. The Department of Public Works of the Incorporated Village of Freeport shall deposit said shopping cart at a Village facility or a facility under the supervision of the Superintendent of Public Works.

C. If the owner can be ascertained, the Village shall notify the owner of the shopping cart in the possession of the Department of Public Works of the Incorporated Village of Freeport of the storage location of the shopping cart and give the owner an opportunity to pick up the shopping cart within 24 hours of the notification to the owner.

D. With respect to any shopping cart which has been abandoned or discarded upon any street or any public property, the owner of the shopping cart shall be deemed to have suffered or permitted the shopping cart to have been discarded or abandoned.

§ 155-76. Impoundment.

Any police officer or person designated by the Superintendent of Buildings may remove or cause to be removed any shopping cart abandoned or discarded on any street or public or private property and shall notify the Department of Public Works to impound the same or cause the same to be taken to property or premises of the Village, where the same shall be held until redeemed, sold or otherwise disposed of as provided in this article.

§ 155-77. Notice of impoundment.

Whenever a shopping cart that has been impounded contains sufficient information with which to identify the owner or the person having the right of possession thereof, the Police Department or Department of Public Works shall notify the Village Clerk, who shall then send a notice by ordinary mail no later than the seventh day following the date of impoundment to the owner, advising such person that the shopping cart has been impounded, where the shopping cart is being stored, the amount of money and procedure necessary to redeem the shopping cart from impoundment and the date after which the shopping cart, if it has not been redeemed, can be sold at public auction pursuant to this article. If any impounded shopping cart does not contain identification sufficient to determine its owner or the person having the right of possession thereto, no such notice is required to be sent; however, the provisions of § 155-79 relating to the sale of unredeemed shopping carts must be complied within respect to any such shopping cart.

§ 155-78. Redemption of impounded shopping carts; fee.

Any impounded shopping cart may be redeemed by the owner or by such other person having the right of possession thereto at any time prior to the sale, destruction, disposal or other disposition of the shopping cart by the Incorporated Village of Freeport, upon paying the sum of $25. No shopping cart shall be delivered to a person seeking to redeem the same unless satisfactory proof establishing such person's ownership or right of possession is submitted and proven. If the name of the entity, supermarket or store is on said shopping cart, that shall be sufficient proof of ownership or right of possession by that particular entity, supermarket or store. Any delivery to a person apparently entitled thereto shall be a valid and good defense for the Village against any other person or entity claiming to be entitled to said shopping cart or carts. Any and all redemption of any shopping cart or carts must occur prior to the legal advertisement for the auction of said shopping cart or carts.

§ 155-79. Sale of unredeemed shopping carts.

When a sufficient number of shopping carts have been accumulated and are in the custody of the Village, and if no person or entity to whom said cart(s) belong(s) has paid the required redemption fee and established his, her or its ownership or right of possession, it shall then be within the discretion of the Village Clerk, on behalf of the Incorporated Village of Freeport, to publish notice in a newspaper distributed in the Incorporated Village of Freeport advising that at a stated time and place, not less than seven days after such notice is made public, such shopping cart or carts shall be sold at public auction for the best price obtained. A general description in such notice of the shopping cart or carts to be sold shall be sufficient.

§ 155-80. Disposition of unsold shopping carts.

If any impounded shopping cart is not sold at public auction, the Village may reoffer it for sale at any subsequent public auction held pursuant to this article or dismantle, destroy or otherwise sell or dispose of such shopping cart or carts. Any sale or disposition of a shopping cart pursuant to this article shall be without any liability on the part of the Incorporated

Village of Freeport to the owner or other person lawfully entitled thereto or having any interest therein.

§ 155-81. Proceeds of sale of unredeemed shopping carts.

Upon redemption or sale of a shopping cart or carts, the proceeds shall be deposited in the general fund of the Incorporated Village of Freeport and used as a part thereof.

§ 155-82. Enforcement.

The provisions of this article may be enforced by any police officer of the Incorporated Village of Freeport or any person designated by the Superintendent of Buildings.

§ 155-83. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person convicted of an offense of any provision of this article shall be subject to a fine of not more than $1,000 for each offense or not more than 15 days imprisonment, or both.

§ 155-84. Applicability.

The provisions of this article shall not apply to any property other than a shopping cart or carts which come into the possession or custody of the Incorporated Village of Freeport pursuant to this or any other ordinance, law or regulation.

§ 155-85. Severability.

If any clause, sentence, paragraph, word, section or part of this article shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impugn or invalidate the remainder thereof but shall be confined in operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 155-86. (Reserved)

ARTICLE VIII
Panhandling
[Added 2-28-2000 by L.L. No. 2-2000]

§ 155-87. Legislative findings.

A. The Board of Trustees finds that the increase in aggressive solicitation throughout the Village has become extremely disturbing and disruptive to residents and businesses and has contributed not only to the loss of access to and enjoyment of public places but also to an enhanced sense of fear, intimidation and disorder.

B. Aggressive solicitation usually includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact or the intentional blocking of pedestrian and vehicular traffic. The Board of Trustees further finds that the presence of individuals who might be soliciting monies from persons at or near banks, automated teller machines or in public transportation vehicles and upon public roadways is especially troublesome because of the enhanced fear of crime in those confined environments. Such activity carries with it an implicit threat to both persons and property.

C. The law is not intended to limit any persons from exercising their constitutional rights to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation that have become an unwelcome and overwhelming presence in the Village.

§ 155-88. Definitions.

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

AGGRESSIVE MANNER — Includes:

A. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent.

B. Following the person being solicited, if that conduct is:

(1) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(2) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

C. Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is:

(1) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(2) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

D. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to §§ 155-54 through 155-71 of the Village Code, shall not constitute obstruction of pedestrian or vehicular traffic under this article.

E. Intentionally or recklessly using:

(1) Obscene or abusive language or gestures intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(2) Words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation.

F. Approaching the person being solicited in a manner that:

(1) Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

(2) Is intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

AUTOMATED TELLER MACHINE — A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY — The area comprised of one or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.

BANK — Means any banking corporation as defined by Article I, § 2, of the Banking Law of the State of New York.

CHECK CASHING BUSINESS — Any person duly licensed by the Superintendent of Banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

PUBLIC AREA — An area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks and streets open to the general public, and the doorways and entrances to buildings and dwellings and the grounds enclosing them.

SOLICIT — To request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitations, by the spoken, written or printed word, or by other means of communication.

§ 155-89. Prohibited acts.

It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

A. In an aggressive manner in a public area.

B. In any public transportation vehicle or bus or train station or stop.

C. Within 15 feet of any entrance or exit of any bank or check cashing business or within 15 feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or

other person legally in possession of such facilities; provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility.

D. On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property.

E. From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows or for blocking, occupying or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.

§ 155-90. Penalties for offenses.

A. A violation of this article may be punished by a fine not to exceed $250 or by imprisonment for a term not to exceed 15 days, or by both.

B. Any arrest or conviction under this article shall be disclosed to government social service agencies who request that the applicable public official be notified of such events.

§ 155-91. Construction and severability.

A. Severability is intended throughout and within the provisions of this article. If any section, sentence, clause or phrase of this article is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this article.

B. This article is not intended to proscribe any demand for payment for services rendered or goods delivered.

C. This article is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The article should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of New York or the Constitution of the United States of America.

ARTICLE IX
Parking on Certain Private Property
[Added 4-22-2002 by L.L. No. 3-2002]

§ 155-92. Parking restrictions on certain private property.

The parking areas and driveways of a hospital, or the parking area of a shopping center, office building and office building complex or place of public assembly, or the parking areas and driveways of facilities owned or leased by a not-for-profit corporation, or the parking area and private streets or roadways of a private apartment house complex, or the parking

areas and driveways of a fire station or private condominium complex shall be subject to the provisions of the vehicle and traffic regulations of the Incorporated Village of Freeport, provided:

A. The owner or the person in general charge of operation and control has requested such enforcement, in writing; and

B. Upon the recommendation of the Chief of the Freeport Police Department and/or the Freeport Fire Department.

ARTICLE X

Temporary Storage Containers
[Added 4-28-2008 by L.L. No. 6-2008]

§ 155-93. Definitions; permit required; general regulations; enforcement; violations and penalties.

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

STORAGE CONTAINER — Any container, intended for the purpose of storing or keeping household goods and other personal property, that is intended to be filled, refilled or emptied while located outdoors on a residential property and later removed from the property for storage off site.

B. It shall be unlawful for any person, firm or corporation to place, keep or maintain any storage container on any property without securing a permit.

C. Any person desiring a permit to place or maintain a storage pod shall file an application with the Village Clerk, which application shall then be reviewed and either approved or disapproved by the Superintendent of Buildings or his duly authorized representative. The form for this application is to be furnished by the Village Clerk and shall be sworn to and filed by the applicant with the Village Clerk, along with an application fee. The Board from time to time may change such fee by a duly adopted resolution.

D. A storage container may not be more than 120 square feet and may be no more than eight feet in height and may not block, hinder or impede the flow of vehicular or pedestrian traffic.

E. All temporary storage containers must be placed in a driveway. The storage container shall be set back from any side yard a minimum of three feet, from the front yard by a minimum of three feet, and also be a minimum of three feet away from any structures on the property. In granting the permit, the Superintendent of Buildings, or his duly authorized representative, shall consider the rights of adjacent property owners so that there shall not be any unreasonable deprivation of light, air or reasonable use of adjoining property. In properties without a driveway, a temporary storage container may be placed in the street in front of the property for a period of time not to exceed 72 hours, if, in the sole determination of the Superintendent of Buildings, the placement of the storage container in the street would not cause a dangerous condition. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

F. The Superintendent of Buildings or his duly authorized representative, is hereby authorized, in the exercise of reasonable discretion, to revoke any permit issued hereunder if, after due investigation, he deems that the holder thereof has violated any provisions of this section, in that the storage pod is being maintained in an unsafe manner or is being maintained as a nuisance. Written notice of said revocation shall be given either by personal service upon the person to be notified or by depositing said notice in the United States mail in a sealed envelope, postage prepaid, addressed to such person at the address which appears on the records of the Building Department.

G. The length of time a storage container shall be permitted to remain shall be 90 days, with one thirty-day extension. Such extension shall be filed with the Village Clerk and approved by the Superintendent of Buildings, or his duly authorized representative, only upon good cause shown. The temporary storage container must be removed at the end of the permitted period of time.

H. This section shall be enforced by the Superintendent of Buildings or his duly authorized representative. Any violation of this section shall be punishable by a fine not to exceed $1,000 and/or 15 days in the Nassau County Correctional Center. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

ARTICLE XI
Smoking in Village Parks and on Village Property
[Added 6-7-2021 by L.L. No. 4-2021]

§ 155-94. Legislative intent and purpose.

The Board of Trustees of the Village of Freeport finds that the effects of secondary smoke generated by the smoking of cigars, cigarettes, pipes, marijuana, and/or similar articles pose a threat to the health, safety and well-being of the citizens of the Village of Freeport who do not smoke.

§ 155-95. Definitions.

For the purpose of this section, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in common usage.

E-CIGARETTE — Any electronic device composed of a mouthpiece, heating element, battery and electronic circuits that provides a vapor of liquid nicotine and/or other substances mixed with propylene glycol to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

SMOKING — The combustion of any cigar, cigarette, tobacco, marijuana or any similar article or any other combustible substance in any manner or in any form or the heating or ignition of an e-cigarette which creates a vapor.

§ 155-96. Prohibited acts.

A. Smoking is prohibited in any area of any public park.

B. Smoking is prohibited on all Village properties and within a fifty-foot radius of all entrances to all Village municipal, government, or library buildings and facilities located within the Village of Freeport which are designated as accessible by the public; provided, however, that the provisions of this section shall not apply to smoking within the boundary lines of an adjacent property.

§ 155-97. Penalties for offenses.

Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be punished by a fine of not more than $250 for a first offense, $500 for a second offense, $750 for any offense thereafter or by imprisonment of not more than 15 days or both.

ARTICLE XII
Video Recording on Village Property
[Added 6-7-2021 by L.L. No. 5-2021]

§ 155-98. Legislative intent and purpose.

The Board of Trustees of the Village of Freeport recognizes an individual's right to free speech and association. However, there may be areas in Village buildings that contain sensitive information and, by operation of other laws and regulations, are secure areas in which video recording could jeopardize the health, safety and welfare of Village employees, residents and/or the safe and effective operation of the Village of Freeport. Therefore, such areas should be designated "no video taping zones." This article would accomplish that.

§ 155-99. Prohibited acts.

A. Videotaping shall be prohibited where clearly noticed on any Village property.

B. The Mayor and Board, from time to time, shall designate such areas as "no video taping permitted" by a resolution of the Board.

§ 155-100. Penalties for offenses.

Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be punished by a fine of not more than $250 for a first offense, $500 for a second offense, $750 for any offense thereafter or by imprisonment of not more than 15 days or both.

ARTICLE XIII

Cannabis Prohibition

[Added 8-23-2021 by L.L. No. 7-2021]

§ 155-101. Legislative intent.

It is the intent of this article to opt the Village of Freeport out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

§ 155-102. Authority.

This article is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities and villages to opt out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

§ 155-103. Local cannabis retail dispensary and/or on-site consumption opt-out.

The Board of Trustees of the Village of Freeport hereby opts out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating and operating within the boundaries of the City/Village of Freeport.

§ 155-104. Penalties and enforcement.

A. This section shall be enforced by the Freeport Police Department, any Police or Law Enforcement Agency or Department, and by the Freeport Department of Buildings and Code Enforcement Officers of the Village of Freeport.

B. Penalties for a violation of this article shall be as follows:

(1) The first offense shall be subject to a maximum fine of $500 and/or 15 days in the Nassau County Correctional Center;

(2) The second offense shall be subject to a maximum fine of $1,000 and/or 15 days in the Nassau County Correctional Center;

(3) The third, and each subsequent offense shall be subject to a maximum fine of $2,000 and/or 15 days in the Nassau County Correctional Center.

§ 155-105. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this article, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

§ 155-106. Effective date.

This article shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this article is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this article.

ARTICLE XIV

Post Deprivation Hearings; Vehicles Impounded

[Added 5-1-2023 by L.L. No. 3-2023; amended 11-27-2023 by L.L. No. 5-2023]

§ 155-107. “Procedure.

A. Ascertainment of and notice to interested parties. Upon impoundment, removal or seizure of a vehicle for unpaid parking tickets, violations of New York State Vehicle and Traffic Law §§ 319, 340, 355, 401, 402, or 512, and default judgments, the Village shall conduct a diligent inquiry to determine the identity of parties with interests in the seized vehicle (the "interested parties"), and within 10 days of the impoundment, removal or seizure shall provide written notice ("notice of seizure") of the right to a retention hearing (the "retention hearing") to those interested parties, defined as follows:

(1) The driver in possession at the time of seizure;

(2) The registrant of the vehicle;

(3) The titled owner of the vehicle;

(4) Any lessor of the vehicle; and/or

(5) Any lienholder of the vehicle.

B. Written notice of retention hearing procedure and turnover to other interested party on event of default:

(1) The notice of seizure shall state that each interested party has the right to a prompt post impoundment, removal or seizure hearing ("retention hearing") before a neutral decision maker who shall review the legality of the seizure, the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle and determine the rights of possession in the vehicle at issue among the registered owner/titled owner, lessor/lessee and shall be given by certified mail to the interested parties in the vehicle.

(2) The notice shall also inform owners of vehicles subject to liens, or lessees of leased vehicles — as applicable — that if they fail to participate in a retention hearing and are in default under the terms of their lease, that the seized vehicle may instead be released to a lienholder or lessor (as applicable) if a post-default review of indicates that such lienholder or lessor is entitled to take possession of the seized vehicle.

(3) The notice of seizure shall be sent by certified mail, to the interested parties at the address listed for each interested party on the license, registration and/or document of title for the vehicle in question or such other address as is reasonably calculated to give the interested party notice of the removal, seizure, impoundment or detention.

(4) The notice of seizure shall state the name and address of the interested party; make, model and vehicle identification number ("VIN") of the seized vehicle; the purpose of the retention hearing is to determine the legality of the impoundment, removal or seizure, the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle and determine the rights of possession in the vehicle at issue and that each interested party shall have the option to request such hearing, which must be commenced within 21 days from the time the notice of seizure is sent to all interested parties.

C. Independent agent to conduct hearings and procedure to be made public:

(1) The procedure to obtain a retention hearing before a neutral decision maker shall be posted on the Village's website.

(2) The Village shall appoint an independent agent to conduct such retention hearings at the cost and expense of the Village.

D. Conduct of the retention hearing.

(1) Retention hearings shall be scheduled in person and/or virtually at Village premises or locations in or outside the Village designated by the Village for such hearings.

(2) The retention hearing shall be conducted promptly following the seizure, impoundment, and detention of any vehicle before a neutral decision maker who shall:

(a) Review the legality of the seizure;

(b) Review the appropriateness of any fees and expenses to be charged in relation to the seizure and storage of the vehicle; and

(c) Determine the rights of possession in the vehicle at issue.

(3) The neutral decision maker shall reserve continuing jurisdiction beyond the initially scheduled retention hearing in the event of the need to adjourn such hearing due to circumstances beyond the control of the parties, such as weather or public health events, but in no instance shall this provision result in the retention of a vehicle indefinitely without a hearing.

E. Default and post-default review. If no interested party requests a retention hearing or appears at the requested retention hearing, all interested parties will be deemed in default. in the event of a default, the Village Attorney shall conduct a post-default review of the seizure to determine:

(1) The legality of the seizure;

(2) The appropriateness of any fees and expenses charged in relation to the seizure and storage of the vehicle.

F. Actions post-default. Following post-default review, the Village may take such further actions as are called for by its laws or other policies and procedures, including the imposition of fees, seeking forfeiture or otherwise disposing of the vehicle.

G. Proof of the right of titled owner or lienholder to retake possession. A vehicle will not be turned over to a titled owner, lessor or lienholder until the lessor or lienholder provides satisfactory proof of the right of a titled owner, lessor or lienholder to take possession of a vehicle in the form of an affidavit of right from an appropriate custodian of records of the titled owner, lessor or lienholder stating:

(1) The reason(s) the titled owner, lessor or lienholder has a current right to take possession of the vehicle and attaching certified copy of the lease document or retail installment contract;

(2) An agreement by the titled owner, lessor or lienholder to reasonably cooperate with the Village should a driver or registrant later make claims against the Village related to the Village's turnover of the vehicle to the titled owner, lessor; and/or lienholder;

(3) An agreement to release the Village for its conduct in towing the vehicle; and

(4) An agreement that the titled owner, lessor or lienholder shall pay to the Village those fees which may imposed by a written disposition following the retention hearing.

H. This chapter shall not apply where a vehicle is impounded under authority granted pursuant to New York State Statute.

Chapter 158

PEDDLING AND SOLICITING

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§ 158-2. Definitions.
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ARTICLE II
Hawkers and Peddlers

§ 158-5. Definitions.
§ 158-6. License required.
§ 158-7. License fee; licensing of vehicles.
§ 158-8. Exempted persons.
§ 158-9. Rules and regulations.

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§ 158-13. Definitions.
§ 158-14. Equipment required.
§ 158-15. Specifications for swing arm.
§ 158-16. Vending regulations.
§ 158-17. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 13 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
Transient Businesses
[Amended 1-28-1980 by L.L. No. 2-1980]

§ 158-1. Prohibition.

Notwithstanding anything to the contrary contained in this Code, transient businesses as defined in § 158-2 is a prohibited use in all zoning districts in the Village of Freeport.

§ 158-2. Definitions.

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

TRANSIENT BUSINESS — One conducted in an open lot from a stationary motor vehicle, car, truck, wagon, cart, public room or any temporary structure for the exhibition and sale of goods, wares and merchandise to the public.

§ 158-3. (Reserved)

§ 158-4. (Reserved)

ARTICLE II
Hawkers and Peddlers

§ 158-5. Definitions. [Amended 1-16-1978 by L.L. No. 1-1978]

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

HAWKER or PEDDLER — Any person traveling by foot, wagon, automotive vehicle or other conveyance from street to street or from place to place carrying or transporting goods, wares, merchandise and offering the same for sale, other than from house to house, except one engaged in the peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities.

§ 158-6. License required.

No person shall engage in the business of hawker or peddler in the Village without first obtaining an annual license therefor.

§ 158-7. License fee; licensing of vehicles. [Amended 11-26-1973]

A. Generally. An annual fee shall be paid before a license is issued hereunder. All annual licenses shall expire on May 31 and shall thereafter be renewable as provided in § 138-10. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by applicants for hawkers and peddlers licenses or a renewal thereof. **[Amended 2-26-1990 by L.L. No. 20-1990; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Each conveyance to be licensed; display. For each separate vehicle or conveyance used by any licensee hereunder, a separate fee shall be paid. The license issued for each vehicle shall contain the New York State motor vehicle license number of such vehicle and shall be visibly displayed upon such vehicle. Any use of such license on any other vehicle shall constitute grounds for the revocation of any and all of the offending licenses hereunder.

§ 158-8. Exempted persons. [Amended 12-11-1972]

Nothing herein contained shall prohibit hawking or peddling by an honorably discharged soldier, sailor or marine who is crippled as a result of injuries while in the naval or military service of the United States or the holder of a license granted pursuant to § 32 of the General Business Law. Neither shall anything herein contained prohibit hawking or peddling by a lawful representative of any nonprofit corporation, association, society or organization organized exclusively for religious, benevolent, humane, charitable, educational, hospital, patriotic or fraternal purposes or which promotes the study or the advancement of the arts or sciences or sustains, encourages or promotes the musical or performing arts.

§ 158-9. Rules and regulations. [Amended 11-23-1970; 12-14-1970; 8-14-1972; 10-18-1976 by L.L. No. 9-1976]

A licensed hawker or peddler shall not:

A. Falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased provisions or merchandise.

B. Use the license provided by the Village after the expiration or revocation of the license represented by them.

C. Fail to keep the vehicles and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well-covered and protected from dirt, dust and insects.

D. Stand or permit the vehicle used by him to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner of or lessee of the ground floor thereof objects.

E. Sell any confectionery or ice cream within 500 feet of any school property line between the hours of 8:00 a.m. and 4:00 p.m. on school days.

F. Permit any vehicle used by him to stop or remain on any crosswalk.

G. Create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

H. Sell any goods, wares and merchandise of any kind or description from any vehicle parked in a metered parking area.

I. Fail to keep and maintain a proper receptacle on the vehicle for use by the customer for the deposit of litter, refuse and trash.

J. Enter upon private property for the purpose of carrying or transporting goods, wares or merchandise and/or offering same for sale, except upon the invitation of the owner or occupant. Any person found in violation of this subsection shall be subject to a fine of not more than $1,000. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

ARTICLE III
Solicitors and Canvassers

§ 158-10. Definitions. [Amended 1-16-1978 by L.L. No. 1-1978]

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

SOLICITOR or CANVASSER — Any person going from house to house in order to solicit donations or in order to take orders for the sale of goods or services, including goods for future delivery or services to be performed later.

§ 158-11. Entry upon private property; penalty. [Amended 8-14-1972]

A. No solicitor or canvasser shall go or enter upon any private property for the purpose of soliciting donations for charitable purposes or otherwise or for the taking of orders for the sale of goods or services, including goods to be delivered later or services to be performed later, except upon the prior invitation of the owner or occupant of such private property. **[Amended 1-16-1978 by L.L. No. 1-1978]**

B. Any person found in violation of the foregoing Subsection A shall be subject to a fine of not more than $1,000, and such person shall be deemed a disorderly person. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 158-12. Cable television franchisees. [Added 12-19-1977 by L.L. No. 24-1977]

A. Any contrary provision herein notwithstanding, bona fide representatives of the cable television franchisee of the Village of Freeport are not prohibited from canvassing or soliciting subscriptions for cable television service, house to house or otherwise, with or without the prior invitation of the owner or occupant of the premises solicited.

B. Said franchisee shall not be required to procure a license or post bond or surety under this article.

ARTICLE IV
Street Vending Vehicles
[Added 4-19-1976 by L.L. No. 4-1976]

§ 158-13. Definitions.

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

PERSON — Any individual, corporation, partnership, association or any other form of business entity.

ROADWAY — Any public road.

STREET VENDING VEHICLE — Any vehicle which is used to sell a commodity or provide a service, which tends to attract children, and travels the various roadways within the Village making frequent, intermittent and unscheduled stops on the roadways or shoulder of the roadways in order to sell these commodities or provide these services.

§ 158-14. Equipment required.

In addition to other equipment required by law, every street vending vehicle operating in the Village shall be equipped with the following:

A. A swing arm that can be extended horizontally from the left side of the vehicle. This arm shall be yellow and black in color and contain two simultaneously flashing yellow lights on the front and two simultaneously flashing red lights on the rear.

B. Signal lamps mounted at the same level and as high and widely spaced laterally as practicable. These lamps shall be five to seven inches in diameter and shall display two simultaneously flashing red lights to the rear, both of which shall be visible at 500 feet in normal sunlight upon a straight and level highway.

§ 158-15. Specifications for swing arm.

The swing arm required in § 158-14A shall be as follows:

A. An arm made of any acceptable metal material. That part of the swing arm that is attached to the vehicle itself shall be approximately 7 3/16 inches in height, and when extended outward and to the side of the vehicle shall extend to a length of 18 inches and flared to a height of 18 inches.

B. Located at the upper and lower corners of the eighteen-inch side shall be flashing yellow lights visible from the front and red lights visible from the rear. These lights shall be four inches in diameter and shall flash simultaneously. The background of the sign shall be painted yellow and shall be reflective.

C. The lettering shall be painted black. In the middle, in letters five inches in height, shall be painted the word "SLOW"; just above the word "SLOW" shall be printed, in two-inch letters, the word "CHILDREN"; and just below the word "SLOW" shall be printed, in two-inch letters, the word "CROSSING." The sign shall be lettered and painted on both sides so that it will be visible from both the front and rear.

D. The bottom of said sign shall be at a height of not less than 42 inches above the level of the street.

§ 158-16. Vending regulations.

A. It shall be unlawful to stop for the purposes of selling without the swing arm in operation.

B. It shall be unlawful for the driver of a street vending vehicle to stop on the highway for the purpose of selling or offering for sale his commodity or service without activating the special flashing lights and extending the swing arm as required and described in § 158-14.

C. A person shall vend only from the side or rear of the truck, away from moving traffic and as near as possible to the curb or edge of the roadway.

D. A person shall not vend to a person standing in the roadway.

E. The driver of a street vending vehicle shall not back the vehicle to make or attempt a sale.

F. The driver of a street vending vehicle shall not permit any person under 16 years of age nor any unauthorized person to ride in or on the vehicle.

G. The street vending vehicle shall not be stopped or standing for selling or offering for sale the commodity or service within 50 feet of any street intersection.

H. The license or a copy thereof issued by the Incorporated Village of Freeport shall be displayed in a conspicuous place on the vending machine.

I. No street vending vehicle shall operate after 9:00 p.m. in residential areas of the Village, including those areas containing apartment houses, cooperatives, condominiums and townhouses. **[Added 8-25-1986 by L.L. No. 8-1986]**

§ 158-17. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person found to be in violation of the provisions of this article shall be subject to punishment by a fine not to exceed $1,000.

Chapter 162

PLUMBING

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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 19 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
General Regulations

§ 162-1. Coverage.

All matters concerning, affecting or relating to the installation, repair, removal or relocation of fixtures, pipes or other apparatus for carrying in, distributing the water supply or gas, removing liquid or water-carried wastes or other liquid drainage and preventing trap siphonage and back pressure are presumptively provided for in this chapter except insofar as such provisions are contained in the Village, the Labor Law, the Building Code of the Village[1] or the rules promulgated in accord with the provisions of this article by the Superintendent of Buildings.

1. **Editor's Note: See Ch. 86, Building Construction.**

§ 162-2. Definitions. [Amended 7-27-2009 by L.L. No. 1-2009]

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated:

ALTERATION — As applied to a building or structure, any change or rearrangement in the structural parts or in the exit facilities.

APPROVED — As applied to any material, device or mode of construction, approved by the Superintendent of Buildings under the provisions of this chapter, or by any other authority designated by law to give approval on the matter in question.

CURB

A. When used in defining the height of a building, means the curb level at that front of the building which faces on the street of greatest width, or if the greatest width occurs on more than one of the streets on which the building faces, the mean curb level at that point of the building which faces on the street of greatest width and having the highest curb.

B. When used in fixing the depth of an excavation, means the curb level at that point of the curb which is nearest to the point of the excavation in question.

EXAMINING BOARD OF PLUMBERS — Any body of citizens not exceeding five in number, who may be appointed by the Mayor of the Village of Freeport and approved by the Board of Trustees for that purpose. **[Added 5-18-2015 by L.L. No. 4-2015]**

GARAGE STORAGE, GARAGE NONSTORAGE, GARAGE, MOTOR VEHICLE REPAIR SHOP, OIL SELLING STATION — These terms shall have the meaning indicated in the Code of the Village of Freeport.

HEIGHT — As applied to a building or structure, the vertical distance, measured in a straight line from the curb level, or if the grade of the street has not been legally established or the building does not adjoin the street, from the average level of all the ground adjoining such building to the highest point of the roof beams in the case of flat roofs, and to the average height of the gable in the case of roofs having a pitch of more than 20° with the horizontal plane.

MULTIPLE DWELLING — A building is defined in Article III of the Building Code of the Village.[2]

OCCUPIED — As applied to any building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied."

OWNER — Includes an owner's duly authorized agent or attorney, a purchaser, devisee and any person entitled to an interest in the property in question.

STORY — That part of a building comprised between any floor and the floor or roof next above.

2. Editor's Note: See Ch. 86, Building Construction.

ARTICLE II

Administration of Provisions

§ 162-3. Notices.

All notices of the violation of any of the provisions of this chapter, and all notices required or authorized by this chapter, directing anything to be done, including notices that any building, structure, premises or any part thereof is deemed to be unsafe or dangerous, shall be issued by the Superintendent of Buildings and shall have his name affixed thereto.

§ 162-4. Description of premises in notice or order.

Each such notice or order, in addition to the statement of requirements, shall contain a description of the building premises or property affected.

§ 162-5. Service of notice or order.

All such notices and any notice or order issued by any court in any proceeding instituted pursuant to this chapter, to restrain or remove any violation or to enforce compliance with any provision or requirement of this chapter, may be served by delivering and leaving a copy of the same with any person violating or who may be liable under any provisions of this chapter. They may be served by an officer or employee of the Department of Buildings or by any person authorized by the said Department.

§ 162-6. Substituted service of notice or order.

If the person to whom such order or notice is addressed cannot be found within the Village after diligent search shall have been made for him, then such notice or order may be served by posting the same in a conspicuous place upon the premises where such violation is alleged to have been placed or to exist, or to which such notice or order may refer, or which may be deemed unsafe or dangerous, and also depositing a copy thereof in the post office in the Village, enclosed in a sealed postpaid wrapper addressed to said person at his last known place of residence, which shall be equivalent to a personal service of said notice or order upon all parties for whom such search shall have been made, whether residents or nonresidents of the State of New York.

§ 162-7. Ordering work to be stopped.

In case there shall be, in the opinion of the Superintendent of Buildings, danger to life or property by reason of any defective or illegal work in violation of or not in compliance with any of the provisions or requirements of this chapter, the Superintendent or such person as may be designated by him shall have the right and he is hereby authorized and empowered to order all further work to be stopped in and about said building, and to require all persons in and about said building forthwith to vacate the same, and to cause such work to be done in and about the building as in his judgment may be necessary to remove any danger therefrom.

§ 162-8. Temporary closing of sidewalks, streets or buildings.

The Superintendent of Buildings may, when necessary for public safety, temporarily close the sidewalks, streets, buildings, structures or places adjacent to said building or part thereof, and the Chief of Police or any of his subordinates, when called upon by the said Superintendent of Buildings to cooperate, shall enforce all orders or requirements made under this section.

§ 162-9. Actions or proceedings.

A. Authority of Superintendent of Buildings. Whenever the Superintendent of Buildings is satisfied that any drainage or plumbing, the erection, construction or alteration, execution or repair of which is regulated, permitted or forbidden by this chapter, is being erected, constructed, altered or repaired or has been erected, constructed, altered or repaired in violation of or not in compliance with any of the provisions or requirements of this chapter or in violation of any detailed statement of specifications or plans submitted and approved thereunder, or of any certificate or permit issued thereunder, or requirement of this chapter or any order or direction made thereunder has not been complied with, or that plans and specifications have not been submitted or filed as required by this chapter, the Superintendent of Buildings may, in his discretion, institute any appropriate action or proceeding at law or in equity to restrain, correct or remove such violation or the execution of any work thereon, or to sustain or correct the erection or alteration of, or to require the removal of, or to prevent the occupation or use of, the building or structure erected, constructed or altered in violation of or not in compliance with any of the provisions of this chapter, or with respect to which the requirements thereof or of any order or direction made pursuant to any provisions contained therein shall not have been complied with.

B. Effect of continuance of violation. Any person who shall maintain or continue any drainage or plumbing in violation of any of the provisions of this chapter after having been duly notified as in this chapter provided that such drainage or plumbing is in violation of any provision of this chapter shall be subject to any action or proceeding and any penalty that is provided in this article for the commission of the violation.

§ 162-10. Institution of actions or proceedings.

The Superintendent of Buildings shall institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this chapter upon the order of the Board of Trustees of the Village.

§ 162-11. Application for injunction or restraining order.

In any such action or proceedings the Village may, in the discretion of the Superintendent of Buildings and on his affidavit setting forth the facts, apply to any court of record or to a judge or justice thereof for an order enjoining and restraining all persons from doing or causing or permitting to be done any work in or upon such building or structure or in or upon such part thereof as may be designated in said affidavit, or from occupying or using said building or structure or such portion thereof as may be designated in said affidavit, for any purpose whatever, until the hearing and determination of said action and the entry of final

judgment therein. The court or judge or justice thereof to whom such application is made is hereby authorized forthwith to make any or all of the orders above specified as may be required in such application, with or without notice, and to make such other or further orders or directions as may be necessary to render the same effectual. No undertaking shall be required as a condition to the granting or issuing of such injunction order or by reason thereof.

§ 162-12. Judgment of court.

All courts in which any action or proceeding is instituted under this chapter shall, upon the rendition of a verdict, report of a referee or decision of a judge or justice, render judgment in accordance therewith.

§ 162-13. Liens.

Any judgment rendered in an action or proceeding instituted under this chapter shall be and become a lien upon the premises named in the complaint in such action, to date from the time of filing a notice of lis pendens in the County Clerk's office of Nassau County. Every such lien may be enforced against said property in every respect notwithstanding the same may be transferred subsequent to the filing of the said notice.

§ 162-14. Lis pendens.

A. Contents; filing. The notice of lis pendens referred to in this section shall consist of a copy of the notice issued by the Superintendent of Buildings, requiring the removal of the violation, and a notice of the suit or proceedings instituted or to be instituted thereon. Such notice of lis pendens may be filed at any time after the service of the notice issued by the Superintendent of Buildings as aforesaid; provided he may deem the same to be necessary or is satisfied that the owner of the property is about to transfer the same to avoid the responsibility for having violated a provision of this chapter.

B. Vacation; cancellation. Any notice of lis pendens filed pursuant to the provisions of this chapter may be vacated and canceled of record upon an order of a justice of the court in which such suit or proceeding was instituted or is pending or upon the consent in writing of the Village Trustees. The Clerk of Nassau County shall mark any such notice of lis pendens and any record or docket thereof, as vacated and canceled of record, upon the presentation and filing of a certified copy of an order or of consent as aforesaid.

§ 162-15. Nonliability of Village for costs.

In no case shall the Department of Buildings or any officer thereof or of the Village be liable for costs in any action, suit or proceedings that may have been or may hereafter be instituted or commenced in pursuance of this chapter.

§ 162-16. Nonliability of officers for damages.

No officer of the Department of Buildings, acting in good faith and without malice, shall be liable for damages by reason of anything done in any action or proceeding instituted under any provision of this chapter or by reason of any act or omission in the performance of his official duties.

§ 162-17. Failure to comply with notice.

In case any notice or direction authorized to be issued by this chapter is not complied with within the time designated therein, the Village, by the Superintendent of Buildings, may apply to the Supreme Court, at a special term thereof, for an order directing the Superintendent of Buildings to proceed to make the alterations or remove the violation, as the same may be specified in said notice or direction.

§ 162-18. Vacation of building or premises.

Whenever any notice or direction so authorized shall have been served as directed in this article, and the same shall not have been complied with within the time designated therein, the Board of Trustees shall, at the request of the Superintendent of Buildings, in addition to or in lieu of any other remedy provided for by this chapter, apply to the Supreme Court, at a special term thereof, for an order directing the Superintendent to vacate such building or premises or so much thereof as he may deem necessary, and prohibiting the same to be used for any purpose specified in said order until such notice shall have been complied with.

§ 162-19. Notice by lessee to owner of order.

In case the notices or orders of the Court herein mentioned shall be served upon any lessee or party in possession of the building or premises therein described, it shall be the duty of the person upon whom such service is made to give immediate notice to the owner or agent of the building or premises named in the notice if such person shall be within the limits of the Village and his residence be known to such person, and, if not within the Village, be depositing said notice in the post office in the Village, properly enclosed in a postpaid wrapper addressed to such owner or agent at his then known place of residence.

§ 162-20. Designation of agent for service of process.

A. Issuance. Any owner of real estate or of a building thereon may execute and acknowledge a written designation of a resident of said Village as a person upon whom may be served any notice of violation, notice to make safe or notice of survey, a summons, a mandate or any paper or process issued under a provision of this chapter, and may file the same with the written consent of the person so designated, duly acknowledged, in the office of the Superintendent of Buildings. The designation must specify the location of the property with respect to which the designation is made and the residences and places of business of the person making it and the person designated.

B. Duration; termination. It shall remain in force during the period specified herein, if any, or until revoked by the death or legal incompetency of either of the parties or by the filing of a revocation by either of the parties, duly acknowledged and endorsed with the consent of the Superintendent of Buildings. The Superintendent of Buildings shall file and index each designation and shall note upon the original designation and index the filing of a revocation.

C. Effect. While the designation remains in force, as prescribed in this section, a notice of violation, notice to make safe or notice of survey, a summons, a mandate or any paper or process under the provisions of this chapter, or either of the same, shall be served upon the person so designated in like manner and with like effect as it were served personally upon the person making the designation, notwithstanding his presence in the Village.

§ 162-21. Expenses of Village; authority of court.

The expenses and disbursements incurred in the carrying out of any order issued as provided in § 162-3 of this article shall become a lien upon the building or premises named in the order from the time of the filing of a copy of the said order, with a notice of the pendency of the action or proceeding as provided in this chapter taken thereunder, in the office of the Clerk of Nassau County; and the Supreme Court to whom application shall be made is hereby authorized and directed to grant any of the orders above named and to take such proceedings as shall be necessary to make the same effectual; and any Justice to whom application shall be made is hereby authorized and directed to grant any of said orders and to take such proceedings as shall be effectual in behalf of the Village.

§ 162-22. Civil penalty.

Except as hereinafter provided with respect to the amount of the penalty, the owner of any building, structure or part thereof, or wall, or any platform, staging or flooring to be used for standing or seating purposes, or the owner of the land, where any violations of this chapter shall be placed or shall exist, and any architect, builder, plumber, carpenter, mason or other person who may be employed or assist in the commission of any such violation, and all persons who shall violate any of the provisions of this chapter or fail to comply therewith or with any requirement thereof, or who shall violate or fail to comply with any detailed order or rules made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, shall severally, for each and every such violation and noncompliance, respectively, forfeit and pay a penalty in the sum of not less than $10 nor more than $50.

§ 162-23. Collection of penalty.

For the recovery of any penalty or penalties enumerated in § 162-22, or for violations of registration provisions or noncompliance with notice requirements, an action may be brought in the Village court or any court of record, in the name of the Village; and whenever any judgment shall be rendered therefor, the same shall be collected and enforced as prescribed and directed by the Civil Practice Act of the State of New York.

§ 162-24. Discontinuance of action to recover penalty.

If any violation shall be removed or be in process of removal within 10 days after the service of a notice as in this chapter prescribed, the liability of such penalty shall cease, and the Village Board of Trustees, on request of the Superintendent of Buildings, shall discontinue any action pending to recover the same, upon such removal or the completion thereof within a reasonable time.

§ 162-25. Remitting penalty.

The Superintendent of Buildings, through the Village Board, is hereby authorized, in his discretion and upon good and sufficient cause being shown therefor, to remit any penalty which any person may have incurred or may hereinafter incur under any of the provisions of this chapter, but no such penalty shall be remitted until the violation shall have been removed. Said Superintendent is further authorized, in his discretion, to remit any costs allowed or obtained in any penalty suit or any other action or proceeding instituted under the provisions of this article.

§ 162-26. Criminal liability.

Any person who shall receive and fail to comply with any written peremptory order of the Superintendent of Buildings issued only when an immediate compliance with such order is essential to the public peace or safety, within the time specified in such order, shall be guilty of a misdemeanor.

ARTICLE III

Licensing

[Amended 11-26-1973; 6-29-1981 by L.L. No. 12-1981; 3-22-1982 by L.L. No. 6-1982; 2-26-1990 by L.L. No. 21-1990; 2-26-1990 by L.L. No. 22-1990; 2-26-1990 by L.L. No. 23-1990; 9-17-1990 by L.L. No. 46-1990; 8-7-2006 by L.L. No. 3-2006; 7-27-2009 by L.L. No. 1-2009]

§ 162-27. License required. [Amended 2-26-2015 by L.L. No. 1-2015; 5-18-2015 by L.L. No. 4-2015]

A license to perform plumbing work and/or services within the Village of Freeport shall be issued upon submitted proof to the Office of the Village Clerk that such person, firm or corporation is the holder of a current, valid plumber's license issued by the Town of Hempstead, the Town of North Hempstead, and/or the Town of Oyster Bay. If the person, firm or corporation does not possess a license from the Town of Hempstead, the Town of North Hempstead, and/or the Town of Oyster Bay, and only performs work within the Village of Freeport, then said entity must apply to the Plumbing Board for a license under the provisions of this chapter. None of the provisions of this chapter shall apply to bonded contractors in the installation of sewers or lateral connections where said bonded contractors comply with §§ 176-1 through 176-18 of Chapter 176, Sewers and Sewage, of the Code of the Village of Freeport.

§ 162-28. Currently issued Village of Freeport licenses. [Amended 1-27-2014 by L.L. No. 1-2014]

All plumbing licenses issued prior to the passage of this new Article III, by the Village of Freeport through examination by the Village of Freeport Plumbing Board, shall be grandfathered, provided that the holder of said license is also in compliance with § 162-27A of this Code.

§ 162-29. Insurance required. [Amended 2-26-2015 by L.L. No. 1-2015]

No licensed plumber shall perform any work hereunder unless there shall be on file with the Claims Examiner, a certificate of insurance issued by an insurance company licensed to do business in the State of New York and affording coverage as minimally set forth below. Such certificate of insurance shall contain a provision that coverage will not be reduced, canceled or nonrenewed unless the Village of Freeport Claims Examiner is given at least 10 days' written notice thereof.

A. Comprehensive general liability coverage ("CGL"), to include premises operations, contractual liability, completed operations, personal injury, medical payments and fire legal liability. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of coverage required.

B. Workers' compensation: statutory limit, and must provide proof of New York State disability insurance.

§ 162-30. Examining Board of Plumbers. [Added 5-18-2015 by L.L. No. 4-2015]

A. Appointment; terms of members. An Examining Board of Plumbers shall be appointed by the Mayor of the Village of Freeport, subject to the approval of the Board of Trustees. Said Examining Board shall consist of five master plumbers, who shall serve a term of one year each.

B. Quorum. Three members of the Examining Board of Plumbers shall constitute a quorum of the Board for the transaction of such business as may come before it.

C. Meetings; investigations. The Examining Board of Plumbers meetings shall be set by the Village Clerk. The Board shall investigate any and all charges which may be made against any licensed plumber, licensed under this chapter. The results of such investigations shall be immediately reported to the Village Board of Trustees.

§ 162-31. Application procedure for examination for Village of Freeport licensing only. [Added 5-18-2015 by L.L. No. 4-2015]

A. Form; contents. Persons applying for examination for licenses to engage in the business of master or employing plumber shall, before being examined, file with the Board an application on such forms as may be prescribed by the Board, and shall furnish to the Board such information as it may require concerning the applicant's fitness and qualifications to receive a license as aforesaid. All applications must be under oath.

B. References. Each applicant shall be required to provide two references, who shall sign under oath on forms prescribed by the Board, certifying to the time the applicant has been employed by them as a journeyman plumber. Such references, at the time of signing applications, must be lawfully engaged in the plumbing business.

C. Refusal to receive application. The Board shall refuse to receive an application from any person who at the time of making application may be unlawfully engaged in business as a master or employing plumber.

§ 162-32. Eligibility for examination. [Added 5-18-2015 by L.L. No. 4-2015]

Experience. No person shall be examined unless he shall have had an experience of at least five years as a journeyman plumber and is able to furnish satisfactory evidence of such fact.

§ 162-33. Photographs of applicant. [Added 5-18-2015 by L.L. No. 4-2015]

All applications for a license under this chapter shall be accompanied by a photo of the applicant, in duplicate, approximately 1 1/2 inches by two inches in size, taken within 30 days prior to the date of filing such application; one such photo shall be affixed to the renewal record card.

§ 162-34. Examination of applicants. [Added 5-18-2015 by L.L. No. 4-2015]

A. Generally. The examination by the Board shall be in two parts, namely, a practical test to determine the applicant's skill as a journeyman and a written examination. The written examination shall consist of questions aimed at determining the applicant's fitness and qualifications to engage in the business of master or employing plumber.

B. Applicant to complete examination. All examinations shall be completed by the applicant and must be in English.

C. Time, place of examination. The time and place of holding examinations shall be left to the discretion of the Board. Ample notice shall be given to applicants.

D. Successful completion of examination. Persons who pass the tests as prescribed by the Board shall be eligible to receive a license as master or employing plumber.

E. Reexamination. An applicant who fails in the practical test or written examination shall not be eligible for another test/examination until the expiration of three months; should he fail in the second test/examination he will not be eligible for a third test/examination until the expiration of six months, and, failing in the third test/examination, will not be eligible for a fourth test/examination until the expiration of one year.

§ 162-35. Dispensing with examination. [Added 5-18-2015 by L.L. No. 4-2015]

The examination of applicants as hereinbefore provided may be dispensed with by the Examining Board of Plumbers if such applicant is the holder of a license or other certificate of like import issued by any other municipal corporation in the State of New York; provided, however, that such other municipal corporation likewise waives an examination of an

applicant who is a resident of the Village for a license effective within the boundaries of such other municipal corporation.

§ 162-36. Examination and license fees. [Added 5-18-2015 by L.L. No. 4-2015]

Each applicant for examination shall pay an examination fee for each time an examination is taken and shall pay a further fee upon the issuance of a license to engage in the business of master or employing plumber. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for an examination to qualify as a master or employing plumber and for the issuance of a certificate to engage in the business of master or employing plumber. Fifty percent of the first $4,000 in fees collected under this chapter shall be paid to the Plumbing Board. In no case shall the Plumbing Board be paid more than $2,000 per fiscal year, and this $2,000 shall be evenly distributed to the members of the Board. All remaining fees shall be paid to the Village of Freeport.

§ 162-37. Fitness and qualifications for certification. [Added 5-18-2015 by L.L. No. 4-2015]

Before issuing a license to engage in the business of master or employing plumber, the Board shall inquire into the applicant's fitness and qualifications for conducting such business and may require the applicant to submit under oath such evidence, in addition to the tests and examinations hereinbefore provided, as will satisfy the Board that he is a person of good repute, character and responsibility and otherwise qualified to engage in business as a master or employing plumber.

§ 162-38. Issuance of license. [Added 5-18-2015 by L.L. No. 4-2015]

No person, firm or corporation shall engage in the business of plumbing within the Village which either has not first obtained a license from the Examining Board of Plumbers; or is not the holder of a current, valid plumber's license issued by the Town of Hempstead, the Town of North Hempstead or the Town of Oyster Bay. In the case of the latter, said license shall conform to and comply with all other statutes, laws, ordinances, rules, regulations and requirements applicable to plumbers licensed by the Village. In addition, said license shall furnish proof of said licensing to the Examining Board of Plumbers, the Superintendent of Buildings and to the Village Clerk immediately following the issuance or renewal of the same by said town. None of the provisions of this chapter shall apply to bonded contractors in the installation of sewers or lateral connections where said bonded contractors comply with §§ 176-1 through 176-18 of Chapter 176, Sewers and Sewage, of the Code of the Village of Freeport.

ARTICLE IV
General Plumbing Standards

§ 162-39. Definitions.

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

HOUSE DRAIN — Applies to that part of the main horizontal drain and its branches inside the walls of the building and extending to and connecting with the house sewer.

HOUSE SEWER — Applies to that part of the main drain or sewer extending from a point two feet outside of the outer front wall of the building, vault or area to its connection with public sewer, private sewer or cesspool.

PRIVATE SEWER — Applies to main sewers that are not constructed by and under the supervision of the Department of Public Works.

SOIL LINE — Applies to any vertical line of pipe having outlets above the floor of the first story for water closet connections.

VENT PIPE — Applies to any special pipe provided to ventilate the system of piping and to prevent trap siphonage and back pressure.

WASTE LINE — Applies to any vertical line of pipe having outlets above the first floor for fixtures other than water closets.

§ 162-40. Duplicate drawings and descriptions required.

Drawings and descriptions in duplicate shall be furnished by the plumber of all plumbing and drainage when making application for permit to the Superintendent of Buildings when required by the Superintendent of Buildings. The plans may be required by the Superintendent of Buildings to be drawn to scale in ink or prints of such plans, and shall consist of such floor plans and sections as may be necessary to show clearly all plumbing work to be done, and must show partitions and methods of ventilating water closet apartments.

§ 162-41. Approval for proceeding with work. [Amended 2-26-2015 by L.L. No. 1-2015]

The said plumbing and drainage shall not be commenced or proceeded with until said drawings and descriptions shall have been so filed and approved by the Superintendent of Buildings and, when required, a permit is received from the Superintendent of Buildings.

§ 162-42. Modifications not permitted.

No modification of the approved drawings and descriptions will be permitted unless either amended drawings and duplicate descriptions or an amendment to the original drawings and descriptions, covering the proposed change or changes, are so filed and approved by the Superintendent of Buildings.

§ 162-43. Adoption of rules authorized.

The Superintendent of Buildings shall have the power to adopt such rules with respect to materials and method of installation, consistent with the provisions of this chapter, as may be necessary to secure the intent and purposes of this chapter and a proper enforcement of its provisions. For any provisions of this chapter referring to the rules or requiring approvals of

materials or method of installation, such Superintendent shall adopt, as the necessity may arise, such rules as are required or will establish the conditions of approval.

§ 162-44. Amendment or repeal of rules.

The Superintendent of Buildings may amend or repeal any rule by the same procedure prescribed for adoption of new rules.

§ 162-45. Adherence to rules.

The drainage and plumbing of all buildings, both public and private, shall be executed in accordance with the rules and regulations of the Department of Buildings.

§ 162-46. Repairs or alterations.

Repairs or alterations of plumbing or drainage may be made without filing drawings and descriptions in the Department of Buildings, but such repairs or alterations shall not be construed to include cases where new vertical lines or horizontal branches of soil, waste and vent lines arc proposed to be used.

§ 162-47. Notice of repairs or alterations.

Notice of such repairs or alterations shall be given to the said Department of Buildings before the same are commenced in such cases as shall be prescribed by the rules and regulations of the said Department. and the work shall be done in accordance with the said rules and regulations.

§ 162-48. Repairs or alterations involving new lines.

Where repairs or alterations ordered by Board of Health or Bureau of Buildings for sanitary reasons include cases where new vertical and horizontal lines of soil, waste and vent are proposed to be used or old ones replaced, drawings and descriptions shall be filed with and approved by the Superintendent of Buildings, if the Superintendent of Buildings shall so require, before same shall be commenced or proceeded with.

§ 162-49. Quality of materials in repairs or alterations.

Repairs and alterations may comply in all respects with the weight, quality, arrangement and venting of the rest of the work in the building, except that when an existing soil, waste or vent line has been damaged by fire or other causes to the extent of 50% or more of its entire length, same must be replaced by new lines installed in accordance with the rules and regulations governing new lines.

§ 162-50. Affidavit of plumber.

No plumbing and drainage or any part thereof shall be commenced until the plumber who is to do the work shall sign the specifications and make affidavit that he is duly authorized to proceed with the work. The affidavit must give the name and address of owner and plumber, etc. No registered plumber shall sign the specifications and act as the agent for a plumber who has not obtained a certificate of competency from the Examining Board of Plumbers as an employing or master plumber. A violation of this rule will be deemed a sufficient reason for the Examining Board of Plumbers to bring charges, and if sustained after investigations shall be referred to the Village Board of Trustees for action to cancel his certificate of registration.

§ 162-51. Specifications for more than one house.

One set of specifications will be received for not more than 10 houses, and then only when on adjoining lots and houses are exactly alike.

§ 162-52. Notice of commencement of work; permit required. [Amended 2-26-2015 by L.L. No. 1-2015]

Notice must be given to the Superintendent of Buildings by the plumber in all cases of work when work is started. Application for permit on form provided and drawings to scale must be given to the Superintendent of Buildings by the plumber for approval for all new plumbing work or any plumbing changes which involve the changing of drain, soil, waste or vent pipes. No plumbing work shall be started until a permit is obtained from the Superintendent of Buildings.

§ 162-53. Approval of plans; fees. [Amended 4-10-1967; 4-27-1981 by L.L. No. 6-1981; 2-26-1990 by L.L. No. 24-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees for the approval of plans and inspection of any plumbing or drainage within any building, the installation of fixtures and for a change in drain in case of new sewer connections requiring such change.

§ 162-54. Inspections. [Amended 5-22-1967]

A. Application to the Superintendent of Buildings shall be made by the plumber in writing for roughing, water test or flange inspection where required, and a plumber's report on form provided, for final inspection. Such report shall be filed with the Superintendent of Buildings for a final inspection within 90 days of the date of issuance of the plumbing permit, unless an extension of time has been granted by the Superintendent of Buildings in writing. Failure to comply with the provisions of this section shall be deemed a violation of the provisions of this chapter.

B. When a building, residential or commercial, is damaged by fire and the fire damage to the building exceeds a loss of 50%, the Plumbing Inspector shall be required to inspect

the premises and report the condition of the plumbing system. All new plumbing fixtures or piping shall be installed in accordance with this chapter.

§ 162-55. Building construction standards. [Amended 12-27-1982 by L.L. No. 17-1982]

A. All sections or parts of sections of the Building Code[3] relating to plumbing and drainage are to be observed and are hereby made a part of these rules and regulations.

B. Compliance with the current issue of the State Building Construction Code applicable to plumbing shall also constitute compliance with the Plumbing Code of the Village of Freeport.

§ 162-56. Each building to have separate sewer connection; exception.

Each building must be separately and independently connected with a public or private sewer or cesspool, except where a building is located on the rear of the same lot as another building, when its plumbing and drainage system may be connected to the house drain of the front building behind the house trap and fresh-air inlet, which shall be used for both buildings if sewer-connected, or may be connected to an existing cesspool of front houses and be provided with a separate house trap and fresh-air inlet.

§ 162-57. Sewer connections in front of buildings.

Every building must have its sewer connections directly in front of the building, unless permission is otherwise granted by the Superintendent of Buildings.

§ 162-58. Use of privy vaults.

Cesspool privy vaults will be permitted only after it has been shown to the satisfaction of the Superintendent of Buildings that their use is absolutely necessary.

§ 162-59. Privy vault construction.

When allowed, cesspool privy vaults must be constructed strictly in accordance with the terms of the permit issued by the Superintendent of Buildings.

§ 162-60. Limited use of cesspools and privy vaults; location.

Cesspools must not be used as privy vaults nor can privy vaults be used as cesspools. Cesspools and privy vaults must be located at least 15 feet from any building.

3. Editor's Note: See Ch. 86, Building Construction.

§ 162-61. Brick piers or hangers for pipes.

All pipelines must be supported at the base on brick piers or by heavy iron hangers from the cellar ceiling beams and along the line by heavy iron hangers at intervals of not more than 10 feet.

§ 162-62. Extensions of soil, waste and vent pipes.

A. When soil, waste or vent pipes receive the discharge of fixtures on any floor above the first, they must be extended in full caliber to at least one foot above the roof coping and well away from all shafts, windows, chimneys or other ventilation openings. When less than three inches in diameter, they must be enlarged to four inches in diameter at a point just inside the roof.

B. All pipes issuing from extensions or elsewhere which would open within six feet of a window, door or other vertical opening of any building must be extended above the top of any window located within such distance.

C. When roofs are used for drying clothes or any other use for the tenants or public, all vent pipes shall be extended to a height of seven feet above the roof.

§ 162-63. Straight pipelines; offsets.

The arrangement of all pipes must be as straight and direct as possible. Offsets will be permitted only when unavoidable.

§ 162-64. Exposed pipes and traps.

All pipes and traps should, where possible, be exposed to view. They should always be readily accessible for inspection and repairing.

ARTICLE V
Testing of Pipes

§ 162-65. Water test requirements.

The entire plumbing and drainage system within the building must be tested by the plumber in the presence of an inspector of the Building Department under a water test. All pipes must remain uncovered in every part until they have successfully passed the test. The plumber must securely close all openings, as directed by the inspector. The use of wooden plugs for this purpose is prohibited.

§ 162-66. Procedure for water test.

The water test will be applied by closing the lower end of the main house drain and filling the pipes to the highest opening above the roof with water. The water test shall include at one time the house drain and branches, all vertical and horizontal soil, waste and vent and leader

lines and all branches therefrom to a point above the surface of the finished floor and beyond the face of walls and partitions. If the drain or any part of the system is to be tested separately, there must be a head of water at least six feet above all parts of the work so tested, and special provision must be made for including all joints and connections in at least one test.

§ 162-67. When smoke test required.

After the completion of the plumbing work in any new or altered building over six stories high and before the building is occupied, a final smoke test must be applied in the presence of a Plumbing Inspector.

§ 162-68. Materials and labor for tests.

The material and labor for the test must be furnished by the plumber.

ARTICLE VI
Materials Specifications

§ 162-69. Basic materials and workmanship requirements.

All materials must be of the best quality, free from defects, and all work must be executed in a thorough, workmanlike manner.

§ 162-70. Cast-iron pipe and fittings.

All cast-iron pipes and fittings must be uncoated, sound, cylindrical and smooth, free from cracks, sand holes and other defects, extra heavy and of uniform thickness.

§ 162-71. Cast-iron pipe weights.

Pipe, including the hub, shall weigh not less than the following average weights per linear foot:

Diameter (inches)	Weight per Linear Foot Extra Heavy (pounds)
3	9 1/2
2	5 1/2
4	13
5	17
6	20
7	27

Diameter (inches)	Weight per Linear Foot Extra Heavy (pounds)
8	33 1/2
10	45
12	54

§ 162-72. Pipe joints.

All joints must be made with picked oakum and molten lead and be made gastight. Twelve ounces of fine, soft pig lead must be used at each joint for each inch in the diameter of the pipe when extra-heavy pipe is used, and nine ounces when standard pipe is installed.

§ 162-73. Wrought iron and steel pipes.

All wrought iron and steel pipes must be equal in quality to "standard" and must be properly tested by the manufacturer. No plain black or uncoated pipe will be permitted.

§ 162-74. Waste, vent, water and soil pipes.

All waste, vent, water and soil pipes shall be made of galvanized steel, galvanized wrought iron or copper. Copper water pipes must be Type L or K. Copper waste pipes must be Type L or K. Vertical soil pipes must be type L or K. Copper piping must be Type K, L or DWV.

§ 162-75. When galvanized fittings required.

Where galvanized wrought iron or steel pipe is required, the fittings used must also be galvanized.

§ 162-76. Fittings for galvanized iron waste and cast-iron soil pipes.

Fittings for galvanized iron waste and cast-iron soil pipes must be cast-iron recessed and threaded drainage fittings, with smooth interior waterway and thread tapped, to give a uniform grade to branches of not less than 1/4 of an inch per foot, with extra-heavy Manhoff fittings or equal for all connections, up to two-inch galvanized iron pipe, which may be made by caulking with oakum and molten lead.

§ 162-77. Nipples on wrought iron or steel pipe.

Short nipples on wrought iron or steel pipe, where the unthreaded part of the pipe is less than 1 1/2 inches long, must be of the thickness and weight to correspond to weight of pipe.

§ 162-78. Thickness and weight of pipe.

Pipe shall be not less than the following average thickness and weight per linear foot:

Diameter (inches)	Thickness (inches)	Weight per Linear Foot (pounds)
1 1/2	14	2.68
2	15	3.61
2 1/2	20	5.74
3	21	7.54
3 1/2	22	9.00
4	23	10.66
4 1/2	24	12.34
5	25	14.50
6	28	18.76
7	30	23.27
8	32	28.18
9	34	33.70
10	36	40.06
11	37	45.02
12	37	48.98

§ 162-79. Brass pipe.

All brass pipe for soil, waste and vent pipes and solder nipples must be thoroughly annealed, drawn brass tubing of standard iron pipe gauge.

§ 162-80. Connections on brass pipe.

Connections on brass pipe and between brass pipe and traps on iron pipe must not be made with slip joints or coupling. Threaded connections on brass pipe must be of the same size as iron pipe thread for same size of pipe and be tapered.

§ 162-81. Thickness and weight of brass pipe.

Brass pipe shall be not less than the following average thickness and weight per linear foot:

Diameter (inches)	Thickness (inches)	Weight per Linear Foot (pounds)
3/8	0.09	0.612
1/2	1.107	0.911

Diameter (inches)	Thickness (inches)	Weight per Linear Foot (pounds)
3/4	0.114	0.24
1	0.126	1.74
1 1/4	0.146	2.56
1 1/2	0.150	3.04
2	0.156	4.02
2 1/2	0.187	5.83
3	0.219	8.31
3 1/2	0.25	10.85
4	0.25	12.29
4 1/2	0.25	13.74
5	0.25	15.40
6	0.25	18.44

§ 162-82. Brass ferrules.

Where light or heavy pipe is used, brass ferrules must be of best quality cast brass, not less than four inches long, and two inches, three inches and four inches in inside diameter, and not less than the following weights:

Diameter (inches)	(pounds)	Weight (ounces)
2	0	14
3	2	0
4	3	8

§ 162-83. Prohibited ferrules.

One-and-one-half-inch ferrules are not permitted.

§ 162-84. Soldering nipples.

Soldering nipples must be heavy cast brass or of brass pipe, iron pipe size. When cast, they must not be less than the following weights:

Diameter (inches)	(pounds)	(ounces)
1 1/2	0	8
2	0	14
2 1/2	1	6
3	2	0
4	3	8

§ 162-85. Brass screw caps for cleanouts.

Where cleanouts are required by rules and by the approved plans, the screws cap must be of brass. The engaging part must have not less than six threads of iron pipe size and be tapered. Cleanouts must be of full size of traps up to four inches in diameter and not less than four inches for larger traps.

§ 162-86. Specifications for brass screw caps.

Brass screw caps for cleanouts must be extra heavy, not less than 1/8 of an inch thick. The screw cap must have a solid square or hexagonal nut not less than one inch high, with a least diameter of 1 1/2 inches. The body of the cleanout ferrule must be at least equal in weight and thickness of the caulking ferrule for the same size of pipe.

§ 162-87. Use of lead pipe.

A. The use of lead pipes is restricted to the short branches of the soil and waste pipes, bends and traps, roof connections of inside leaders.

B. "Short branches" of lead pipe shall be construed to mean not more than:

(1) Five feet of one-and-one-half-inch pipe.

(2) Five feet of two-inch pipe.

(3) Two feet of three-inch pipe.

(4) Two feet of four-inch pipe.

§ 162-88. Weights of lead pipe.

All lead waste, soil and vent pipes must be of the best quality, known in commerce as "D", and of not less than the following weights per linear foot:

Diameter (inches)	Weight Per Linear Foot (pounds)
1 1/4	2 1/2

Diameter (inches)	Weight Per Linear Foot (pounds)
1 1/2	3
2	4
3	6
4	8
4 1/2	8

§ 162-89. Lead traps and bends; sheet lead.

All lead traps and bends must be of the same weights and thicknesses as their corresponding pipe branches. Sheet lead for roof flashings must be six-pound lead and must extend not less than six inches from the pipe, and the joint must be made watertight.

§ 162-90. Copper tubing.

Copper tubing, when used for inside leader roof connections, must be seamless drawn tubing not less than 22 gauge, and when used for roof flashings, must be not less than 16 gauge.

ARTICLE VII
Sewers and Drains

§ 162-91. Stormwater drainage.

Stormwater shall not drain into the sanitary sewer system of the Village.

§ 162-92. Floor drains and cellar drains.

Floor drains and sumps in basements and cellars of residence buildings shall not be drained into the sanitary sewer system.

§ 162-93. Use of old house sewers.

Old house sewers may be used in connection with new buildings or new plumbing only when they are found on examination by the Plumbing Inspector to conform in all respects to the requirements governing new sewers.

§ 162-94. Specifications for house sewers.

All house sewers shall be constructed of five-inch extra-heavy cast-iron pipe. Each length of pipe and all cast-iron fittings shall have size and weight cast upon its exterior surface. Such pipe, including hubs, shall weigh not less than 17 pounds per linear foot. Cast-iron pipe and fittings shall not vary in any two diameters greater than 1%.

§ 162-95. House drains.

The house drain and its branches must be of extra-heavy cast iron when underground, and of extra-heavy cast iron or galvanized wrought iron or steel when aboveground.

§ 162-96. House drain connections with house sewers.

The house drain must properly connect with the house sewer at a point two feet outside the outer front vault or area wall of the building by a fitting five inches in diameter, leading out for connection. An arched or other proper opening must be provided for the drain in the wall to prevent damage by settlement.

§ 162-97. Support for house drain above cellar floor.

The house drain, if above the cellar floor, must be supported at intervals of 10 feet by eight-inch brick piers or suspended from the floor beams or be otherwise properly supported by proper hangers placed not more than 10 feet apart.

§ 162-98. Steam exhausts.

No steam exhaust boiler blowoff or drip pipe shall be connected with the house drain. Such pipes must first discharge into a proper condensing tank, and from this a proper outlet to the house sewer outside of the building must be provided. In low-pressure steam systems the condensing tank may be omitted, but the waste connections must be otherwise as above required.

§ 162-99. Minimum fall for house drains and sewers.

The house drain and house sewer must be run as direct as possible, with a fall of at least 1/4 inch per foot, all changes in direction made with proper fittings, and all connections made with Y-branches and one-eighth and one-sixteenth bends.

§ 162-100. Diameter for house drain and sewer.

The house sewer and house drain must be at least four inches in diameter when receiving the discharge of a water closet. No house sewer or house drain shall be of less diameter than the largest line of pipe connected thereon. The following table is the maximum area allowed to drain into pipes of given diameter:

Diameter of Pipe fall 1/2 Inch per Foot (inches)	Fall 1/4 Inch Per Foot (square feet)	(square feet)
3	1,200	1,500
4	2,500	3,200
5	4,500	6,000

Diameter of Pipe fall 1/2 Inch per Foot (inches)	Fall 1/4 Inch Per Foot (square feet)	(square feet)
6	8,000	10,000
7	12,400	15,600
8	18,000	22,500
9	25,000	31,500
10	41,000	59,000
12	69,000	98,000

§ 162-101. Y- and T-branch fittings for cleanouts.

Full-size Y- and T-branch fittings for handhold cleanouts must be provided where required on house drain and its branches. No cleanout need be larger than six inches in diameter.

§ 162-102. Running trap.

An iron running trap must be placed in the house drain near the front wall of the house and on the sewer side of all connections, except that this shall not apply to a Y-fitting used to receive the discharge from an automatic sewage lift, oil separator or a drip pipe where one is used. If placed outside of the house or below the cellar floor, it must be made accessible in a brick manhole, the walls of which must be eight inches thick, with an iron or flagstone cover. When outside the house it must never be less than three feet below the surface of the ground.

§ 162-103. Providing house trap and fresh-air inlet in certain instances.

When the plumbing system of any building is altered by the addition of a new soil or vent line to the extent of 50% or more and no house trap and fresh-air inlet exist on the house drain, same shall be prohibited.

§ 162-104. Cleanouts for house trap.

The house trap must have two cleanouts with brass screw cap ferrules caulked in.

§ 162-105. Specifications for fresh-air inlet pipe.

A. A fresh-air inlet pipe must be connected with the house drain just inside of the house trap and extended to the outer air, terminating with its open end at least one foot above the grade at the most available point, to be approved by the Superintendent of Buildings and shown on plans.

B. The fresh-air inlet pipe shall be 1/2 of the diameter of the house drain, but not less than four inches in diameter, and same must have a standard cup, perforated plate or a return bend.

§ 162-106. Discharge to pass through main house trap.

The discharge from any fixture must first pass through the main house trap before entering outside sewer line, or it may pass through other lines, provided the traps connected therewith are approved first by the Superintendent of Buildings.

ARTICLE VIII
Soil, Waste and Water Lines

§ 162-107. Minimum quality for pipe.

All main, soil, waste or vent pipes must be cast iron, galvanized wrought iron, galvanized steel, brass or Type K or L copper tubing. Vent piping may be copper, Type DWV.

§ 162-108. Angle of offsets above highest fixture branch.

Necessary offsets above the highest fixture branch must not be made at an angle of less than 45° to the horizontal.

§ 162-109. Soil and waste pipe branches for fixture connections.

Soil and waste pipes must have proper Y- and TY-branches for all fixture connections.

§ 162-110. Connections to lead branches.

No connections to lead branches for water closets or slop sinks will be permitted, except required branch vent.

§ 162-111. Fall of branch soil and waste pipes.

Branch soil and waste pipe must have a fall of at least 1/4 inch per foot.

§ 162-112. Permitted and prohibited branches and bends.

Short TY-branches will be permitted on vertical lines only. Long 1/4 bends and long TY's are permitted. Short 1/4 bends, double hubs, common offsets, bends and saddles are prohibited. At the foot of a stack where connection is made to drain, short one-quarter bends and short T's are prohibited.

§ 162-113. Diameters of soil and waste pipes.

A. The diameters of soil and waste pipes must not be less than those given in the following table:

Type of Pipe	Diameter (inches)
Main soil stacks in buildings serving not more than 2 sets of fixtures in 4 or less stories	4
Main soil stacks in residence buildings serving not more than 2 sets of fixtures in 5 or 6 stories	4
Main soil stacks in all other cases	3
Branch soil pipes for not more than 4 water closets	4
Main waste stacks	2
Main waste stacks for kitchen sinks on 6 or more floors	3
Branch waste pipes for slop sinks	3
Branch waste pipes for laundry tubs	1 1/2
When set in ranges of 3	2
Branch waste for icebox sinks	2
Branch waste for showers	2
Branch waste for kitchen sinks	2
Branch waste for urinals	2
Branch waste for other fixtures	1 1/2

B. A set of fixtures, as used in this section, shall include not more than one water closet, one bathtub, one washbasin, one sink and two laundry trays.

§ 162-114. Diameter of riser lines.

The diameter of all riser lines in plumbing systems shall be not less than 3/4 inch where there is more than one fixture on the second floor.

§ 162-115. Stopcocks or valves for risers.

Separate stopcocks or valves, so located as to be accessible at all times, shall be placed at the foot of each riser and in all buildings other than residence buildings occupied exclusively by one or two families or having not more than 15 sleeping rooms, on each branch line from the riser for each isolated fixture or each group of fixtures, such as bathroom fixtures, kitchen fixtures, etc.; except that only one stopcock or valve shall be required for the fixtures contained in any one apartment, suite, store or loft occupied by one tenant when all the

fixtures contained in each such apartment, suite, store or loft are supplied from one branch line.

§ 162-116. Minimum diameters of branches to fixtures. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Diameters of branches to any fixtures must not be less than 1/2 inch except when used to supply water closets, cisterns or lavatories. When the material used is pex, brass or copper pipe, the minimum diameter may be 3/8 inch. Branches for flush valves for water closets must not be less than one inch in diameter, and for urinals, not less than 1/2 inch in diameter.

§ 162-117. Risers and branches to be fastened.

All risers and branches must be properly fastened.

§ 162-118. Lines for acid wastes.

A. Lines. Lines for acid wastes must be B lead pipes or earthen pipe; if of lead pipe, they must be at least two inches in diameter, and if of earthen pipe, at least three inches in diameter. They must be extended through the roof for ventilation and continued down to the lower story of the building and so arranged as to discharge into a lime box and diluting sink properly trapped and vented, connected inside the house trap. If the lime box and diluting sink are not used, the acid waste must be extended to an earthen house sewer or separately and independently connected to a public or private sewer in the street and provided with an accessible running trap located just inside of the front wall of buildings.

B. Branches, joints. All branches and joints on lead acid wastes must be made by means of burnt lead joints. If earthenware pipe is used, vertical joints must be made with a mixture of asphaltum and cement.

C. Supports. Each length of pipe on vertical runs and on horizontal runs when above the cellar floor must be supported at each hub by proper supports.

D. Drains, fixture connections. All floor drains and fixture connections must be trapped and run as direct as possible.

§ 162-119. Requirements for sewage lifts.

A. Use. When it is necessary to use a pump system and sewage lift to receive the discharge from the waste or soil connection to fixtures, same shall be arranged to be accessible. If discharged with compressed air, it shall be connected to the house drain on the sewer side of all leader or area drain traps and fixture connections or may be connected to the house drain on the sewer side of house trap.

B. Trap, inlet. A separate trap and fresh-air inlet must be provided on the inlet side of the sump up to and above the roof, for purposes of ventilation. Relief pipes must be provided on the sewage receptacle of sumps. Traps of fixtures connected with sump

systems must not be vented to vent lines which are used to ventilate traps of fixtures on gravity system.

C. Connection to plumbing system. Sump systems should be entirely separate both as to discharge and venting from the rest of the plumbing system in buildings.

ARTICLE IX
Gas Piping

§ 162-120. Definitions.

The term "gas piping" shall mean the installation, repair, replacement and relocation of pipes, fixtures and other apparatus for distributing the gas supply supplied by a public utility for illumination or fuel in any premises.

§ 162-121. Pipe materials and joints; testing.

Gas supply and distribution pipes shall be made of suitable material. Such pipes shall have tight joints. When the gas piping system is completed, it shall be tested in accordance with the rules of the Board.

§ 162-122. Service connections.

Each gas service connection which is brought into a structure shall be fitted with a straightway stopcock or shutoff valve. Such stopcock or valve shall be placed in an accessible position immediately inside of the wall through which such connection enters.

§ 162-123. Specifications for gas pipes.

All gas pipes shall conform to the standard specifications of the ASTM, D.A. 120-36, A 72-38, A 44-04, B 42-33 and B 43-33 for steel, wrought iron, cast iron, copper and brass pipe, respectively. Piping shall be at least 3/8 inch in diameter. Cast-iron pipe shall be used only underground or outside of structures.

§ 162-124. Installation procedures.

A. Generally. All pipes shall be run straight without sags or traps and shall be so pitched as to drain back to the riser and from the riser to the meter. Drops shall be secured with at least one solid metal strap.

B. Drip pocket. A drip pocket consisting of a nipple screwed into the bottom of each riser and provided with a cap shall be installed at the base of each gas riser and at all lower points of the gas distribution system.

C. Protection. Any piping which is exposed to outdoor temperature shall be protected against frost. Where such piping is laid in concrete, such piping shall be coated with preservative paint.

D. Branch outlets. Branch outlet pipes shall be taken from the top or sides of the horizontal lines and not from the bottom.

§ 162-125. Fittings and valves.

A. Generally. Gas pipe fittings shall be malleable or brass screwed fittings. It shall be unlawful to use running threads, but right and left couplings and unions shall be used.

B. Stopcocks and valves. Stopcocks shall be made of heavy cast iron or brass bodies with brass plugs, except that in pipes three inches in diameter or larger, stopcocks or valves with cast-iron bodies and brass plugs or brass mounting may be used. Stopcocks and valves shall be tight. Stopcocks on branches shall be provided with T-handles and shall be capable of being operated by the building occupants.

§ 162-126. Outlets from concealed piping.

Outlets from concealed piping shall extend one inch through the finished ceiling or wall. Either the outlet fitting or the pipe shall be securely fastened to the wall or stud. All outlets shall be capped until the fixtures are attached.

§ 162-127. Size of pipes.

Piping systems shall be so proportioned as to give adequate volumetric flow of gas to all lighting, cooking and heating fixtures or appliances which are supplied or intended to be supplied from the piping system.

§ 162-128. Outlets for gas ranges.

The minimum diameter of outlets for gas ranges shall be 3/4 inch. All gas ranges and heaters shall have a straightway stopcock or valve on each branch supply to such devices.

§ 162-129. Placement of brackets and fixtures.

A. Location. Gas brackets and fixtures shall be so placed that the burners are a minimum of three feet below any ceiling or woodwork, except that where proper protection is furnished by a shield, the distance may be 18 inches or more.

B. Use of swinging, folding brackets. It shall be unlawful to use swinging or folding gas brackets.

C. Brackets on partition, woodwork. Gas brackets on any lath and plaster partition or on any woodwork shall be at least five inches in length, measured from the burner to the plastered surface or woodwork.

§ 162-130. Piping to be tested. [Amended 4-27-1981 by L.L. No. 7-1981]

A. After all piping is installed and all outlets are capped, the plumber shall apply an air pressure test equal to a column of mercury six inches in height, or 15 pounds air pressure, in the presence of an inspector of the Department. Such pressure shall be maintained for at least 10 minutes. A mercury gauge may be used. It shall be unlawful to cover up any piping or the connection to such piping of any meter, gas fixture, gas heater or range until a certificate showing the approval of such test has been issued by the Superintendent.

B. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for said certificate. **[Amended 2-26-1990 by L.L. No. 25-1990]**

§ 162-131. Meters.

A. Meters shall be located as near as practicable to the point of entrance of the service, and where possible such meters shall be located in the cellar or basement except by special permission from the Superintendent. The meter locations shall be clean, dry and free from steam or chemical fumes.

B. Such meters shall be protected against extreme cold or heat, shall be properly ventilated and shall be readily accessible for reading and inspection.

§ 162-132. Certificate required for setting meters.

It shall be unlawful for any gas company to set any meters until there is filed with such gas company a certificate from the Department of Buildings certifying that the gas pipes and fixtures supplied through such meters comply with the provisions of this article.

ARTICLE X
Safe and Refrigerator Waste Pipes

§ 162-133. Kind and size of pipes.

Safe and refrigerator waste pipes must be of galvanized iron and not less than 1 1/4 inches in diameter, with pipe branches at least one inch in diameter with strainers over each inlet.

§ 162-134. Installation.

Safe and refrigerator pipes shall not be trapped. They must discharge over a properly water-supplied trapped sink, with trap vented unless permission is granted by the Superintendent of Buildings to use an approved antisiphon trap. Such sink shall be publicly placed and not more than four feet above the floor. In no case shall any refrigerator or safe waste pipe discharge over a sink located in a room used for living purposes.

§ 162-135. Branches on vertical lines.

The branches on vertical lines must be made by Y- or TY-fittings and carried up to the safe with as much pitch as possible.

§ 162-136. Lead safes.

Lead safes must be graded and neatly turned over bevel strips at their edges.

§ 162-137. When cleanout required.

Where there is an offset on a refrigerator waste pipe in the cellar, there must be a cleanout to control the horizontal part of the pipe.

§ 162-138. Waste pipes in multiple dwellings.

In all lodgings and multiple dwellings, the safe and refrigerator waste pipes must extend above the roof.

ARTICLE XI
Vent Pipes

§ 162-139. Protection of traps from siphonage.

All traps, except approved antisiphon traps connected to main waste or soil lines or to the house drain by branch piping not over seven feet in length with a fall not exceeding two inches per foot, shall be protected from siphonage and back pressure by special lines of vent pipes; provided that where approved back seal siphon-jet water closet or stop sink fixtures are installed with branch piping not over five feet in length from fixtures to main soil or waste line, the vent pipe may be omitted for such fixtures in buildings not over eight stories in height, and where the main soil or waste line is made one inch larger in diameter than required by these rules, the vent pipe may also be omitted for such fixtures in buildings over eight stories in height.

§ 162-140. Vent pipe specifications.

All vent pipe lines and main branches must be of cast iron, galvanized wrought iron, galvanized steel, brass or Type K or L or DWV copper. They must be extended above the roof as required for waste pipes. They may be connected with the adjoining soil or waste lines well above the highest fixture, but this will not be permitted when there are fixtures on more than six floors.

§ 162-141. Angle of offset; prevention of rust scale.

All offsets must he made at an angle of no less than 45° to the horizontal, and all lines must be connected at the bottom with a soil or waste pipe or with the drain in such a manner as to prevent the accumulation of rust scale.

§ 162-142. Branch vent pipes.

Branch vent pipes shall be kept above the top of all connecting fixtures so as to prevent the use of vent pipes as soil pipes or waste pipes. Branch vent pipes should be connected not less than six inches nor more than two feet from crown of trap or side of lead hand.

§ 162-143. Vent connections for water closets.

A. Except where yoke-type ventilation is installed, vent connections for water closets and slop sinks must be made from the branch soil or waste pipe just below the trap of the fixture and the branch vent pipe must be so connected as to prevent obstruction and with no waste pipe connected between it and the fixture.

B. Yoke-type ventilation shall be taken to mean a cross-connection by means of a horizontal branch soil or waste pipe between the main soil or waste line and the vent line and in which the connection between the branch pipe and the vent line is made at least six inches above the line of fixtures discharging into such branch pipe.

§ 162-144. Flues not to be used as vent pipes.

No sheet metal, brick or other flue shall be used as a vent pipe.

§ 162-145. Minimum size of vent pipes.

The size of vent pipes throughout must not be less than the following:

A. Main vents. For main vents, two inches in diameter; for water closets on three or more floors, three inches in diameter; for other fixtures on less than seven floors, two inches in diameter; three-inch vent pipe will be permitted for less than nine stories; for more than eight and less than 16 stories, four inches in diameter; for more than 15 and less than 22 stories, five inches in diameter; for more than 20 stories, the size of the vent pipe shall be determined by the Superintendent of Buildings.

B. Fixtures. For fixtures other than water closets and slop sinks and for more than eight stories, vent pipes may be one inch smaller in diameter than above stated.

C. Water closets, etc. For water closets, slop sinks and shower stalls on less than three floors, branch vent pipes may be 1 1/2 inches in diameter.

D. Branch vents. For long branch vent pipes over 10 feet in length but not exceeding 25 feet, two inches in diameter; when over 25 feet in length but not exceeding 50 feet, three inches in diameter. No branch vent pipe can exceed 50 feet in length, nor can any main vent be of less diameter than the largest branch vent connection to same.

§ 162-146. Yoke-type and ordinary venting for fixtures in batteries.

A. Yoke-type ventilation. When the plumbing fixtures installed in any building are arranged in groups or batteries, yoke-type ventilation may be installed; provided that for batteries of water closets, each fixture shall be set not more than two feet distant

from the horizontal branch soil pipe into which it discharges, and for batteries of fixtures other than water closets, each fixture shall be so located that its trap will be not more than two feet distant from the horizontal branch waste line into which it discharges.

B. Ordinary venting. When the ordinary type of venting is installed and the number of branch or back vents from the traps of fixtures connecting to any main branch vent exceeds the number and size given in the following table, a three-inch main branch vent must be provided for the additional vent connections:

Number	Branch Size (inches)	Main Branch Size (inches)
2	1 1/2	1 1/2
4	2	2
7	1 1/2	2
2	2	2
4	1 1/2	2
1	2	2
5	1 1/2	2

ARTICLE XII
Traps

§ 162-147. Traps to be approved.

No form of trap will be permitted to be used unless it has been approved by the Superintendent of Buildings and the Board of Plumbers.

§ 162-148. Prohibited traps; backwater valves.

No mason's cesspool, bell, pot bottle or D-trap will be permitted, nor any form of trap that is not self-cleaning nor that has an interior chamber of mechanism, nor any trap except earthenware ones that depend upon interior partitions for a seal. Backwater or tide valves will only be permitted when it can be shown to the satisfaction of the Superintendent of Buildings that their use is absolutely necessary and that they are of a type as approved by him.

§ 162-149. Separate trap for each fixture.

Every fixture must be separately trapped by a water-sealing trap placed as close to the fixture outlet as possible, and no trap shall be placed more than two feet from any fixture.

§ 162-150. Use of single trap for three washtrays.

A set of not more than three washtrays may connect with a single trap or into the trap of an adjoining sink, provided both sink and tub waste outlets are on the same side of the waste line and the sink is nearest the line. When so connected the waste pipe from the washtrays must be branched in below the water seal.

§ 162-151. Discharge not to pass through more than one trap.

The discharge from any fixture must not pass through more than one trap before reaching the house drain.

§ 162-152. Traps to be supported.

All traps must be well supported and set true with respect to their water levels.

§ 162-153. Metallic strainers for fixture outlets.

All fixtures other than water closets must have strong metallic strainers or bars over the outlets to prevent obstruction of the waste pipe.

§ 162-154. Brass trap screws for cleaning.

All exposed or accessible traps, except water closet traps, must have brass trap screws for cleaning the trap, placed on the inlet side or below the water level.

§ 162-155. Running traps with manhole cleanouts.

All iron traps for house drain, yard and other drains and leaders must be running traps with manhole cleanouts of the full size of the traps, when same are less than five inches. All traps underground must be made accessible by brick manholes with proper covers.

§ 162-156. Overflow pipes to connect to traps.

Overflow pipes from fixtures must in all cases be connected on the inlet side of traps.

§ 162-157. Earthenware traps.

All earthenware traps must have approved heavy brass floor plates properly secured to the branch soil pipe and bolted to the trap flange, and the joint made gastight. The use of rubber washers for floor connections is prohibited. All floor flanges must be set in place and inspected before any water closet is set thereon.

§ 162-158. Traps prohibited on certain lines.

No trap shall be placed at the foot of the main soil and waste pipe lines.

§ 162-159. Size of traps.

The sizes for traps must not be less than those in the following table:

Type of Fixture	Diameter (inches)
Water closets	4
Slop sinks	3
Kitchen sinks	2
Washtrays	2
Urinals	2
Shower bath	2
Other fixtures	1 1/2
Area, floor and other drains	3

§ 162-160. Traps for plunge baths.

Every plunge bath shall be provided with a trap at least four inches in diameter, the waste line from trap to bath to be reduced to two inches in diameter and this waste to be controlled by a gate valve. Overflow pipes, if provided, must be connected on inlet side of trap. Except where an approved antisiphon trap is installed, such trap must be ventilated by a separate vent line extending above the roof, of the same size as the trap and water connection.

§ 162-161. Traps for dental cuspidors.

Every dental cuspidor must be separately trapped by a trap of at least 1 1/2 inches in diameter, which shall be vented except where an approved antisiphon is installed and placed as close to the fixture as possible. The connection between trap and cuspidor may be 3/4 inch in diameter.

§ 162-162. Grease traps.

A. Required. Grease traps shall be installed in the waste lines of restaurants, beauty parlors or any other type of business where excessive amounts of grease or soap accumulate, as determined by the Superintendent of Sanitation.

B. Size. The size of such grease traps shall be set by the Superintendent of Sanitation.

C. Installation; inspection. Installation of grease traps shall be in accord with the rules and regulations of the Department of Buildings and shall be inspected by the Inspector of Plumbing.

§ 162-163. Indirect waste connections.

A. Prohibited generally. No plumbing fixtures, except bar sinks, soda fountains, drinking fountain or washing machines, shall be installed with an indirect waste connection to the plumbing and drainage system.

B. Bar sinks, soda and drinking fountains, washing machines. The waste of every bar sink, soda fountain, drinking fountain or washing machine, if not directly connected, must discharge over a properly water-supplied trapped fixture, with trap vented, unless an approved antisiphon trap is installed. The main waste lines shall be two inches in diameter, and the branches to fixtures at least 1 1/2 inches in diameter. Drinking fountains must be trapped and the waste line extended through the roof. No vent connections need be provided.

§ 162-164. Oil separators.

Oil separators installed in any building where volatile fluids are used must be arranged to be readily accessible. They must not receive the discharge of any water closet, rain leader, yard, court or area drain.

§ 162-165. Manner of connecting oil separators.

Oil separators, if discharged by gravity, must be connected by a Y-branch fitting to the house drain behind the house trap in such a manner that they will not interfere with the house drain and the rest of the plumbing and drainage system. Oil separators shall be connected by a Y-branch fitting on the sewer side of the house trap.

§ 162-166. Fresh-air inlet and vent line for oil separator.

No separate running trap need be provided on the drain entering oil separators, but a separate fresh-air inlet and vent line must be provided to keep the system of drainage controlled by the oil separator entirely separate from the rest of plumbing and drainage system.

§ 162-167. Size of air inlets for oil separators.

The size of fresh-air inlet required by § 162-166 shall be determined by the size of the inlet connection to the oil separator, which shall be considered the same as the term "house drain" for determining the size of all fresh-air inlets, and which shall conform to the same requirements regarding the size and arrangement of terminals for fresh-air inlets as are called for in these regulations.

§ 162-168. Size and arrangement of vent lines for separators.

Vent lines for oil separators shall conform in all respects to vent lines for plumbing fixtures, regarding the size and arrangement.

§ 162-169. Relief pipes for separators.

Relief pipes for oil separators of a size at least 1 1/2 inches in diameter must be provided. They may be connected to a vent line when installed as a separate system or shall be carried independently above the roof.

ARTICLE XIII
Water Closets

§ 162-170. Minimum number of water closets.

In all buildings occupied as stores, dwellings, lodging houses or boardinghouses, hotels, offices, lofts, workshops, factories or storage houses, there must be at least one water closet in each building. There must be sufficient water closets so that there will never be more than 15 persons to each water closet. In places of public assembly, the number of toilets and the most available location are to be determined by the Superintendent of Buildings.

§ 162-171. Water closets for lodging houses.

In lodging houses, there must be one water closet on each floor, and where there are more than 15 persons on any floor, there must be an additional water closet on that floor for every 15 additional persons or fraction thereof.

§ 162-172. Separate water closets for each sex.

Separate water closets and toilet rooms must be provided for each sex in buildings used as workshops, lofts, office buildings, factories, hotels and all places of public assembly.

§ 162-173. Waterproofing of water closet rooms.

In multiple dwellings and lodging houses, factories, workshops and all public buildings, the entire water closet apartment and sidewalls to a height of six inches from the floor, except at the door, must be made waterproof with asphalt, cement tile, metal or other waterproof material as approved by the Superintendent of Buildings.

§ 162-174. Water closets to be ventilated.

In all buildings, the water closet and urinal apartments must be ventilated to the outer air by windows opening to the same lot upon which the building is situated or by a ventilating skylight placed over each room or apartment wherein such fixtures are located.

§ 162-175. Outside partitions of water closets; interior partitions.

In all buildings, the outside partition of any water closet or urinal apartment must be airtight and shall extend to the ceiling or shall be independently ceiled over. When necessary to properly light such apartments, the upper part of the partitions must be provided with translucent glass. The interior partitions of such apartments must be dwarfed partitions.

§ 162-176. Vent duets for water closets.

In alteration work where it is not practical to ventilate a water closet or urinal apartment by windows or skylight directly to the outer air, there may be provided a galvanized wrought iron vent duct extended to the outer air which must be equal in area to at least 144 square inches for one water closet or urinal and an additional 72 square inches for each water closet added therein.

§ 162-177. Porcelain or slate base for earthenware water closet.

Every earthenware water closet with connection through the floor, in all new work and in all alterations, must be set on an approved floor slab of porcelain, slate or other material impervious to moisture, the same to be not less in size than the base of the water closet set thereon. The floor flange shall be soldered to lead or copper bend ready for inspection.

§ 162-178. Flushing of water closets and urinals. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Each water closet and urinal must be flushed from a separate cistern, the water from which is used for no other purpose, or may be flushed through separate flushometer valves. The floor flange shall be soldered to a copper bend ready for inspection.

§ 162-179. Flushometers.

A. Supply from tank pressure. Where flushometers are used and are supplied from tank pressure, riser lines shall be 1 1/4 inches in diameter with one-inch branches for water closets and not less than one-half-inch branches for urinals. Individual branches shall not exceed 12 inches in length.

B. Supply from street main. Where flushometers are used, supplied with pressure from the street main, the following pipe sizes shall be used [minimum pipe sizes are for copper, brass or lead. Where galvanized pipe is used, increase one pipe size]:

Buildings	Number of Fixtures	Diameter of Riser (inches)	Diameter of Branch (inches)	Branch Length, Maximum (inches)	Diameter of Tap (inches)	Service Pipe Diameter (inches)
1-story	2 water closets	1	1	Unlimited	1	1
	1 urinal	1	1/2	12'		
2-story	4 water closets	1 1/4	1	12	1 1/4	1 1/4
	2 urinals	1 1/4	1/2	12		
3-story	6 water closets	1 1/2	1	12	1 1/2	1 1/2
	3 urinals	1 1/2	1/2	12		
For four or more stories or additional fixtures for above table, the diameter of tap, service line, riser, etc., shall be determined by the Superintendent of Buildings.						

§ 162-180. Overflow discharge of cistern.

The overflow of a cistern may discharge into the bowl of a water closet, but in no case shall it connect with any part of the drainage system.

§ 162-181. Copper lining of water closets.

The copper lining of water closets and urinal cistern must not be lighter than ten-ounce copper.

§ 162-182. Flush pipes.

Water closet flush pipes must not be less than 1 1/4 inches and urinal flush pipes one inch in diameter, and if of lead, must not weigh less than 2 1/2 pounds and two pounds per linear foot, Flush couplings must be full size of the pipe.

§ 162-183. Rubber connections not permitted.

Rubber connections and elbows are not permitted on flush pipes.

§ 162-184. Permit required for latrines.

Latrines, trough water closets and similar appliances may be used only on written permit from the Superintendent of Buildings and must be set and arranged as may be required by the terms of the permit.

§ 162-185. Required materials for urinals.

All urinals must be constructed of materials impervious to moisture and that will not corrode under the action of urine. The floor and wall of the urinal apartments must be lined with similar nonabsorbent and noncorrosive material.

§ 162-186. Connections of platforms of urinal stalls.

The platforms or treads of urinal stalls must never be connected independently to the plumbing system, nor can they be connected to any safe waste pipe.

§ 162-187. Trough water closets and urinals.

Iron trough water closets and trough urinals must be enameled or galvanized.

§ 162-188. Washtubs.

Wooden washtubs are prohibited, except when used in hotels, restaurants or bottling establishments for washing dishes or bottles. Cement or artificial stone tubs will not be permitted unless approved by the Superintendent of Buildings.

ARTICLE XIV

Water Supply and Service

§ 162-189. When water supply tank required.

When the water pressure is not sufficient to supply freely and continuously all fixtures, a house supply tank must be provided of sufficient size to afford an ample supply of water to all fixtures at all times. Such tanks must be supplied from the pressure or by power pumps as may be necessary.

§ 162-190. Water supply to water closets.

A. All water closets and other plumbing fixtures must be provided with a supply of water for flushing to keep them in a proper and clean condition.

B. Flush tanks must have a capacity of at least seven gallons for water closets and five gallons for urinals.

§ 162-191. Flushometer and interconnection regulations.

A. Manner of installation or valve. No plumbing fixture or device shall be supplied and maintained directly from a water supply system through a flushometer or other valve unless such valve is installed in a manner such as to prevent any possibility of polluting the water supply.

B. Interconnection prohibited. No plumbing fixture, device or construction shall be installed and maintained which will provide an interconnection between a distribution system of water for drinking and domestic purposes and a drainage soil or waste pipe so as to permit or make possible the backflow of sewage or waste into the water supply system.

C. Vacuum breaker required. All flushometer valves shall have a vacuum breaker.

§ 162-192. Connection of house service pipes.

House service pipes must be connected to the street mains by means of taps, and a stopcock or valve placed under the sidewalk at the curb, in compliance with the rules and regulations of the Water Department, and the same shall be inspected under the supervision of the Water Department.

§ 162-193. Stop or valve for service pipe.

A separate stop or valve must be placed upon a service pipe inside the front wall.

§ 162-194. Diameters of street service pipes.

The diameters of street service pipes must not be less than 3/4 inch for dwellings occupied by four families or less on not more than two floors; one inch for apartment houses occupied by

more than six families; and 1 1/2 inches for hotels, factories and other miscellaneous buildings; provided that in no case can the diameter of the service pipes be less than the diameter of the tap installed under the supervision of the Water Department.

§ 162-195. Water service pipe material. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

All water service pipe must be copper to the property line.

§ 162-196. Laying water service pipes under roads.

In laying water service pipes under permanent roads, same must be driven across road. No tunneling shall be permitted.

§ 162-197. Installing water meters.

Water meters shall be installed as follows:

A. Position, protection. The meter shall be set in a horizontal position within easy and ready access for inspection and shall be protected from frost and hot water.

B. Connection to service line. The meter must be connected to the service line by a union to a shutoff valve on each side of the meter.

C. Prohibited connection. No connection to any house service line or fixture shall be made between the water main and the meter.

§ 162-198. Domestic hot water systems.

Domestic hot water boilers shall be installed with a relief safety valve on the cold water connection.

§ 162-199. Swing-check valve and pressure-reducing valve.

A horizontal swing-check valve must be installed on the service side of a pressure-reducing valve wherever used for automatic filling for a hot water heating system.

ARTICLE XV
Liquefied Petroleum Gas
[Added 8-21-1972]

§ 162-200. Definitions.

The term "liquefied petroleum gases" shall mean and include any materials composed predominantly of any of the following hydrocarbons or mixtures thereof: propane, propylene, butane, isobutane and butylene.

§ 162-201. Standards for installation.

Every installation of liquefied petroleum gas equipment shall be made and maintained in a manner conforming with the standards set forth in the National Fire Protection Association Standard No. 58, entitled "Standards for the Storage and Handling of Liquefied Petroleum Gas" (hereinafter referred to as "Standard No. 58"), except as modified herein and as specified by the Superintendent of Buildings.

§ 162-202. Information required.

Every person, firm or corporation installing liquefied petroleum gas equipment shall submit to the Building Department plans indicating proposed location, capacity, safety protection. proposed use and any other information requested by the Superintendent of Buildings.

§ 162-203. Uses and storage not permitted.

A. No person, firm or corporation shall manufacture liquefied petroleum or operate or permit to be operated any container filling station or any similar or related use for the sale, manufacture or transfer of liquefied petroleum.

B. No person, firm or corporation shall store liquefied petroleum in any storage apparatus or container with a capacity in excess of 500 water gallons in a nonindustrial district or 1,000 water gallons in any industrial district.

C. No container either in use or in storage shall be permitted inside any occupied building or any construction attached to an occupied building unless otherwise specified in the National Fire Protection Association Standard No. 58 and approved by the Superintendent of Buildings.

§ 162-204. Location of containers; installation.

A. Location of liquefied petroleum gas containers.

(1) Aboveground installation containers must be outside buildings and at approved locations specified in the National Fire Protection Association Standard No. 58, except that a minimum of five feet clearance to doors, windows or other openings or containers of 125 water gallons (100 pounds liquid petroleum gas) or less must be maintained.

(2) Belowground installations. All belowground installations must be approved by the Board of Trustees of the Village of Freeport. All requirements set forth by National Fire Protection Association Standard No. 58 shall be the minimum requirements before approval is granted by said Board of Trustees.

B. Containers in use must be secured against tipping and protected from physical damage. Concrete-filled stanchions are required when there is any possibility of hitting the equipment with a vehicle.

C. Supply line from container must be approved copper tubing or piping with approved fittings, secured to the building and protected against physical damage, except as follows:

(1) No copper tubing shall be used outside a building except for "pigtails."

(2) No copper tubing shall be encased inside walls.

D. An approved gas shutoff device must be installed at end of piping inside building.

E. Portable heater utilizing liquefied petroleum gas must be equipped with a safety pilot device which will shut off the flow if the pilot light is not lit.

F. All units must be installed by licensed plumbers, licensed by the Village of Freeport, as required under § 162-27 of this chapter.

§ 162-205. Supervision of equipment.

All equipment must be supervised by competent persons having knowledge of the operation and utilization of liquefied petroleum gas. Said persons should be in attendance at all times when equipment is in operation.

§ 162-206. Storage restrictions.

A. Storage of containers awaiting use or resale shall be limited to the quantities and requirements specified within the National Fire Protection Association Standard No. 58 except as follows:

(1) Public buildings. The total quantity on display and in storage shall not exceed 100 pounds of liquefied petroleum gas.

(2) Industrial or manufacturing buildings. The total quantity in storage shall not exceed 200 pounds of liquefied petroleum gas.

B. Empty containers which have been in liquid petroleum gas service should be stored in the open. When stored inside, they shall be considered as full containers.

C. Containers should not be stored near any exits and should be stored to minimize exposure to excessive temperature rise, physical damage or tampering by unauthorized personnel.

§ 162-207. Fire extinguisher requirements.

Storage location shall be provided with at least one approved portable fire extinguisher 12-B:C rating.

Chapter 165

PUBLIC ASSEMBLY, PLACES OF

ARTICLE I
Generally

§ 165-1. Definitions; interpretations; word usage.
§ 165-2. Jurisdiction of Superintendent.
§ 165-3. License required; application; inspection; issuance of license.
§ 165-4. Expiration, date of issuance and renewal of licenses.
§ 165-5. License fees; permitted occupancy.
§ 165-6. Denial of license.
§ 165-7. Suspension or revocation of license.
§ 165-8. Service of notice.
§ 165-9. Appeals.
§ 165-10. Hearings.
§ 165-11. Posting of license and occupancy poster; replacement licenses.
§ 165-12. License not transferable.
§ 165-13. Exemptions.
§ 165-14. Regulations governing operation.
§ 165-15. Presumption of compliance; prosecution.
§ 165-16. Penalties for offenses.
§ 165-17. Construal of provisions.
§ 165-18. When effective.

ARTICLE II
Restaurants and Eating Places

§ 165-19. Licensing; certification of approval.
§ 165-20. License fee.
§ 165-21. Investigation of premises; reinspections.
§ 165-22. Expiration of license.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 11-28-1983 by L.L. No. 18-1983.[1] Amendments noted where applicable.]

ARTICLE I
Generally

§ 165-1. Definitions; interpretations; word usage.

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

APPLICANT — Any person applying for a license or the renewal of an approved license under this chapter.

1. **Editor's Note: The first paragraph of this local law provided as follows: "With a view toward safeguarding the health, safety and the general welfare of persons within the jurisdictional area of the Incorporated Village of Freeport, it is hereby declared to be the policy of the Village Board that this chapter shall facilitate the regulation of places of public assembly by setting forth hereunder certain responsibilities, rules and regulations, which shall apply not only to the owners thereof, but also to persons who obtain permission from the owner of a place of public assembly to occupy the premises as lessee, licensee, coadventurer, concessionaire or in any other capacity which is different from that of owner and operator."**

APPROVED LICENSE — The license issued by the Village Clerk at the direction of and pursuant to the permission granted by the Superintendent for a place of public assembly to operate, only after receipt of information indicates that all applicable requirements of this chapter have been complied with.

CABARET — Any room, place or space wherein musical entertainment, singing, dancing in a designated area or other form of amusement or entertainment is permitted in conjunction with the sale or service of food or drink to the public, except such places providing musical entertainment by mechanical means without dancing or by having musical entertainment of not more than three musical instruments consisting of a piano, organ, accordion, string instrument or any combination thereof without any means of electrical or electronic amplification connected directly thereto. For purposes of this chapter, the term "cabaret" includes the terms "nightclub" and "discotheque."

CATERING ESTABLISHMENT — Any room, place or space which is used, leased or hired out in the business of serving food and drink for a particular function, occasion or event and to which the general public is not invited and wherein music, entertainment and/or dancing may or may not be provided.

DANCE HALL — Any room, place or space in which dancing is carried on and to which the public may gain admission either with or without the payment of a fee.

INCORPORATED VILLAGE OF FREEPORT — For the purpose of enforcement of this chapter, that area within the geographical confines of the Village wherein the Superintendent has jurisdiction.

LICENSE — Whenever used in this chapter, shall also apply to the terms "temporary license" or "approved license."

PERSON — An individual, partnership, club, corporation, association, society or any other organized group of persons and shall include the officers, directors, stockholders and trustees thereof.

PLACE OF PUBLIC ASSEMBLY — Any room, place or space which is occupied or arranged to be occupied for recreational, amusement, social, sports, religious, patriotic, civic, travel and similar purposes and shall include assembly halls, lecture rooms, exhibition halls, museums, auditoriums, instruction rooms, dance halls or studios; places of public exhibition for the conduct of such activities and events as an outdoor music concert, a circus, fair, carnival, menagerie, caravan of animals, animal show, exhibition of any natural or artificial curiosity or other performance or exhibition of such nature; cabarets, night clubs, discotheques, restaurants, luncheonettes, diners, social clubs, bottle clubs; bars, grilles or a combination thereof; any room or space used for private banquets, feasts, socials, card parties, bingo or weddings; halls used for public or private catering purposes; hotels, motels or boatels; lodge or meeting halls or rooms; skating rinks, gymnasiums, swimming pools, billiard rooms, bowling alleys and archery ranges, other than those designed or intended exclusively for recreational home use; funeral parlors, tattoo parlors and ice cream parlors; private or parochial schools; recreation rooms and arcades, including those containing pinball machines, mechanical or electromechanical games or video games, and which charge a fee for admission or for the use of said machinery or equipment; concert halls, broadcasting studios, theaters, motion-picture theaters; passenger stations and terminals of air, surface, underground and

marine public transportation facilities; or any other building, shed or enclosure, whether indoor or outdoor, coming within the occupancy and other similar classifications of this section as determined by the officer charged with the enforcement of this chapter.

RESTAURANT — A public eating place which is regularly used and kept open for the serving of food for compensation and which has suitable kitchen facilities connected therewith containing conveniences for cooking and kept in a sanitary condition.

SOCIAL CLUB — Any place or establishment, other than a restaurant, cabaret, catering establishment, dance hall, bar or grille, whose social features are a material part of its activities and necessary to its existence and not merely incidental, whether or not having a liquor license and where food, alcohol or alcoholic beverages are dispensed or where music, entertainment or recreation is taking place, whether or not an admission fee, membership fee, dues or the like is charged. For the purposes of this chapter, the term "social club" shall include the term "bottle club."

SUPERINTENDENT — The legally designated officer in charge of the Department of Buildings of the Incorporated Village of Freeport, New York, or his authorized representatives. Whenever the term "Superintendent" is used in this chapter, it shall be synonymous with the term "Superintendent of the Department of Buildings."

TEMPORARY LICENSE — A license issued by the Village Clerk pursuant to the direction of the Superintendent, for a limited period of time, pending the Superintendent's determination on the grant or denial of an approved license.

VILLAGE BOARD — The Board of Trustees and Mayor of the Incorporated Village of Freeport.

VILLAGE CLERK — The Clerk of the Board of Trustees of the Incorporated Village of Freeport or his duly authorized representatives, including the Deputy Village Clerk and the Registrar.

B. Interpretation. In distinguishing between the terms "restaurant," "social club," "dance hall" and "cabaret," as above defined, such factors as the extent to which food is served on the premises, whether there is dancing or entertainment on the premises, and whether an admission fee is charged shall be determinative. These determinative factors shall apply to the enforcement of the provisions of this chapter and of any companion statute, local law, ordinance, rule or regulation respecting the operation of restaurants.

C. Words singular in meaning shall be pluralized where the sense of a sentence so requires.

D. Words referred to in the masculine gender shall include the feminine and neuter genders as the sense of the word requires (e.g., "Superintendent" may be masculine or feminine; "person" may be neuter if referring to a corporation).

§ 165-2. Jurisdiction of Superintendent.

Under this chapter, the Superintendent shall have jurisdiction over and in conjunction with the following functions and duties regarding the regulation and licensing of places of public assembly, namely the:

A. Approval or denial of licenses hereunder and the revocation or suspension thereof and the notification of applicants and licensees of such actions taken.

B. Inspection of places of public assembly at reasonable times.

C. Prescription of forms for applications or licenses under this chapter and for all reports which he deems necessary to be made by any licensee, permittee or applicant.

D. Holding of hearings, subpoenaing of witnesses, compelling their attendance, administering oaths, examining any person under oath and, in connection therewith, requiring the producing of any books or papers relative to the inquiry.

E. Adoption of reasonable rules and regulations as may be necessary for the proper control, operation and supervision of places of public assembly.

F. Recommendation to the Village Board of changes or amendments to this chapter.

§ 165-3. License required; application; inspection; issuance of license.

A. It shall be unlawful for any person to conduct, maintain or operate a place of public assembly within the Village who has not been issued a temporary license or an approved license under this chapter, either of which is currently in effect for the premises where the place of public assembly is conducted, maintained or operated.

B. An approved license shall be issued for a place of public assembly by the Village Clerk only after the Superintendent shall first have caused an inspection to be made of the premises to be licensed and is satisfied that the provisions of this chapter and all other applicable laws, ordinances, codes, rules and regulations pertaining to fire, electrical, plumbing, building construction, zoning, noise, environmental, health and safety requirements contained therein have been complied with, together with all fees provided for herein being paid, and is further satisfied that the premises are a safe place in which to conduct, maintain or operate a place of public assembly and a proper use has been established for the premises.

C. Upon the filing of the application and the payment of the stipulated fee as provided by this chapter, the Village Clerk shall issue a receipt, subject to an inspection of the premises by the Superintendent and the Superintendent's finding to the effect that no hazardous conditions exist, and will thereupon issue a temporary license, which shall remain in effect until such time as the applicant has been notified by the Superintendent of the approval or denial of an approved license. In no event shall a temporary license exceed the time limitation as prescribed in § 165-4 hereinafter set forth.

D. Each application shall contain at least the following information and any additional information as may be required upon the request of the Superintendent:

(1) The name, age and residence address of each applicant, and if there is more than one and they are partners, the partnership name and the age and residence address of each partner.

(2) If the applicant is a stock, membership, public benefit or not-for-profit corporation, the name and residence address of each officer and director and the state under the laws of which the corporate applicant is organized; additionally, in the case of a stock corporation, and except in the discretion of the Superintendent, the names and residence address of each of the stockholders shall be listed.

(3) The premises to be licensed, stating the street and number, if any; otherwise such description as will reasonably indicate the location thereof.

(4) The name and residence address of the owner of the building or premises wherein or whereon the licensed premises is located.

(5) Whether the applicant is a lessee and, if so, the name and residence of the lessor.

(6) If the applicant does not reside in the Incorporated Village of Freeport, he shall designate an agent, who shall be a natural person residing or having a place of business in the Incorporated Village of Freeport. The agent shall be authorized and shall agree, by verified statement, to accept notices or summonses issued by the Superintendent with respect to violation of any laws, ordinances, rules or regulations enforceable by the Superintendent.

(7) If there is any change, after the filing of an application for a license, in any of the facts required to be set forth in the application, a supplemental statement giving notice of the change or changes, duly verified, shall be filed with the Superintendent within 10 days after any change. Failure to do so shall, if willful and deliberate, be cause for the suspension, denial or revocation of the license. In giving any notice or taking any action in reference to a licensee of a licensed premises, the Superintendent may rely upon the information furnished in any supplemental statement connected therewith, and the information contained therein shall be presumed to be correct and shall be binding upon a licensee or the licensed premises as bona fide information. This supplemental statement may be waived by the Superintendent at his discretion, whenever it applies to stockholders holding less than 10% of the issued stock of a corporation.

E. In addition to the prerequisites set forth in § 165-3B of this chapter, an approved license for a dance hall or cabaret shall be issued if the Superintendent is satisfied that the applicant is a fit and proper person and a proper use has been established for the premises. All applicants for a dance hall or cabaret license shall be fingerprinted. If the applicant is a business corporation, all officers, directors, stockholders and other persons interested in the licensed premises or entitled to a share of the income or profits therefrom shall be fingerprinted, unless the Superintendent deems such fingerprinting unnecessary or, in lieu thereof, a valid liquor license has been issued to the applicant of the place of public assembly by the New York State Liquor Authority and is currently in effect and in good standing.

F. In addition to the information required in the preceding § 185-3D and E of this chapter, when application is made for a dance hall, social club or cabaret license, the following information shall be given:

(1) The name and residence address of each person interested or to become interested in the business covered by the license for which the application is made, together with the nature of such interest and evidence that a proper use has been established for the premises.

(2) The nature of the applicant's interest in the business covered by the license for which application is made and the name of any other person, either as principal, agent or associate, interested in the licensed premises or in the business covered by the license applied for.

(3) Whether the person applying for a license has ever been convicted of any offense, crime, misdemeanor, violation or of any offense against any local law or municipal ordinance and, if so, the nature of the conviction, the court where convicted and the date and penalty assessed.

(4) Nassau County Department of Health approval.

§ 165-4. Expiration, date of issuance and renewal of licenses.

A. An approved license shall expire on July 31 of each year. **[Amended 9-8-2015 by L.L. No. 7-2015]**

B. The date of issuance of an approved license shall be the same as the date of issuance of the temporary license immediately preceding.

C. Renewal of an approved license shall be effective on the date following expiration of the one previously approved.

D. A temporary license may be granted for a period not in excess of 60 days from the date of issuance. However, the holder of a temporary license must submit a written request to the Superintendent for each extension of a temporary license outlining the reasons therefor. The Superintendent may grant not more than a thirty-day extension for each request subject to the requirements of § 165-5E of this chapter. No more than two extensions of a temporary license shall be permitted.

§ 165-5. License fees; permitted occupancy.

A. Fees for public assembly licenses issued under this chapter shall be payable annually and shall be based on the number of persons each place is designed to accommodate as certified by the Superintendent.

B. Annual fees for public assembly licenses shall be a fee as set from time to time by resolution of the Board of Trustees. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. Where there is more than one place of public assembly in the same building and the applicant is the same for the several places of public assembly therein, the fee shall be determined on the basis of the sum of the combined occupancies.

D. The fee required for filing an application under this chapter shall be an amount as set from time to time by resolution of the Board of Trustees. If the application is

disapproved, the filing fee shall be retained to cover the cost of processing. If the application is approved, the filing fee shall be credited and applied to the total fee. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

E. The fee for the extension of a temporary license shall be an amount as set from time to time by resolution of the Board of Trustees for each 30 days or fraction thereof and shall be payable to the Village Clerk upon application for each extension. Any fees paid for an extension of a temporary license shall be nonreturnable and shall not be applicable to the total fee required. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

F. A fee of an amount as set from time to time by resolution of the Board of Trustees shall be charged for the replacement or substitute copy of a temporary or approved license or occupancy poster. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

G. The number of persons permitted to occupy a place of public assembly shall be certified by the Superintendent and shall be determined pursuant to the following table:

Place of Public Assembly	Usable Floor Area Per Person[1, 2] (square feet[3])
Dance hall, social club, cabaret, restaurant and catering establishment	15
Billiard rooms, golf schools and archery ranges	50
Designated waiting or standing space	3
Skating rinks	40
Bowling alleys	50[4]
Any other space containing portable seats	6[5]
Any other space containing seats permanently secured to the floor	Total number of seats
Other space not classified herein	40[6]

NOTES:

[1] Usable floor area shall mean the areas of those spaces generally used or occupied by the public for public purposes.

[2] This column shall apply to any place of public assembly and to all additions, alterations or renovation to places of public assembly made on or after the effective date of this chapter.

[3] Unless otherwise indicated.

[4] Alley shall include 15 feet of runway.

[5] For floor area actually occupied by seats. If the entire floor area is considered, or if the seats exceed 21 inches in width and the distance back to back of the seats is 36 inches or more, use 10 square feet per person.

NOTES:

[6] Or as may be determined by the Superintendent, based on construction, fire safety, use and the health, safety and welfare of persons occupying the place of public assembly.

§ 165-6. Denial of license.

A. The following persons shall be prohibited from receiving a license for a cabaret, dance hall or social club:

(1) Any person, partnership or corporation and each member, principal officer and director thereof, as the case may be, who has been convicted of a felony or any of the misdemeanors mentioned in § 1146 of the former Penal Law as in force and effect immediately prior to September 1, 1967, or of an offense defined in § 230.20 or 230.40 of the Penal Law, unless such person shall have received an executive pardon thereafter effecting the removal of the conviction or unless a certificate of good conduct has been granted by the Board of Parole pursuant to the provisions of the Executive Law thus removing the disqualification resulting from such conviction.

(2) Any person who has had any license issued under this chapter revoked for cause during a one-year period from the date of such revocation.

B. Disapproval of any application for a license by the Superintendent shall automatically cancel any temporary license previously issued; after notice of disapproval or cancellation has been duly given pursuant to this chapter, any continuance of operation as a place of public assembly shall be considered an offense hereunder and subject to penalties under this chapter.

§ 165-7. Suspension or revocation of license.

The Superintendent, upon notice and after a hearing at which the licensee shall be given an opportunity to be heard, may suspend, modify or revoke any license issued for any of the following causes:

A. When a person licensed hereunder makes any false material statement in the application for a license.

B. When a person licensed hereunder suffers or knowingly permits any gambling, except as may be permitted by the State of New York; suffers or knowingly permits the sale or use of narcotics or sale or use of dangerous hallucinatory drugs on the premises; or suffers or knowingly permits such premises to become disorderly.

C. For an offense against any provision of this chapter.

D. For failure, refusal or neglect of any person, officer or director of any corporation holding a license for a place of public assembly under this chapter to appear or testify under oath at an inquiry or hearing held by the Superintendent with respect to any matter bearing upon the conduct of the place of public assembly or the fitness of the person, as applicable.

E. For failure, refusal or neglect to provide for the health, safety or welfare of persons frequenting the licensed premises.

§ 165-8. Service of notice.

Any notice to be given by the Superintendent under this chapter, unless otherwise provided for herein, shall be deemed to have been duly given when:

A. In the case of an applicant or licensee who is a natural person, it is served personally upon the applicant or licensee, as the case may be, or, in the absence of personal service, it is sent by registered or certified mail to the applicant or licensee addressed to his (her) residence listed on the application, together with a copy of the notice by regular mail to the address of the premises licensed or to be licensed.

B. In the case of a partnership, corporation or other business organization, it is served personally upon a partner or an officer, director or managing agent of the corporation or a duly designated representative of said business organization listed on the application or, in the absence of personal service, it is served upon him (her) by registered or certified mail addressed to his (her) residence, together with a copy of the notice by regular mail to the address of the premises licensed or to be licensed.

C. It is served personally upon or, in the absence of personal service, it is sent by registered or certified mail to the agent designated under § 165-3D(6) of this chapter, together with a copy of the notice by regular mail to the address of the premises licensed or to be licensed.

§ 165-9. Appeals.

A. Any person who has been refused the issuance of a public assembly license or has had a previously issued public assembly license modified, revoked or suspended by the action of the Superintendent shall have the right to review the action of the Superintendent as hereinafter provided.

(1) An application for such review shall be in writing, signed and acknowledged by the applicant and shall state the ground or grounds on which the applicant claims that the determination of the Superintendent was erroneous.

(2) Such application shall be filed with the Village Clerk by the applicant within 20 days after notice of denial of the application or other adverse action by the Superintendent has been mailed to him (her) or delivered to him (her) in person.

(3) Upon the filing of such application, a hearing shall be held thereon pursuant to the provisions of § 165-10 hereof.

(4) At such hearing, the Review Board shall consider the record upon which the Superintendent based his (her) determination and, in its discretion, may receive new or additional evidence in support thereof or in opposition thereto.

B. The Review Board, after such hearing, shall, by a simple majority vote, affirm, modify or overrule the action of the Superintendent or direct the Superintendent to issue or

reinstate a proper license or to take any other action consistent with the provisions of this chapter which it deems appropriate.

§ 165-10. Hearings.

Whenever it shall be provided herein that a hearing shall or may be held in connection with an application or license:

A. If an applicant or licensee requests a hearing, the Mayor shall designate three or more members of the Village Board to conduct said hearing as a Review Board and shall appoint one of said members to act as Chairman of said Board.

B. Such hearing shall be held on a date, at a place and hour designated by the Chairman thereof.

C. The Superintendent shall give notice thereof, stating the name and address of the applicant or licensee concerned, the subject matter of the hearing and the date, place and hour thereof designated therefor by mailing a copy thereof to the applicant or licensee concerned, in accordance with the terms of the notice provisions of § 165-8 of this chapter at least 10 days prior to such hearing.

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

E. All witnesses shall be sworn and examined under oath.

F. A stenographic record shall be made of all hearings held pursuant to this section. All determinations after a hearing shall be made by a simple majority vote of the Review Board and be supported by substantial evidence based on the record as a whole. Among the factors specifically to be considered by the Review Board in making its determination is the effect of the issuance of the license to the applicant upon the peace, welfare and good order of the Village.

§ 165-11. Posting of license and occupancy poster; replacement licenses.

A. Each license and occupancy poster issued under this chapter shall be kept conspicuously posted at the main entrance of every place of public assembly, and it shall be unlawful to conceal, remove, deface or alter such license or occupancy poster.

B. A temporary or approved license that has been issued for a place of public assembly which is lost, stolen, altered, mutilated or missing shall be replaced immediately and the prescribed fee shall be paid for its replacement.

§ 165-12. License not transferable.

No license issued under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued, nor shall such license be used or displayed at any location other than the location stated in such license.

§ 165-13. Exemptions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

All places of public assembly, as defined in § 165-1 of this chapter shall be subject to all provisions of this chapter, including obtaining a license, except that the fee may be waived for:

A. Premises owned, occupied and used by a nonprofit membership corporation, society or association or religious, charitable, eleemosynary or educational corporation or institution which is chartered as such by the State of New York. It is provided, however, that if said premises are licensed, rented or leased to a licensee, tenant, a lessee, coadventurer, concessionaire, partner, caterer or as a place of public assembly, the licensee, tenant, lessee, coadventurer, concessionaire, partner, caterer or person operating a place of public assembly in any other capacity which is different from that of the owner and operator shall be required to obtain such license as may be required under this chapter.

B. Any luncheonette, soda fountain, stationery store or similar occupancy, the use of which may, on occasion, incidentally meet the definition of a place of public assembly, provided that there are no more than 12 seats available to the patrons.

§ 165-14. Regulations governing operation.

Every person holding a license under this chapter as a place of public assembly shall comply with the following provisions. Any offense against these provisions shall be unlawful and in violation of this chapter:

A. No light on any part of a premises licensed hereunder shall be permitted to shine beyond the property line of the premises. All exterior lights on such premises shall be equipped with shielding devices so that the glow emanating therefrom shall be directed only on and toward such premises.

B. Unless a different method of storage and disposal is otherwise authorized by any other provisions of this Code, local law or ordinance, all garbage, rubbish and other refuse shall be stored until removed at the rear of the premises in watertight receptacles, securely covered and screened from view. Such receptacles shall be maintained in a sanitary condition and shall be cleaned, flushed and deodorized daily. No garbage, rubbish or other refuse shall be removed from the premises between the hours of 6:30 p.m. and 6:30 a.m.

C. No soot, cinders, smoke, noxious acids, fumes, gases or disagreeable or unusual odors shall be permitted to emanate from the premises in such manner as to be detrimental to any person or which annoys, disturbs, injures, endangers or which may have a tendency to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any person or persons constituting the general public.

D. No music shall be played in any place of public assembly either by mechanical device or live performance in such a manner that the sound emanating therefrom shall be audible beyond the property line of the premises whereon the place of public assembly is located in violation of the terms and provisions of any local noise control ordinance.

E. Attire.

(1) No female shall appear in a place of public assembly at any time or in a play, exhibition, show or entertainment clothed or costumed in such a manner that the portion of her breasts below the top of the areola is not covered with a fully opaque covering; nor shall any person, male or female, appear in such place or under such circumstances costumed in such a manner that said person's genitals are not covered with a fully opaque covering to a point above the pubic hair line.

(2) No person shall knowingly conduct, maintain, own, manage, operate or furnish any public premises or places where a female appears in public at any time or in a play, exhibition, show or entertainment clothed in such a manner that the portion of her breasts below the top of the areola is not covered with a fully opaque covering or any person, male or female, appears in such place under such circumstances clothed in such a manner that said person's genitals are not covered with a fully opaque covering to a point above the pubic hair line.

§ 165-15. Presumption of compliance; prosecution.

A. Issuance of a license under this chapter shall cause no presumption that the licensee or the licensed premises are in compliance with any other laws, ordinances, rules or regulations enforceable by any governmental authority, as may be applicable to the said licensee or said licensed premises.

B. Issuance of a license under this chapter shall not be a bar to prosecution under any provision of this chapter or under any other ordinance, law, rule or regulation applicable to the licensed premises or licensee.

§ 165-16. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person or persons, association or corporation committing an offense against any provisions of this chapter or any of the rules or regulations adopted by the Superintendent pursuant to this chapter shall be guilty of a violation punishable by a fine not exceeding $1,000 or imprisonment for a period not exceeding 30 days for each such offense, or by both such fine and imprisonment. Each day's continued offense against any of the provisions of this chapter or any of the regulations duly adopted by the Superintendent pursuant to any section of this chapter shall constitute a separate additional offense.

§ 165-17. Construal of provisions.

A. The requirements of this chapter for the obtaining of a public assembly license shall be in addition to any other licensing requirements of the Code of the Village of Freeport, New York, and are not intended to supersede them unless specifically indicated.

B. No provision of this chapter shall be construed to authorize any activity or use otherwise prohibited by any other chapter of this Code, including but not limited to those governing building construction, plumbing, noise, zoning, fire prevention or other

similar subject affecting the health, safety, welfare, peace and good order of the residents of the Village of Freeport.

§ 165-18. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State.

ARTICLE II
Restaurants and Eating Places
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)][2]

§ 165-19. Licensing; certification of approval.

No person shall engage in the business of running a restaurant, eating place, lunch counter, soft drink counter or business in the Village for the sale or the consumption of nonalcoholic beverages of any class or description without obtaining an annual Food and Drink license therefor upon presentation of certification of approval by the Nassau County Department of Health.

§ 165-20. License fee.

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a food and drink dispenser's license or a renewal thereof.

§ 165-21. Investigation of premises; reinspections.

In addition to the filing of information as required of applicants by § 138-2, the Mayor shall cause an investigation to be made by the Superintendent of Buildings as to the physical characteristics and appurtenances of the premises for whose operations hereunder a license is sought. If such inspection discloses that such premises are inadequate, unsafe, improperly equipped or of such nature as to be inimical to the health, safety or welfare of the patrons thereof or of the public at large, the license shall not be granted or, if granted, shall be revoked. Such inspections, after the granting of a license, shall be regularly repeated at intervals of no longer than one year.

§ 165-22. Expiration of license.

The expiration date for said license shall be July 31 of each year.

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2. Editor's Note: Former §§ 124-3, Licensing; certification of approval, through 124-6, Expiration of license, codified as Article II, Restaurants and Eating Places, in the 1979 Code, were relocated as §§ 165-19 through 165-22 at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 167

REAL PROPERTY TRANSACTIONS

ARTICLE I
Prohibited Practices

§ 167-1. Prohibited practices enumerated.
§ 167-2. Penalties for offenses.

ARTICLE II
Discriminatory Practices

§ 167-3. Discriminatory practices prohibited.
§ 167-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Prohibited Practices
[Adopted 6-21-1971; amended 9-13-1971]

§ 167-1. Prohibited practices enumerated.

It shall be unlawful for any person, corporation or business enterprise who receives or expects to receive pecuniary gain from the sale of real property to:

A. Incite, arouse or refer to neighborhood unrest, community tension or racial, religious or nationality change in a neighborhood or on a particular street for the purpose of or inducing or promoting the sale or lease of real property.

B. Promote or influence or attempt to promote or influence a property owner, occupant or tenant to list for sale, sell, remove from or lease real property by referring to race, color, religion or national origin of neighbors, tenants, prospective buyers or occupants of real property.

C. Resort to or engage in any intimidation or threats in attempting to influence or induce a property owner or tenant to list for sale, sell, remove from or lease real property.

D. Solicit any property owner to sell property when said property owner, previous to said solicitation, requested the Secretary of State of the State of New York to list said owner's name as an owner who does not wish to be solicited. **[Added 7-12-1971]**

§ 167-2. Penalties for offenses.

Any violation of any provision of this article shall constitute disorderly conduct and shall be punished by a fine of not less than $100 nor more than $250 and, in the event of failure to pay same, by imprisonment not to exceed 15 days, or both, and each and every violation of the provisions of this article shall constitute a separate offense.

ARTICLE II

Discriminatory Practices

[Adopted 3-13-1972 by L.L. No. 1-1972]

§ 167-3. Discriminatory practices prohibited.

It shall be an unlawful discriminatory practice for any real estate broker, real estate salesman or employee or agent thereof or any other individual, corporation, partnership or organization, for the purpose of inducing a real estate transaction from which any such person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color or national origin of the owners or occupants in the block, neighborhood or area in which the real property is located and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools or other facilities.

§ 167-4. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, individual, corporation, partnership or organization convicted of violating any provision of this article shall be guilty of a misdemeanor and subject to a fine, at a minimum, of $500, up to a maximum of $2,500, and/or 15 days' imprisonment.

Chapter 171

(RESERVED)

[1]

1. **Editor's Note: The City, at the time of adoption of Code (see Ch. 1, General Provisions, Art. I), repealed former Ch. 171, Rooming and Lodging Houses, adopted 5-9-1966, as amended 7-13-1970, 11-26-1973, 9-19-1977 by L.L. No. 16-1977, 2-27-1982 by L.L. No. 18-1982 and 2-26-1990 by L.L. No. 26-1990, noting that the provisions were declared unconstitutional in the matter of Cherlind Realty v. Freeport in 1997.**

Chapter 173

SECONDHAND DEALERS

§ 173-1. General provisions.

§ 173-2. License required; types of licenses.

§ 173-3. Bonds; fees; term and conditions of license.

§ 173-4. Application procedure.

§ 173-5. Issuance of license.

§ 173-6. Availability of records.

§ 173-7. Restrictions.

§ 173-8. Labeling of certain articles.

§ 173-9. Lost or stolen property.

§ 173-10. Record of purchases or sales.

§ 173-11. Identity of person from whom purchase is made.

§ 173-12. Penalties for offenses.

§ 173-13. Enforcement.

§ 173-14. Denial, revocation or suspension of license.

§ 173-15. Appeals.

§ 173-16. Hearings.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 1-28-1985 by L.L. No. 1-1985.[1] Amendments noted where applicable.]

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§ 173-1. General provisions.

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

DEALER IN SECONDHAND ARTICLES — Any person who in any way, as principal, broker or agent:

(1) Deals in the commercial purchase or sale of secondhand articles for any purpose and of whatever nature, including but not limited to old gold or other precious metals, coins, stamps or currency, firearms, rifles, shotguns, cameras, business machines, musical instruments, electronic equipment or outboard motors;

(2) Accepts or receives secondhand articles as returns of merchandise or in exchange for or for credits on any other articles or merchandise;

(3) Deals in the commercial purchase or sale of pawnbroker tickets or other evidence of pledged articles.

PERSON — Any natural person, association, partnership, corporation, fiduciary or other legal entity.

POLICE — Any officer or member of the Freeport Police Department.

PRECIOUS METALS — Gold, silver, platinum, iridium, ruthenium, osmium or any alloy of any one or more of said metals.

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1. **Editor's Note: This local law also provided for the repeal of former Ch. 173, Secondhand Dealers, adopted 5-12-1980 by L.L. No. 5-1980.**

VILLAGE BOARD — The Board of Trustees of the Incorporated Village of Freeport.

B. Exceptions. Nothing contained in this chapter shall be construed to apply to:

(1) Automobiles, automobile parts, pianos, books, magazines, rugs, tapestries, artists' burlaps, paintings, sculpture, drawings, etchings and engravings or boats.

(2) The first purchase or sale in the country of any imported secondhand article.

(3) The acceptance or receipt of merchandise in a new condition as a return, exchange or for credit or refund, if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to any resale of such merchandise as new merchandise or the first subsequent nonretail sale or exchange of such merchandise as used merchandise.

(4) The acceptance or receipt of merchandise in a used condition as a return, trade-in, exchange or for credit or refund if such merchandise was originally purchased as new merchandise from the person accepting or receiving the same, nor to the first subsequent nonretail sale or exchange of such merchandise.

(5) The first sale, at retail, of merchandise which has been rebuilt by the manufacturer or vendor originally manufacturing it, or the licensed agents thereof, and sold as factory-rebuilt merchandise.

(6) A thrift shop, as defined to be so classified under the United States Internal Revenue Code, entitled to an exemption as an eleemosynary corporation or institution.

(7) Antiques, which shall mean secondhand articles over 75 years of age, having a value of less than $1,000 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(8) A charitable or religious organization, association or corporation which has acquired secondhand articles through donation or collection for the purpose of selling such articles or disposing of them by gift.

(9) A garage sale, as said activity is defined and regulated in § 210-183 of the Code of the Village of Freeport.

C. Proof. The burden of proof that an article was originally purchased from the person accepting or receiving it, that it was the first subsequent sale or exchange thereof to a person other than an ultimate consumer or that it was a first sale at retail of such factory-rebuilt merchandise shall be upon the person asserting the same. Evidence of an existing trade practice in the Village of Freeport shall be admissible for the purpose of determining whether or not merchandise is in new or used condition.

D. Interpretation. In interpreting and applying the provisions of this chapter, the rule of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this chapter shall be observed. All provisions shall be considered as minimum requirements and shall be deemed neither to limit nor repeal any other powers granted to the Village of Freeport under New York State statutes.

E. Severability, if any clause, sentence, section, paragraph or provision of this chapter shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, section, paragraph or provision directly involved in the controversy in which such judgment shall have been rendered.

F. Disclaimer of liability. This chapter shall not create any liability on the part of the Village of Freeport or its officers, agents or employees for any act or damage caused as a result of reliance on this chapter or any administrative decision lawfully made thereunder.

§ 173-2. License required; types of licenses.

A. It shall be unlawful for any person to act as a dealer in secondhand articles without a license therefor.

B. There shall be three types of licenses: a general license, a management license and an exposition license.

(1) A general license shall authorize the licensee to act as a secondhand dealer with respect to all articles, except those enumerated in § 173-7F and G of this chapter, unless the licensee meets the additional licensing requirements specified therein, within the Village of Freeport during the license period specified in § 173-3.

(2) A management license shall authorize the licensee, who is not a dealer in antiques or unique secondhand articles, to operate and manage an antique or unique secondhand articles exposition where such antiques or unique secondhand articles are sold at any fair, show or exhibit or any place where this merchandise is offered for sale within the Village of Freeport during the period of one month from the date of issuance of such license.

(3) An exposition license shall authorize a dealer in antiques or unique secondhand articles who maintains no place of business within the Village of Freeport to exhibit and sell such articles at any fair, show or exposition within the Village of Freeport during a period of one month from the date of issuance of such license.

§ 173-3. Bonds; fees; term and conditions of license.

A. Each dealer securing a general license shall furnish a bond to the Village of Freeport with sufficient surety to be approved by the Village Clerk in the penal sum of $5,000, conditioned for the due observance of the law relating to such dealers.

B. Each manager of an antique or unique article exposition shall furnish a bond to the Village of Freeport with sufficient surety to be approved by the Village Clerk in the penal sum of $5,000, conditioned for the due observance of the law relating to dealers who are exhibitors at the exposition.

C. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a secondhand dealer's license or a renewal thereof. **[Amended 2-26-1990 by L.L. No. 27-1990]**

D. All general licenses shall expire on the first day of April next succeeding the date of issuance thereof, unless sooner revoked or suspended. A new application for a license must be made yearly if the licensee desires to continue such activity.

E. All licenses shall be placed and at all times displayed in a conspicuous place at the licensee's place of activity or business for which it is issued.

F. All licenses are personal with the licensee. They do not go with title to the land, nor may they be sold, assigned, transferred or disposed of.

G. Any license may be denied, revoked or suspended by the Village Clerk, subject to a right of review by the Village Board pursuant to the provisions of § 173-15, at a hearing held thereon pursuant to the provisions of § 173-16 of this chapter.

§ 173-4. Application procedure.

A. An applicant for a license under this chapter must file with the Village Clerk an application, supplied by the Village Clerk, containing the following information:

(1) The name and description of the applicant. Individuals operating under a trade name must present a certified copy of the trade name certificate filed in the Nassau County Clerk's office. A partnership conducting a business, whether or not under a trade name, must submit a certified copy of the partnership certificate filed in the Nassau County Clerk's office when the partnership was formed. A corporation must furnish a copy of the filing receipt for the certificate of incorporation from the New York State Secretary of State. A corporation from outside New York State must furnish a copy of its certificate of authority to do business in New York State from the New York State Secretary of State. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(2) The address of the applicant (local and legal).

(3) That the applicant, if a natural person, is at least 18 years old at the time of application.

(4) That the applicant is a citizen of the United States and whether citizenship was obtained by birth or naturalization and, if by naturalization, the date and place where obtained. The naturalization certificate may be used as proof of citizenship. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(5) A statement as to whether or not the applicant has ever been convicted of, or is now under charge of, any felony, misdemeanor or violation of any municipal ordinance or local law, the nature of the offense and the punishment or penalty assessed therefor, and such other facts or evidence as is deemed necessary to establish that the applicant is a person fit and capable of properly conducting the activity or business for which the license is sought.

(6) A description of the exact type of business the applicant intends to conduct.

(7) The name and address of the owner or owners of the land and the nature of the right of occupancy of the applicant to the use of such land.

(8) Photographs and fingerprints.

(a) Two photographs of the applicant, taken not more than 60 days prior to the filing of the application, which photographs shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.

(b) Two photographs and fingerprints are required of each individual applicant; two photographs and fingerprints are required of each partner; no photographs are required of corporate applicants, but all officers must be fingerprinted, as well as any stockholder of 10% or more of the stock.

(9) If the applicant is a corporation, the name, address and title of the officer of the corporation upon whom process or other legal notice may be served.

B. The Village Clerk shall mail a copy of the applicant's fingerprints to the Division of Criminal Justice Services, Albany, New York, together with a request for the applicant's criminal history record to be furnished by the State Division of Criminal Justice Services and the Federal Bureau of Investigation. The Village Clerk shall secure from the applicant the required fee in the form of a check or money order made payable to the New York State Division of Criminal Justice Services.

§ 173-5. Issuance of license.

A. Upon receipt of the license application and upon the approval by the Village Clerk of the Village of Freeport and payment of the prescribed fees by and bonds required of the applicant, the Village Clerk shall prepare and deliver to the applicant his/her license.

B. Every license issued hereunder shall be signed at the direction and in the name of the Village Clerk and sealed with the Seal of the Village of Freeport.

C. The Village Clerk shall keep a record of all licenses issued, as well as any other matters herein described.

D. No license shall be granted under this chapter to any person who is disqualified from receiving same by reason of the criteria set forth in § 173-14 of this chapter.

§ 173-6. Availability of records. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every dealer in secondhand articles and all duly licensed dealers in antiques shall maintain all records as required to be kept under this chapter. Said records shall be made available to the Chief of Police or his designee on demand.

§ 173-7. Restrictions.

A. It shall be unlawful for any dealer in secondhand articles to engage in selling activities at any place other than the place of business designated in such license.

B. It shall be unlawful for any dealer in secondhand articles to purchase any secondhand goods or things from any person whom he knows to be or has reason to believe is a minor.

C. With the exception of duly licensed dealers in antiques, it shall be unlawful for any dealer in secondhand articles to purchase any secondhand goods or articles from any person between the hours of 10:00 p.m. and 7:00 a.m.

D. It shall be unlawful for any dealer in secondhand articles to sell or dispose of any secondhand articles, except articles purchased from another secondhand dealer duly licensed by the Village of Freeport, until the expiration of 15 business days after the acquisition by such dealer of such articles. Duly licensed dealers in antiques may sell or dispose of secondhand articles within a period of time less than the expiration of said 15 days mentioned above, provided that the required records of purchases and sales are kept pursuant to § 173-10.

E. No person licensed as a secondhand dealer may engage in the business of a pawnbroker, unless also licensed as a pawnbroker pursuant to Article 5 of the General Business Law. No person licensed as a pawnbroker shall engage in the business of a secondhand dealer, unless also licensed as a secondhand dealer pursuant to this chapter. All persons licensed as both secondhand dealers and pawnbrokers shall post a conspicuous notice, to be clearly visible to all customers entering each place of business of such licensee, stating that customers may freely choose to either pawn or sell property to the licensee.

F. It shall be unlawful for any person licensed as a secondhand dealer to deal in the purchase or sale of any junk, old rope, old iron, brass, copper, tin, lead, rubber, paper, rags, bagging, slush or empty bottles or employ or use a boat, cart or other vehicle for the purpose of collecting any such things or materials unless he is also licensed as a junk dealer therefor, as provided for in § 133-1 of this Code.

G. It shall be unlawful for any person licensed as a secondhand dealer to engage in or operate the business commonly known as "automobile wrecking" for the sale or storage of wrecked automobiles or of used, junked or salvaged parts and accessories to such automobiles, unless also licensed as an automobile wrecker, as provided in § 133-5 of this Code; or deal in the processing of used metals for resale or the dumping, storage, burning and disposal of waste, secondhand or used materials of whatever composition.

§ 173-8. Labeling of certain articles.

Every person licensed as a dealer in secondhand articles who also sells new articles within the licensed premises shall label all new articles in such manner that the public will be informed of the nature of such articles.

§ 173-9. Lost or stolen property.

A. If any articles shall be advertised in any newspaper distributed in the County of Nassau as having been lost or stolen, and if any goods or articles answering such advertised description or any part thereof shall be in or come into the possession of any dealer in secondhand articles, upon receiving actual written or oral notice of the similarity of description of such articles, such dealer shall immediately give information relating thereto to the Police Commissioner of the Village of Freeport or his agent. No disposition of such articles shall be effected until authorization to do so shall be given to such dealer by the Police Commissioner or his authorized agent. A dealer in secondhand articles, when notified by the Commissioner of Police or his agent that property in his possession is stolen or alleged to be stolen, shall take immediate steps to secure that property; and it shall be marked "police stop." Thereafter, such property shall not be sold or removed from the premises until notification is made to the dealer, in writing, by the Police Commissioner of the Village of Freeport or his agent, allowing such removal or sale.

B. Every dealer in secondhand articles who shall have or receive any articles alleged or supposed to have been lost or stolen shall exhibit the same, on demand, to the Commissioner of Police of the Village of Freeport or any authorized inspector of licenses, to any Police Officer or to any person duly authorized, in writing, by the Commissioner of Police to examine such articles who shall exhibit such written authority to the dealer.

§ 173-10. Record of purchases or sales.

A. Every dealer in secondhand articles shall keep a bound book, in a form prescribed by the Commissioner of Police of the Village of Freeport, of consecutively numbered transactions, in which shall be legibly written in English, at the time of every purchase or sale to or from a person other than a dealer in secondhand articles, a description of every secondhand article so purchased or sold, the number or numbers and any monograms, inscriptions or other marks of identification that may appear on such article, a description of the articles or pieces comprising old gold, silver, platinum or other precious metals or coins, stamps or currency and any monogram, inscription or marks of identification thereon, the name and residence address of the person from whom such purchase was made and the day and hour of the purchase.

B. Every dealer in secondhand articles who receives secondhand articles on consignment shall keep a record, in the above-prescribed book, describing the articles and the name and description of the person or dealer such items are received from.

C. As between dealers, all transactions shall be recorded in the above-prescribed book, and legible records shall be kept describing the articles, including a detailed description of all jewelry and costume jewelry.

D. Such books shall be kept on the business premises of the secondhand dealership or at the place designated on the duly approved license at all times during normal business hours. Such books shall be open to inspection by any Police Officer, the Commissioner of Police of the Village of Freeport or any inspector of licenses or any person duly

authorized, in writing, for such purposes by the Commissioner of Police, who shall exhibit such written authority to the dealer.

E. Duly licensed dealers in antique articles shall keep a record of bulk purchases in the bound book noting the invoice number on each bulk purchase. All identifiable secondhand articles which are part of the bulk purchase shall be entered individually in the ledger book and reported individually to the Commissioner of Police of the Village of Freeport within 72 hours after such bulk purchase.

§ 173-11. Identity of person from whom purchase is made.

A. It shall be the duty of every secondhand dealer to verify the identity of every person from whom he purchases an article and to make and keep a written record of the nature of the evidence submitted by such person to prove his identity.

B. Only the following shall be deemed acceptable evidence of identity:

(1) Any official document, except a social security account number card, issued by the United States government, any state, county, municipality or subdivision thereof, any public agency or department thereof or any public or private employer, which document requires and bears the signature of the person to whom issued.

(2) Other identification documentation which, under the circumstances of any particular purchase, would lead a reasonable person to believe it to be accurate and reliable, when identification under Subsection B(1) hereof is not available.

C. It shall be the duty of every dealer in secondhand articles to require that every person from whom an article is purchased sign his name in the presence of the secondhand dealer and to compare the signature with the signature on the identifying document, if any, and retain on his premises the person's signature, together with the number and description of the identifying document, if any.

§ 173-12. Penalties for offenses.

A. A violation of the provisions of § 173-2, 173-3, 173-6, 173-7 173-9, 173-10 or 173-11 of this chapter shall constitute a Class A misdemeanor, as said term is defined by the Penal Law of the State of New York, and be punishable as such.

B. A violation of the provision of § 173-4 or 173-8 of this chapter shall constitute a violation and shall be punishable by a fine not exceeding $250, or imprisonment for a period not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense shall constitute a separate and distinct violation hereunder for each day (twenty-four-hour period) the offense is continued.

C. In addition to the penalties provided in Subsections A and B above, a violation of any of the aforementioned sections of this chapter shall subject the person committing the offense to a civil penalty in the amount of $1,000 for each day (twenty-four-hour period) that the offense shall continue, collectible by the Village Attorney in the name of the Village of Freeport.

D. In addition to the above-provided penalties and punishment, the Village Attorney also may maintain an action or proceeding in the name of the Village of Freeport in a court of competent jurisdiction to compel compliance with the provisions of this chapter or to restrain by injunction an offense against this chapter.

§ 173-13. Enforcement.

It shall be the duty of any Police Officer of the Village of Freeport to require any person seen dealing in secondhand articles, and who is not known by such Police Officer to be duly licensed, to produce or display his secondhand dealer's license and to enforce the provisions of this chapter against any person found to be violating the same.

§ 173-14. Denial, revocation or suspension of license.

A. A license under this chapter shall be denied to any person:

(1) Who has been convicted, within five years prior to the application for such license, excluding any period of incarceration served as a sentence for such conviction, of any offense which, under the laws of the State of New York, would constitute any degree of a crime involving larceny or criminal possession of stolen property;

(2) Who has been convicted of any other crime, except as otherwise provided by Article 23-A of the Correction Law of the State of New York;

(3) Whose license under this chapter has been revoked at any time during the year prior to the time of the application for the license;

(4) Whose license has been suspended under this chapter, and the period of such suspension has not expired at the time of this application for the license; or

(5) Who is less than 18 years of age at the time of application.

B. A license issued pursuant to this chapter may be revoked or suspended by the Village Clerk after notice for any of the following causes:

(1) Fraud or misrepresentation on the part of the licensee, his/her agents, servants or employees in the conduct of his/her secondhand dealer's business or making a materially false statement in the application for the license.

(2) Conviction of the licensee of a violation of one or more of the provisions of this chapter.

(3) Commission by the licensee of any act that would constitute a ground for denial of a license, as specified in Subsection A(1) and (2) of this section.

(4) Conducting the activity as a dealer in secondhand articles 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.

C. Notice of the denial of a license or of the revocation or suspension of a license shall be given, in writing, setting forth specifically the grounds for such action and the effective

date of such denial, suspension or revocation. Such notice shall be delivered personally to the applicant or licensee or mailed, by certified or registered mail, postage prepaid, to the applicant or licensee at the address shown on the most recent application of such applicant or licensee.

§ 173-15. Appeals.

A. The holder of any license which has been suspended or revoked and any applicant who shall have been denied a license under this chapter may apply for a review of the action of the Village Clerk.

B. Such application shall be in writing, signed and acknowledged by the applicant or licensee, as the case may be, and shall state the ground or grounds on which the applicant or licensee claims that the determination of the Village Clerk was erroneous.

C. Such application shall be filed with the Village Clerk by the applicant or licensee within 20 days after notice of denial of his application or notice of suspension or revocation of his license by the Village Clerk has been mailed to him or delivered to him in person, whichever occurs sooner. For the purposes of this chapter, such notice shall be deemed to have been mailed to the applicant or licensee as of the date of the canceled postmark on the envelope containing said notice.

D. Upon the filing of such application, a hearing shall be held thereon pursuant to the provisions of § 173-16 hereof; and notice of said hearing shall be given in the manner prescribed in § 173-16B.

E. At such hearing, the Village Board, sitting as the review board, shall consider the applicant's or licensee's application upon the record before the Village Clerk in connection with the Village Clerk's consideration thereof and, in its discretion, receive new or additional evidence in support thereof or in opposition thereto.

F. The Village Board, after such hearing, may affirm, modify or overrule the action of the Village Clerk and direct the Village Clerk to issue a proper license pursuant to this chapter or to take such other appropriate action consistent with its determination and findings.

§ 173-16. Hearings.

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

A. Such hearing shall be held on a date, at a place and hour designated by the Village Board, which is not more than 45 days from the date of filing of the application for a hearing, unless adjourned for good cause by said Board or at the request of the applicant or by mutual consent.

B. The Village Clerk shall give notice thereof, stating the name and address of the applicant or license holder concerned, the subject matter of the hearing and the date, place and hour thereof designated therefor, by mailing a copy thereof by registered or certified mail, postage prepaid to the applicant or license holder concerned at the

address shown on the most recent application of such applicant or licensee, at least 10 days before such hearing date. For the purposes of this chapter, said notice of hearing shall be deemed to have been mailed to the applicant or licensee as of the date of the canceled postmark on the envelope containing said notice.

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

D. All witnesses shall be sworn and examined under oath, and a stenographic record shall be made of the proceedings and preserved for purposes of judicial review.

E. In the case of the denial of the issuance of a new license to a present licensee or the suspension or revocation of an existing license, the Village Board may, in the sound exercise of its discretion, stay enforcement of said action pending its own findings and determination as the review board.

Chapter 176

SEWERS AND SEWAGE

§ 176-1. Definitions; word usage.
§ 176-2. Use of public sewer; building sewer permit.
§ 176-3. Prohibited connections and discharges.
§ 176-4. Conditional connections and discharges.
§ 176-5. Applications for permits.
§ 176-6. Conditions which void special permits.
§ 176-7. Permit fees.
§ 176-8. Revocation of permit.
§ 176-9. Permit to be available for exhibition.
§ 176-10. Building sewers and building laterals.
§ 176-11. Inspections.
§ 176-12. Approval of connections.
§ 176-13. False statement in or noncompliance with permit.
§ 176-14. Additional permits.
§ 176-15. Connections to abandoned or demolished buildings.
§ 176-16. Damaging or tampering with sewer system equipment.
§ 176-17. (Reserved)
§ 176-18. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-14-1979 by L.L. No. 3-1979.[1] Amendments noted where applicable.]

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§ 176-1. Definitions; word usage.

A. Definitions. As used in these regulations, unless a different meaning clearly appears in the context, the following terms shall have the meanings indicated:

BOD (denoting biochemical oxygen demand) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter as determined by the procedure described in Standard Methods.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins five feet outside the inner face of the building wall.

BUILDING LATERAL — The connection from a trunk sewer system of the Village to the street or curbline of the premises affected.

BUILDING SEWER — The extension from the building drain to the building lateral or other place of disposal.

1. **Editor's Note: This local law also repealed former Ch. 176, Sewers and Sewage, adopted 5-9-1966 as Ch. 20 of the 1966 Code, as amended.**

COMMISSION — The Board of Sewer and Sanitation Commissioners of the Village of Freeport or its authorized deputy, agent or representative.

COMPOSITE — A combination of individual, or continuously taken, samples obtained at regular intervals over the entire discharge day. The volume of each sample shall be proportional to the discharge flow rate. For a continuous discharge, a minimum of 24 individual grab samples, at hourly intervals, shall be collected and combined to constitute a twenty-four-hour "composite" sample. For intermittent discharges of four to eight hours' duration, grab samples shall be taken at a minimum of thirty-minute intervals. For intermittent discharges of less than four hours' duration, grab samples shall be taken at a minimum of fifteen-minute intervals.

COUNTY — The County of Nassau.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

GRAB — An individual sample collected in less than 15 minutes.

INDUSTRIAL WASTES — Any liquid, gaseous, solid or other waste substance, or a combination thereof, resulting from any process of industry, manufacture, trade or business or from the development or recovery of any natural resources, as distinct from sewage.

MAJOR CONTRIBUTING INDUSTRY — An industrial user of the Village wastewater facilities that has a flow of 50,000 gallons or more per average work day, has in its wastewater a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972 and is found by the permit issuance authority in connection with the issuance of a National Pollutant Discharge Elimination System (NPDES) permit to a water pollution control plant receiving the waste to have significant impact either singly or in combination with other contributing industries on that water pollution control plant or upon the quality of the effluent from that plant.

MILLIGRAMS PER LITER (mg/l) — A weight to volume ratio which, when multiplied by the factor 8.34, shall be equivalent to pounds per million gallons of water, parts per million (ppm).

NATURAL OUTLET — Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

OBJECTIONABLE WASTE:

(1) Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dyestuffs, grit, abrasives, metal filings, trimmings or any liquid or vapor having a temperature higher than 150° F.

(2) Any chemicals or chemical compounds of the following nature or characteristics or having similarly objectionable characteristics: alcohols; arsenic and arsenicals; creosols; formaldehydes; iodine; manganese; cyanide and other metal plating wastes; mercury and mercurials; phenols and their derivatives; silver and silver compounds; sulfonamides; toxic dyes (organic or mineral); zinc; all strong oxidizing agents such as chromates, dichromates, permanganates, peroxide and the

like; greases and oils; compounds producing hydrogen sulfide, chlorinated hydrocarbons or any other toxic material; flammable or explosive gases, either upon acidification, alkalization, oxidation or reduction; strong reducing agents, such as nitrites, sulfides, sulfites and the like; nonpesticide organics or carcinogenic or other potentially harmful materials; flammable or explosive liquids or solids; or radioactive materials.

(3) Any matter which contains viable pathogenic bacteria in quantities larger than normally encountered in raw domestic sewage or any matter which can reasonably be expected to contain such viable pathogenic bacteria in such quantities.

(4) Industrial wastes containing solids in solution which will precipitate greater than 1,000 parts per million upon acidification (pH below 5.5), or alkalization (pH above 9.5), or oxidation or reduction.

(5) Industrial wastes having a viscosity exceeding 1.10 poises (absolute viscosity) upon discharge or after acidification (pH below 5.5) or alkalization (pH above 9.5).

(6) Industrial waste having a temperature upon discharge of less than 32° F. or more than 150°.

(7) Industrial waste having a color of an intensity in excess of 500 parts per million. In testing such intensity, samples shall be diluted with distilled water to bring the range within 10 to 50 parts per million and judged on a basis of intensity or transmission of light rather than true color (platinum cobalt standard).

(8) Industrial waste having chemical characteristics in excess of the following limits:

Characteristic	Limits
5-day 20° C. BOD	400 mg/l maximum
Chlorine demand (30-min. room temperature)	25 mg/l maximum
Suspended solids	300 mg/l maximum
Settleable solids (Imhoff cone test, 1-hr.)	10 mg/l maximum
Hydrogen-ion concentration	pH 5.5 to 9.5

OWNER — Includes the tenant, lessee, occupant or user of any premises.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PRIVATE DWELLING — Any building used solely for residential purposes and containing less than three apartments.

PRIVATE SEWER — Any sewer privately owned and used by one or more properties.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights, and is controlled by a governmental agency.

SEWAGE — The usual water-carried wastes from toilets, water closets, urinals, bathtubs, shower baths, wash basins, laundry tubs, kitchen sinks and similar plumbing fixtures installed in a building and shall not include any other fixtures installed in a building and shall not include any other liquid or solid matter whatsoever.

SEWER — A pipe or conduit that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground-, storm- and surface waters that are not admitted intentionally.

SEWER SYSTEM — Collectively, all of the property involved in the operation of a sewer utility, including land, sewers and appurtenances, pumping stations, treatment works and general property.

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation.

STANDARD METHODS — The examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

SUPERINTENDENT — The Superintendent of the Department of Public Works of the Village or his authorized agent or representative.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are largely removable by a laboratory filtration device in accordance with the procedure described in Standard Methods.

VILLAGE — The Village of Freeport.

WATER POLLUTION CONTROL PLANT — An arrangement of devices and structures for the control of waterborne pollution.

B. Word usage. "Shall" is mandatory; "may" is permissive.

§ 176-2. Use of public sewer; building sewer permit.

A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge into any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. There being a public sewer physically available to all properties within the boundaries of the Village, it is mandatory that all said properties be connected to said public sewer.

No private sewage disposal systems are now allowed, nor shall be allowed, within the sewer district. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

D. All applications to construct, install, alter, replace, modify or change a building sewer shall be made and submitted to the Village in writing, upon the form provided for such purpose by the Village.

E. The permit fee, in the amount stated on the application form, shall accompany such application.

F. No work shall be commenced on the building sewer until the permit applied for has been issued by the Village, and in any event, such commencement shall be preceded by three days' notice to the Village of intent to commence.

G. The owner shall obtain all necessary permits to open any street for the connection to the public sewer and shalt be responsible for all damage to persons or property occasioned by such opening. Pavement replacement shall conform to the requirements of the authority having jurisdiction over said pavement.

§ 176-3. Prohibited connections and discharges.

A. No person shall make or cause to be made any connection or attachment to any Village sewers nor shall any person maintain, use, cause or permit any such connection or attachment to be maintained or used without having obtained a permit therefor from the Commission or the Superintendent. Proof of the existence of any such connection or attachment without a permit from the Commission or the Superintendent shall create a presumption that the connection or attachment was made or caused to be made by the owner of the premises served by such connection or attachment.

B. No person shall discharge, directly or indirectly, into any such sewers any industrial or objectionable waste without having obtained a permit therefor from the Commission. As a condition for authorization for disposal of industrial waste, industries must provide information describing wastewater constituents and characteristics and type of activity involved. Proof of the contribution of any such wastes shall create a presumption that such waste was discharged by the owner of the premises on which such waste originated.

C. No person shall discharge or cause to be discharged, either directly or indirectly, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any public sewer. Proof of the contribution of any such wastes shall create a presumption that such waste was discharged by the owner of the premises on which such waste originated.

D. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the water pollution control plant, including, but not limited to, cyanides in excess of 0.2 milligram per liter as CN in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the water pollution control plant.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the water pollution control plant, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

E. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes under such conditions that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In determining the acceptability of these wastes, the Commission or Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, the sewage treatment process, the capacity of the water pollution control plant and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150° F. (65° C).

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (65° C.).

(3) Any waters or wastes containing strong acid, pickling wastes or concentrated plating solutions whether neutralized or not.

(4) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement, to such degree that any such material received at the plant or into the sewer or as discharged from the industry exceeds the limits established by the Commission for such material. The following are the limits allowed for industrial wastes at the point of entry into the public sewers:

Objectionable Substance Limitations for Discharge to Public Sewers	
Parameter	**Concentration Limit (milligrams per liter)**
Aluminum	2.0
Cadmium	0.2

Objectionable Substance Limitations for Discharge to Public Sewers	
Parameter	**Concentration Limit (milligrams per liter)**
Hexavalent chromium	0.1
Total chromium	2.0
Copper	0.4
Iron	4.0
Lead	0.1
Mercury	0.1
Nickel	2.0
Zinc	0.6
Arsenic	0.1
Available chlorine	0.5
Cyanide-free	0.2
Cyanide-complex	0.8
Selenium	0.1
Sulfide	3.0
Barium	2.0
Manganese	2.0
Ammonia nitrogen	To be determined
Gold	0.1
Silver	0.1
Fluorides	3.0

(5) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations as to exceed the limits which may be established by the Commission as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public regulatory agencies having jurisdiction for such discharge to the receiving waters.

(6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commission in compliance with applicable state or federal regulations.

(7) Any waters or wastes having a pH in excess of 9.5.

(8) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as but not limited to fullers earth, diatomaceous earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the water pollution control plant.

(d) Unusual volume of flow or concentration of wastes constituting slugs, as defined herein.

F. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the water pollution control plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§ 176-4. Conditional connections and discharges.

A. If any waters or wastes are discharged, or are proposed to be discharged, into the public sewers, which waters contain the substances or possess the characteristics enumerated in § 176-3E(4) and which, in the judgment of the Commission, may have a deleterious effect upon the sewage treatment processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commission may:

(1) Reject the waste; or

(2) Require pretreatment to an acceptable condition for discharge to the public sewers; and/or

(3) Require control over the quantities and rates of discharge.

B. Grease, oil, hair and sand interceptors shall be provided when the Commission or Superintendent determines that they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private dwellings. All the interceptors shall be located as to be readily and easily accessible for cleaning and inspection. No dishwater discharge will be allowed to pass through any of the aforementioned interceptors.

C. All major contributing industries must comply with federal pretreatment standards and any other applicable requirements promulgated by the United States Environmental Protection Agency in accordance with Section 307 of the Federal Water Pollution Control Act Amendments of 1972. It shall be required that plans and other documents must be submitted for approval before installation of pretreatment or flow-equalizing facilities. All reports, plans and/or specifications that propose pretreatment facilities must be approvable and signed and sealed by a professional engineer, licensed to

practice in the State of New York. All such documents shall be subject to the review and approval of the Commission, Superintendent of Public Works, the Administrator of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation and the Nassau County Department of Health.

D. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. There shall be no by-pass of the pretreatment facilities which would allow the entry of untreated or partially treated wastes to the public sewer system.

E. When required by the Commission or the Superintendent, the owner of any property serviced by a building lateral carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, including, but not limited to, parshall flumes, venturi meters and weirs, in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the Commission or Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

F. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the downstream manhole in the public sewer nearest the point at which the building lateral is connected. Sampling shall be carried out by the customarily accepted methods and to reflect the effect of constituents upon the sewer system and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

G. All sampling, analyses and flow measurements shall be performed by personnel employed by the Village or by a laboratory or engineering firm approved by the Commission. The sampling, analyses and flow measurement procedures, equipment and results shall be subject at any time to inspection by the Superintendent. Sampling and flow-measurement facilities shall be such as to provide safe access to authorized personnel.

H. Those industrial wastewater dischargers required to make periodic measurements of their wastewater flows and its constituents shall annually make the minimum number of such measurements required. Composite samples of the industrial wastewater shall be obtained for the required analyses. Dischargers required to sample only a few days per year shall sample during the period of highest wastewater flow and wastewater constituent discharges.

I. Adequate care shall be maintained in obtaining, recording and reporting the required data on wastewater effluent quality and quantity, so that the precision and accuracy of the data will be equal to or better than that achieved by the prescribed standard analytical procedures. The industrial wastewater discharger shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at sufficiently frequent intervals to ensure accuracy of measurements. Sampling shall be representative of the volume and quality of wastewater effluent discharged over the sampling and reporting period. When required by the Commission or Superintendent, dischargers shall install and maintain in proper order automatic flow proportional sampling equipment and/or automatic analysis and recording equipment. Care shall be exercised when collecting a composite sample to assure that the proper preservative is present in the sample container during sample collection. Depending on the analysis to be conducted, several different containers and preservation techniques may be required. Samples shall be analyzed as quickly as possible after collection. The industrial wastewater discharger shall ascertain that the methodology used is reliable for its specific wastes in its laboratory. Such discharger must be able to demonstrate to the Commission or Superintendent that it has a viable quality control program.

J. The industrial wastewater discharger shall maintain and record the results of all required analyses and measurements and shall record, for all samples, the date and time of sampling, the sample method used, the dates the analyses were performed, who performed the sampling and analyses and the results of such analyses. All records shall be retained for a minimum of three years, such a period to be extended during the course of any unresolved litigation or when so requested by the Commission or Superintendent. The industrial wastewater discharger also shall retain all original stripchart recordings and any continuous monitoring instrumentation and any calibration and maintenance records for a minimum of three years, such period to be extended during the course of any unresolved litigation or when so requested by the Commission or Superintendent. The industrial wastewater discharger shall provide the above records and shall demonstrate the adequacy of the flow-measuring and sampling methods upon request of the Commission or the Superintendent. The industrial wastewater discharger shall identify the effluent sampling point used for each discharge pipe by providing a sketch or flow diagram, as appropriate, showing the locations.

K. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern.

§ 176-5. Applications for permits.

A. Applications for permits under these regulations shall be made on printed forms to be furnished by the Superintendent. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

B. There shall be two classes of permits, to be known as "special" and "general." A general permit shall be sufficient to authorize the connection or attachment, as well as the discharge of sewage from private dwellings, into the Village sewer facility; all other connections, attachments, discharges or uses require special permits. Applications for general permits shall be signed by the fee owner of the premises as shown by the last

preceding tax roll or his attorney-in-fact specifically authorized by such fee owner to make such application. Applications for special permits may be made in the same manner or by a lessee of the premises. In each instance where a special permit is required, it shall be unlawful to contribute any sewage, directly or indirectly, into Village sewer facilities without such permit, and the fact that the contributor has obtained a general permit from the Village shall be no defense to a prosecution for a violation of these regulations.

§ 176-6. Conditions which void special permits.

Every special permit is nonassignable and is void upon the occurrence of any of the following:

A. Violation by the permittee of any of the conditions prescribed in his permit.

B. Any change in either the permittee's business or his processes which changes the quality or quantity of the permittee's effluent.

C. Violation by the permittee of any provision of this chapter.

§ 176-7. Permit fees. [Amended 2-26-1990 by L.L. No. 28-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for general and special permits issued and required under this chapter.

§ 176-8. Revocation of permit.

A permit may be revoked at any time by the Commission, in writing, for the continuance, after notice to desist, of any practice or operation which contravenes the purposes set forth in this chapter or for a refusal to permit inspection by any employee, officer or duly authorized representative of the Village.

§ 176-9. Permit to be available for exhibition.

A permit for making a connection must be kept on the premises, available for exhibition at all times during the construction of the work, and the failure to keep such permit so available shall be presumptive evidence that the work is being conducted in violation of these regulations.

§ 176-10. Building sewers and building laterals.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. No connection shall be made until all special requirements are installed and operable.

B. All costs and expenses incident to the installation and connection of the building sewer and/or building lateral shall be borne by the owner. The owner shall indemnify and save the Village harmless from any loss or damage or expenses, claims or suits arising out of or in connection with the installation and connection of the building sewer and/or building lateral. All building lateral and building sewer connections must be maintained in good working condition at the expense of the property owner. All necessary repairs shall be promptly made at the expense of the property owner. **[Amended 2-22-1982 by L.L. No. 3-1982]**

C. A separate and independent building sewer and building lateral shall be provided for every building, except where one building stands at the rear of another on the same lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building, and the whole considered as one building sewer with a separate permit for each building. In the case of one- or two-story multiple dwellings, when a building is constructed so as to allow more than two units to be constructed on the same floor, a separate building drain shall be provided for each unit.

D. Old building laterals may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this chapter. Where cesspools or septic tanks are to be discontinued following connections to a public sewer, the owner shall have these pools promptly emptied, cleaned and backfilled with earth, sand or other acceptable clean material.

E. The size, slope, alignment, material or construction of a building sewer and building lateral, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Codes and all applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and the Water Pollution Control Federation Manual of Practice No. 9 shall apply.

F. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged into the building lateral. The cost thereof shall be borne by the owner.

G. No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building lateral, a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

H. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes and all applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the American Society for Testing Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

I. All excavations for building lateral and building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

§ 176-11. Inspections.

Duly authorized employees of the Village, county, United States Environmental Protection Agency and New York State Department of Environmental Conservation, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in connection with ensuring compliance with these regulations or the processing of applications for permits.

§ 176-12. Approval of connections.

All connections to Village sewer facilities shall be subject to approval and inspection by the Village. Before any connection shall be covered, it shall be the duty of the applicant to notify the Superintendent that the connection is ready for inspection, and such connection shall not be covered until it has been inspected and approved by a Village representative.

§ 176-13. False statement in or noncompliance with permit.

The making of any false statement in an application for a permit, or the failure to comply with any conditions in a permit, shall be deemed a violation of these regulations.

§ 176-14. Additional permits.

The issuance of a permit for the making of a connection shall not relieve the permittee or any person presuming to act under the authority of such permit from obtaining any additional permits required by law, ordinance or regulation, for the opening of streets or roads, the construction of buildings or the like.

§ 176-15. Connections to abandoned or demolished buildings.

A. In the event a building that is connected to the Village public sewer is to be abandoned or demolished, or the certificate of occupancy is withdrawn, the connection to the sewer is to be disconnected at the property line. The Village sewer is to be plugged with a watertight plug and in a manner that is satisfactory to the Superintendent. The sewer is to be disconnected, plugged and inspected prior to the start of any other work on the site.

B. Where a general permit was originally issued for the sewer connection, a new general permit to disconnect must be obtained prior to the start of work. **[Amended 2-26-1990 by L.L. No. 29-1990]**

C. Where a special permit was originally issued for the sewer connection, a new special permit to disconnect must be obtained prior to the start of work. **[Amended 2-26-1990 by L.L. No. 29-1990]**

D. The Board of Trustees by resolution shall adopt and may from time to time amend a schedule of fees payable by an applicant for a permit to disconnect a building which was previously connected to the Village's public sewer system under a general or special permit and which is to be abandoned or demolished. **[Added 2-26-1990 by L.L. No. 29-1990]**

§ 176-16. Damaging or tampering with sewer system equipment.

No person shall maliciously, willfully or through gross negligence break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system. Any person found violating this provision shall be subject to immediate arrest under the section or sections of the Penal Law applicable thereto.

§ 176-17. (Reserved)[2]

§ 176-18. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person found in violation of this chapter shall be subject to a fine of not more than $1,000, and such person shall be deemed a disorderly person. Each day in which any such offense shall continue shall be deemed a separate offense.

2. Editor's Note: Former § 176-17, Garbage pickups, added 12-27-1982 by L.L. No. 19-1982, which local law also renumbered former § 176-17 as § 176-18, was repealed 11-26-1984 by L.L. No. 8-1984. For restrictions on noise made by refuse-collecting equipment, see Ch. 155, Peace and Good Order, § 155-21.

Chapter 180

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
General Regulations
[Adopted 5-9-1966 as portion of Ch. 21 of the 1966 Code]

§ 180-1. Level of lands adjoining sidewalks.

Any person owning, leasing or in possession of lands in the Village shall maintain them at a level or grade not lower than the level established for the adjoining sidewalk or sidewalk line, as fixed by the Village Engineer, to a distance of not less than six feet from the sidewalk or sidewalk line unless he shall have protected or walled off said land from the sidewalk or street by a fence of such height and construction as shall have been approved by the Superintendent of Buildings.

§ 180-2. Maintenance of sidewalks and curbs. [Amended 6-22-1981 by L.L. No. 13-1981]

A. It shall be the duty of every property owner and occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition. For failure, upon notice by the Village Clerk of not less than 24 hours, to make such repairs as are specified as to place and manner, the Village Clerk or Superintendent of Public Works may cause the same to be done and assess the cost together with statutory interest thereof against the

adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. The Department of Public Works or its agents may construct, build, flag, surface, resurface, alter, repair, grade, regrade, maintain, care for and clean sidewalks, curbs and gutters in public streets. The Department of Public Works may regulate and prescribe the grade, width, materials, construction and other specifications of any such work. The Village Clerk or Superintendent of Public Works may direct and order any such work, repair or improvement to be done by the property owner and occupant of the property and on default may cause the same to be done by the Village and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. Duty of property owners, tenants and others to keep sidewalks, curbs and gutters clean. **[Added 9-13-1999 by L.L. No. 10-1999]**

(1) The sidewalks and curbs, abutting or in front of every building or lot, and also the gutter and street area adjacent to the curb to a distance of at least 18 inches from the curb, before 10:00 a.m. each day in residential areas of the Incorporated Village of Freeport, shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, except in proper containers and at proper times for collection, by the owner, tenant, occupant or person in charge of each such building or lot. **[Amended 11-18-2013 by L.L. No. 4-2013; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(2) No such owner, tenant, occupant, or person in charge of any such building or lot, and no gardener/landscaper or any employee or other person shall use a power sweeper or blower to clean any sidewalk, curb, gutter or street area unless all sweepings and debris are collected and removed from such areas immediately after using such power sweeper or blower.

(3) Any person violating any provision of this section shall be guilty of a violation punishable by a fine of not less than $50 nor more than $250 for the first offense, and not less than $100 nor more than $500 for each subsequent offense, or by imprisonment for not more than 10 days, or by such fine and imprisonment.

D. Duty of merchants and others to keep sidewalks, curbs and gutters clean. **[Added 9-13-1999 by L.L. No. 10-1999; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(1) The sidewalks, curbs and gutters adjacent to and abutting upon each and every commercial, mercantile, business or other establishment in the Incorporated Village of Freeport shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, by the owner, operator or licensee of each such establishment. Each owner, operator or licensee of a commercial, mercantile, business or other establishment shall sweep such sidewalk, curb or gutter, and also the gutter and street area adjacent to the curb to a distance of at least 18

inches from the curb, before 10:00 a.m. each day that such business or establishment is open or operated. All sweepings and other debris shall be collected and removed to private containers by such owner, operator or licensee.

(2) Each person, corporation or business entity violating any provision of this section shall be guilty of a violation punishable by a fine of not more than $250 for a first offense, $500 for a second offense, and $1,000 for any subsequent offenses or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment for each such violation.

E. Enforcement. This section shall be enforced by the Superintendent of Buildings or such employees as he designates. **[Added 9-13-1999 by L.L. No. 10-1999]**

§ 180-3. Use of sidewalks by merchants. [Amended 10-9-1967; 3-20-2000 by L.L. No. 3-2000]

No person who is the owner, lessee or occupant of any premises adjoining any street, avenue or highway shall place or keep or permit to be placed or kept on any sidewalk in front of, adjoining or adjacent to such premises any goods, wares or merchandise. Nothing contained herein shall prohibit persons from placing goods, wares or merchandise or household furniture on the sidewalks for purposes of loading or unloading.

§ 180-4. Projecting awnings or canopies.

No person shall erect or hang or permit to be erected, hung or maintained upon any building owned or occupied by him an awning or canopy, any part of which shall project in, over or upon any of the streets, sidewalks or public places unless such awning or canopy is at least seven feet above the sidewalk upon such street or public place.

§ 180-5. (Reserved)[1]

§ 180-5.1. Building materials on highways. [Added 6-18-2001 by L.L. No. 3-2001]

A. Obstruction forbidden. No person shall deposit any material designed for use in building construction or for other purposes within the Village right-of-way, or in any other manner obstruct or impede free travel upon such street or sidewalk, unless a permit has been issued therefor.

B. Prerequisites for permit. As a prerequisite to securing a permit, each applicant must file with the Village Clerk an application containing:

(1) The name of the applicant.

(2) The nature of the materials and amount thereof the applicant wishes to place in the streets.

1. **Editor's Note: Former § 180-5, Building materials on highways, was repealed 6-18-2001 by L.L. No. 3-2001. See now § 180-5.1.**

(3) The precise place of such deposit.

(4) The length of time the encumbrance will continue.

C. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for the required permit herein.

§ 180-5.2. Roll-off containers on highways. [Added 6-18-2001 by L.L. No. 3-2001]

A. No person shall deposit a roll-off container in a driveway or within a Village street or right-of-way unless a permit has been issued therefor. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Prerequisites for permit. As a prerequisite to securing a permit, each applicant must file with the Village Clerk an application containing:

(1) The name of the licensed carter.

(2) The nature of the materials and capacity of the container he wishes to place in the street.

(3) The precise location the container will be placed.

(4) The length of time the container will be in the right-of-way.

C. Conditions.

(1) The licensed carter's name and telephone number is to be placed on each container.

(2) No refuse or material is to be placed above the water level of the container.

(3) Containers are to be kept painted in a uniform color.

(4) All graffiti on containers is to be removed or painted out.

(5) The area around the containers is to be kept free of litter, trash and debris at all times.

(6) Containers shall be sanitized, cleaned and deodorized regularly to prevent odor.

(7) The Superintendent of Public Works or his designee may require a roll-off container to be emptied at any time.

(8) Containers shall be covered when moved except when completely empty.

(9) No roll-off container may be placed on a soft surface, obstruct any portion of a sidewalk or block any portion of a curb cut. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(10) All permits to be issued for a duration of a maximum of 30 days with an option to renew the permit for an additional 30 days upon submission of a new permit application. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

D. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for the required permit herein.

§ 180-6. Liability insurance. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Each application under § 180-5.1 shall be accompanied by a certificate of insurance, in a form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

§ 180-7. Placement of container or materials on highways. [Amended 6-18-2001 by L.L. No. 3-2001]

No container or materials may be placed upon any street or in any gutter, curb or sidewalk despite the permit required in § 180-5.1 and § 180-5.2, except in the place and manner designated by the Superintendent of Public Works or his designee.

§ 180-8. Barriers or warning lights. [Amended 6-18-2001 by L.L. No. 3-2001]

Every person who places a container or deposits any materials upon a street, gutter, curb or sidewalk shall mark the location thereof by a barrier or fence bearing warning signs and distinguished by flashing lights after dark to adequately apprise the public of the presence of the hazard. All roll-off containers shall be reflectorized at the corners and ends and shall be marked with flashing lights if deemed necessary by the Superintendent of Public Works or his designee.

§ 180-9. Passing barriers.

No person shall walk upon, enter or drive any animal or vehicle upon any roadway or sidewalk which is guarded by any barrier, sign or signal lawfully so placed for the purpose of preventing or warning persons from entering into or upon the same.

§ 180-10. Interfering with barriers or lights.

No person shall remove, displace or in any manner interfere with any barrier, guardrail, sign lantern or other object or form of warning which shall have been placed along or across any street or sidewalk or about any public place as a warning or safeguard or to prevent interference with or damage to work completed or being done in such places.

§ 180-11. Identification sign at job site. [Amended 5-10-1971]

Every applicant who receives a permit pursuant to this article shall prominently display a sign on the location of the job site identifying the nature and type of work being done and the name, address and telephone number of the person or company requiring said work and further, the name, address and telephone number of the person or company performing said work.

ARTICLE II
Excavations in Streets
[Adopted 5-9-1966 as portion of Ch. 21 of the 1966 Code]

§ 180-12. Compliance required. [Amended 9-20-1982 by L.L. No. 12-1982]

A. No person shall open up, alter the grade, dig or excavate in the roadbed, pavement or gutters of any street of the Village for any purpose whatsoever, except upon compliance with the provisions herein, and no person shall tunnel under the roadbed of any street, in whole or in part, for any purpose.

B. No street opening permit shall be issued in accordance with the provisions hereinafter contained in this article unless the applicant has complied with the following provisions:

(1) The applicant shall produce proof of compliance with Article 20, § 322-a of the General Business Law[2] relating to notice to the person, corporation or municipality engaged in the distribution of gas, water or other underground utility in the area of such street opening.

(2) The street opening permit as hereinafter set forth is required for all streets in the Village of Freeport whether the same are Village streets or roads, county streets or roads or state highways.

(3) The deposit and charges as hereinafter set forth shall not be required where such street opening permit applies to county and state roads and highways.

(4) It shall be a condition of the issuance of such street opening permit that the applicant shall not use any machinery or other mechanical equipment for excavating in any street in the Incorporated Village of Freeport within a distance of five feet (measured in a horizontal plane on the road surface from the vertical upward projection of the pipeline in question) from any gas transmission line operating at a pressure in excess of 125 pounds per square inch gauge, running through such streets or roads, and all digging or excavating within an area of five feet from such pipe lines or conduits shall be done by use of hand equipment. This shall not prohibit the use of pneumatic drills for the fracture of pavement, provided that such drills are so constructed as to prevent penetration of more than 12 inches, nor the use of a mechanical backhoe or similar device to remove the fractured pavement only to a depth not in excess of 18 inches from the surface.

2. Editor's Note: Section 322-a of the General Business Law was repealed by L.1980, c. 699, § 3, effective June 26, 1980.

Pavement breakers involving the use of weights, balls, hydrahammers and similar equipment shall not be permitted within the said digging area.

§ 180-13. Application for permit.

Except as provided in § 180-21 hereof, not less than 24 hours prior to the proposed time for such digging or excavating, application shall be made to the Village Clerk for a permit therefor. Such application shall state:

A. The name, address and phone number of the applicant.

B. The fact that the applicant is either a contractor licensed by the Village or the representative of a division, a department or branch of government or a utility corporation or is a plumber or electrician licensed by the Village or a person engaged in some business or occupation whose work requires such excavation to be made and whose name has been approved and placed on file with the Village Clerk.

C. The precise place where the applicant desires to dig or excavate, with the distance from the nearest intersection or from the property abutting the street at the point proposed for excavation.

§ 180-14. Certificate of insurance required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Each application for a permit shall be further accompanied by a certificate of insurance, in a form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default of the person to whom the permit is issued or by anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

§ 180-15. Fees for permits; restoration. [Amended 10-18-1971; 9-20-1982 by L.L. No. 12-1982]

A. Deposits and charges. Such applicant shall deposit with the Clerk of the Village of Freeport such sums as may be fixed from time to time by resolution of the Board of Trustees of the Village[3] or, in lieu thereof, a performance bond in such sum as may be fixed from time to time by resolution of the Board of Trustees of the Village. The deposit required shall be for a concrete road opening or for an asphaltic road opening or a dirt shoulder opening.

B. All street openings shall be repaired by the Village, and the cost thereof shall be charged to the applicant at the rate fixed from time to time by resolution of the Board of Trustees of the Village of Freeport.

3. Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

C. In making repairs to road openings, the Village shall square off the opening and make cutbacks as follows:

(1) Concrete base roads. A cutback of two feet on all sides or, where the cutback is within five feet of a panel joint, the pavement is to be removed to the panel joint to the depth of the pavement and replaced with steel mesh reinforced portland cement concrete using six-by-nine-inch No. 3 wire and Class B concrete. Cutbacks shall not exceed the curb. The macadam overlay (1 A.C. Hot Plant Mix) shall be placed as soon as practical after the base has cured. The contact surfaces of the pavement shall be tack-coated at the edges, prior to placing the asphalt. The overlay shall be leveled and compacted to existing pavement grade by a power roller of sufficient weight to ensure adequate compaction.

(2) Concrete finish roads. Concrete finish roads shall be repaired the same as concrete base roads, except as follows: The concrete surface shall be saw cut to a depth of two inches at the cutbacks and Class A concrete will be used. The wearing surface shall be float-finished and properly pointed at the juncture of adjoining panels and curbs.

(3) Stone base roads. A minimum cutback of 18 inches after squaring the original opening will be required. The stone base pavement shall be removed to a depth of six inches and replaced with asphalt plant mix, Type SN 45. It must be applied in lifts not to exceed two inches and compacted by mechanical tamper or power roller. The opening is to be surface finished to grade with a two-inch wearing course of 1 A.C. Hot Plant Mix.

(4) Dirt shoulders. Remove the shoulder area for a distance of 18 inches on either side of the opening to a depth of four inches and replace with crushed stone screening material and compact to grade.

D. All road openings are to be temporarily maintained by the permittee with cold patch, and permanent restorations are to be completed no sooner than 30 days and no longer than 90 days after the completion of project. Until the completion of the permanent restoration, the permittee will be liable for the condition of the street.

§ 180-16. Issuance of permit; qualification.

A. When there has been full compliance with the provisions herein stated and no other valid objections have appeared, the Village Clerk will issue a permit to the applicant therefor.

B. Any person or persons not reimbursing the Village for the additional size of openings over that estimated at the time of the issuance of the permit shall not receive further street opening permits until such shall be paid.

§ 180-17. Commencement of work. [Amended 9-20-1982 by L.L. No. 12-1982]

A. Every grant of work for which a permit is issued must be started within one month of the time the permit is issued.

B. Every permittee shall notify the Village Department of Public Works at least 24 hours prior to starting the work covered by such permit. Like notice shall be given upon completion of such work.

§ 180-18. Display of permit.

Each person to whom a permit is issued hereunder must have it available at the place of the excavation at all times and, upon demand, show it to the duly authorized agent of the Village.

§ 180-19. Barriers and warning lights.

Whenever the surface of a street is disturbed or an opening is made therein or when, as a result of work done thereon, there exists a depression below the surrounding grade or an elevation higher than the grade because of excess backfill or for other reasons, the persons to whom the permit was issued or who has caused the hazard shall provide adequate safeguards to the public by erecting a barrier or fence of distinctive type or color marking the outside limits of the affected area and bearing warning signs distinguishable by day and adequate numbers of lighted lanterns or flares to give warning of the danger after dark.

§ 180-20. Backfilling of excavations; materials.

A. The excavated trench area shall be carefully backfilled, in the presence of a duly authorized agent of the Village, as quickly as possible after the underground installation has been made using only clean granular material for this purpose. No material of a soft, compressible nature or rocks or stones larger than three inches in greatest dimension or frozen material or debris of any nature shall be used for backfilling. The backfill material placed in the trench shall be placed in six-inch thick layers and thoroughly compacted by using hand or mechanical tampers. When the backfill material consists of practically all sand or sand and gravel, the backfilling may be accomplished by placing 50% of the total depth of the backfill followed by a thorough saturation with water, after which the balance of the backfill shall be made and the same treatment given it.

B. Any material removed during the excavation which is unsuitable for backfill purposes shall be immediately removed from the site by the applicant. Whenever there is insufficient suitable excavated material to completely backfill the excavation, the applicant shall furnish whatever additional clean, acceptable backfill material is required at his own cost and expense and place same in the trench area as per the requirements of this section.

C. After opening or openings are backfilled in proper manner, the person or persons to whom the permit was issued shall return the postcard to the Village within 24 hours requesting repairs to said openings.

§ 180-21. Emergency excavations.

A. Application. In an emergency, such as the breaking of a main or stoppage of a sewer line or other condition calling for immediate opening of a street to prevent loss or

injury to property, application may be made to the Village Clerk for an emergency permit, in person or by telephone, and authority shall be granted to proceed with the necessary work forthwith.

B. Notifying police. If such emergency develops during hours when the Village office is closed, such as during the night or on holidays, notification thereof shall be made to the Police Department, in person or by telephone, before proceeding with the street opening.

C. Duties thereafter. It shall be the duty of every person who undertakes to open a street under the provisions of this section to place warning signs, lights and barriers to protect the public and, upon the first day of resumption of regular business at the Village office, to comply with the provisions of §§ 180-13 through 180-16 and § 180-20 hereof or to be held in violation of this article.

§ 180-22. Penalties for offenses.

For the infraction of any provision hereof, any permit may be canceled and permission to do similar work may be withheld from the offender for a period of three months from the time of such violation. This penalty is in addition to and not in derogation of or in substitution for the general penalties provided in § 1-10.

ARTICLE III
Building Drains Affecting Streets
[Adopted 5-9-1966 as portion of Ch. 21 of the 1966 Code]

§ 180-23. Permit required; certification of Village Engineer.

A. Issuance of Clerk. No person shall construct or maintain any building drain, which passes across or beneath any part of any street, road, highway or sidewalk, unless the. owner of such building shall first have obtained a permit from the Village Clerk.

B. Certificate by Engineer. A certificate by the Village Engineer that such drain is necessary and that its construction will not injure the street or other public or private property shall be issued as a condition precedent to granting the permit.

§ 180-24. Permit fee. [Amended 2-26-1990 by L.L. No. 30-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a permit to construct or maintain a building drain granted hereunder.

§ 180-25. Bond requirement.

No permit shall be issued unless the applicant posts bonds of the same nature and in the same amounts as provided for permits to excavate in the streets in § 180-6 to save the Village harmless from the payment of damages for injury to persons or property because of fault or default by him.

ARTICLE IV

Sidewalk and Curb Construction
[Adopted 5-9-1966 as portion of Ch. 21 of the 1966 Code]

§ 180-26. Permit required; exception; fees.

A. Generally. No person not recognized as a duly qualified sidewalk contractor shall be authorized to construct any sidewalk or curb on or adjacent to any street, highway, public place or other Village properties, and such persons, before engaging upon such work, must first file a sketch with the Building Department and obtain a permit authorizing such construction from the Village Clerk.

B. Exception. Nothing herein contained shall deny the right of the owner or occupant to repair the sidewalk contiguous to the lot upon which such dwelling is situated, provided that:

(1) The area to be repaired shall not exceed 40 square feet.

(2) Application for authority to make the repair shall be made to the Village Clerk, who shall grant a permit therefor upon the posting of insurance as provided in § 180-28 hereof for such permit.

(3) The repair shall be made in conformity with the grades and shall consist of materials to meet the standards prescribed by the Village Engineer.

C. Fees. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a permit to construct a new sidewalk or curb or to repair an existing sidewalk or curb. **[Amended 2-26-1990 by L.L. No. 31-1990]**

§ 180-27. Approval of contractor, license fee. [Amended 11-26-1973; 11-22-1982 by L.L. No. 16-1982]

A. License fee. A duly qualified sidewalk contractor is one whose qualifications, as required of applicants for licenses by the terms of § 138-2, have been examined and approved by the Village Engineer. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a sidewalk contractor's license or a renewal thereof. **[Amended 2-26-1990 by L.L. No. 32-1990]**

B. The contractors shall construct the sidewalk and curb pursuant to the specifications of the Village Engineer and shall also provide for the replacement of any defective work done by the licensee.

C. Expiration. All licenses issued hereunder shall expire on July 31.

§ 180-28. Insurance requirements. [Amended 3-22-1982 by L.L. No. 5-1982]

A. No licensed sidewalk contractor shall perform any work hereunder unless there shall be on file with the Village Clerk a certificate of insurance issued by an insurance company licensed to do business in the State of New York, and affording coverage as minimally

set forth below. Such certificate of insurance shall contain a provision that coverage will not be reduced, canceled or nonrenewed unless the Village of Freeport Village Clerk is given at least 10 days' written notice thereof.

(1) Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(2) Workers' compensation: statutory limit.

B. The licensed sidewalk contractor also agrees to hold the Village harmless against any and all liability, including defense costs, resulting from personal injury and/or property damage caused by the licensee, his agents or his employees in the performance of such work.

C. A certificate of insurance evidencing such incidental contractual coverage in the limits and manner above specified shall be furnished the Village and shall indicate the Village of Freeport as an additional insured.

§ 180-29. Obtaining of grade; fees; permit. [Amended 8-20-1973]

A. Curb and sidewalk to conform. No person shall construct or cause or permit to be constructed a curb or sidewalk unless the same shall be constructed in accordance with the line and grade, which shall have been obtained from the Village Clerk, and according to specifications as adopted by the Board of Trustees.

B. Fees. Upon application to the Village Clerk for such line and grade, a fee shall be paid to the Incorporated Village of Freeport in accordance with a schedule of fees established by the Board of Trustees, and each fee shall be based upon the prevailing wage rates of the New York State Department of Labor. **[Amended 5-11-1981 by L.L. No. 11-1981]**

C. Permit required. No person shall make any excavation, place any installation or alter grades in the area between the curb and property line, including the sidewalk area, without making application and receiving a permit therefor from the Village Clerk.

§ 180-30. Regulation of curb cuts.

A. The following restrictions shall apply to curb cuts:

(1) Location. Curb cuts must be at least three feet from the nearest property line to provide separation of driveways between adjacent property owners. Curb cuts must also be at least three feet from the nearest utility pole or hydrant. Curb cuts must also be at least five feet from the beginning of the curb radius at an intersection. In no case can part of a curb cut be located in the corner radius. **[Amended 5-23-1988 by L.L. No. 3-1988]**

(2) Width. No curb cut shall exceed 20 feet in width at the property line.

(3) Intervals between cuts. There shall be a minimum of five feet between curb cuts at the curb.

(4) Cuts on state, county and town roads. On state county and town roads, approval of the appropriate authority must be presented before a permit will be issued for a curb cut.

B. Unusual circumstances. Where, in unusual circumstances, extraordinary hardships would result from a strict adherence to these provisions, upon application by the applicant to the Superintendent of Public Works, such relief may be granted by the Superintendent of Public Works as may alleviate the hardship without violating the spirit of this article. **[Amended 5-23-1988 by L.L. No. 4-1988]**

§ 180-31. Permit to be available for inspection.

Each permit issued in pursuance of this article shall be in the personal possession of the parties actually prosecuting the work at all times and available for inspection.

§ 180-32. Protection of construction area.

Every person who constructs a sidewalk or curb shall guard any excavation or work by guardrails, red signal lights or any other means as may be necessary to warn pedestrians and others of the danger to be approached.

§ 180-33. Ramps for handicapped persons. [Added 7-19-1976 by L.L. No. 6-1976]

Section 330 of the New York State Highway Law and the regulations of the Commissioner of Transportation, specifically Subchapter D, Part 170, require that ramps for the handicapped shall be provided at each curbed intersection and midblock crosswalk where curbs are to be constructed or reconstructed, and that sidewalks shall exist or be planned to exist for this to apply.

A. Wherever reference is made, in §§ 180-26 to 180-32, inclusive, of this Code, to construction of sidewalk and/or curb, it shall also be construed to include ramps for the handicapped, except § 180-30, Regulations of curb cuts. This latter section shall not apply to ramps for the handicapped.

B. A minimum distance of five feet shall separate a curb cut for a ramp for the handicapped from a driveway curb cut.

C. The cost for construction of ramps for the handicapped shall be paid for as follows:

(1) Specification Type 1: The property owner shall pay for the cost of installation of a conventional sidewalk and curb. The Village shall pay for the excess construction cost above that for a conventional sidewalk for the installation of a ramp. The cost of the curb shall be paid for by the property owner.

(2) Specification Type 2: The Village shall pay for the cost of the ramp for the handicapped. The cost of the curb shall be paid by the property owner.

ARTICLE IVA
Parking Surfaces
[Adopted 10-27-1997 by L.L. No. 12-1997]

§ 180-33.1. Parking area surfaces.

A. Said parking area may be of hard-surface paving of either concrete or asphalt, according to reasonable parking field specifications of the Building Department.

B. In the event that the parking surface is a hard-surface parking area, said parking area shall provide drainage so that the surface waters do not flow into the public streets, the municipal storm drainage system or upon adjacent properties. The Superintendent of Buildings may, however, permit an overflow from an on-site drainage system to the municipal storm drainage system if he deems it necessary for the proper operation of said parking field.

C. A parking area may be a soft-surface area consisting of bluestone, clamshell or other suitable material, to be reviewed via a building permit application to the Freeport Building Department and with final approval by the Site Plan Board. Such soft surface shall provide drainage so that the surface waters do not flow into the public streets, the municipal storm drainage system or upon adjacent properties. The Superintendent of Buildings may, however, permit an overflow from an on-site drainage system to the municipal storm drainage system if he deems it necessary for the proper operation of said parking field. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

D. On all soft-surface parking areas, there shall be provided individual concrete vehicle stops for each parking space.

E. In the event that the parking surface is a soft surface, all handicapped parking spaces shall be a hard surface.

F. A parking plan shall be submitted for approval to the Superintendent of Buildings.

G. All parking spaces and areas pursuant to this article shall be properly maintained and kept clean of debris, rubbish and odor.

H. The failure of the owner or occupants of the premises, upon which a parking area is required pursuant to this article, to maintain such parking area as above provided, shall constitute a violation of this article.

ARTICLE V

Snow and Ice Removal
[Adopted 1-10-1972]

§ 180-34. Definitions.

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

BUSINESS DAY — Any day not a Sunday or a national holiday.

BUSINESS HOURS — The hours between 8:00 a.m. and 6:00 p.m. on any business day.

INSPECTOR — The Sanitation Inspector or, in his absence, his daily designated and acting representative.

ROADWAY — That portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

SIDEWALK — That portion of a street between the curblines and the adjacent property lines intended for the use of pedestrians.

§ 180-35. Removal from sidewalks required.

A. Every person, partnership, corporation, joint stock company or syndicate in charge or control of any building or lot of land within the Village fronting or abutting on a sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall clear away or cause to be removed and cleared away snow and ice from so much of said sidewalk as is in front of or abuts on said building or lot of land.

   (1) Except as provided in Subsection B hereof, snow and ice shall be removed from sidewalks in all business districts within 24 hours after the cessation of any fall of snow, sleet or freezing rain or by the beginning of the next business day following such fall, whichever is shorter.

   (2) Except as provided in Subsection B hereof, snow and ice shall be so removed from all other sidewalks within the Village on the same day of the cessation of any fall of snow, sleet or freezing rain or within the first 24 hours of daylight after the cessation of any such fall, whichever period is longer.

B. In the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal shall, within the time mentioned in Subsection A hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe and shall then, as soon thereafter as weather permits, cause a path in said sidewalk of at least 24 inches in width to be thoroughly cleaned. This twenty-four-inch limitation shall also apply to snowfalls in excess of six inches.

§ 180-36. Disposal of snow and ice.

No person, partnership, corporation, joint stock company or syndicate shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway or

loading and unloading areas of a public transportation system, except that snow and ice may be windrowed on public roadways incident to the cleaning thereof or windrowed on curbs incident to the cleaning of sidewalks in business districts. Where the property abuts a fire hydrant, the owner, tenant, occupant, lessee or otherwise shall be responsible for removal of snow from around the fire hydrant to make it visible and available for fire apparatus.

§ 180-37. Violations.

A. In the event of the failure of any person, partnership, corporation, joint stock company or syndicate to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as hereinbefore provided or cause this to be done, the Sanitation Inspector shall, as soon as practicable after such failure, cause such work to be done.

B. The Sanitation Inspector shall ascertain and keep a record of the exact cost of all work he causes to be done in accordance with this section on account of each act or omission of each person, partnership, corporation, joint stock company or syndicate, and he shall identify these persons or entities with particularity.

C. Each person, partnership, corporation, joint stock company or syndicate whose act or omission makes it necessary that the Sanitation Inspector cause work to be done in accordance with this section shall be liable to the Village for the cost of such work.

§ 180-38. Penalties for offenses.

Any person, partnership, corporation, joint stock company or syndicate who violates any provision of this article shall be subject to the penalties set forth in § 1-10 of this Code. Each day such violation is permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE VI
Trees and Shrubbery
[Adopted 5-9-1966 as portion of Ch. 21 of the 1966 Code]

§ 180-39. Trimming of certain trees and shrubbery.

A. Overhanging branches. It shall be the duty of every owner or occupant to keep the trees and shrubs in front of his premises so trimmed as not to interfere with passersby on the sidewalk or roadway. All overhanging limbs shall be at least eight feet above the center of the sidewalk and 13 feet above the roadway.

B. Shrubbery at intersections. It shall be the duty of the owner or occupant of property located at street intersections to keep all hedges, bushes, flowers or other growing plants so trimmed as not to obscure the vision of motorists approaching the corner of any intersecting street. A maximum height of three feet to the top of such hedge, brush or growing plant from the level of the roadbed of the contiguous street is permissible hereunder.

C. Penalties. Any owner who has been notified by the Village Clerk that the trees or shrubs on their premises are in violation of either Subsection A or B hereof and shall fail to correct the condition within five days of the sending of such notice to their last known address by mail shall be in violation of this section, and in addition to the penalties otherwise enforceable, the Village or its agents may thereafter trim offending trees and hedges to correct the prohibited conditions and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 180-40. Permit for planting between curb and property lines. [Amended 12-18-1967]

No person shall plant any tree or shrub between the curbline and the property line on any street or highway within the Village without first having secured a permit therefor. Application for such permit shall be made to the Village Clerk, setting forth the location of the proposed planting and the approximate size and variety of tree or shrub to be planted.

§ 180-41. Condition for issuance of permit.

No such permit shall be issued unless the variety of trees or shrubs and the planting of same meet the requirements of this article, as established, to provide for the protection, safety and general welfare of the Village.

§ 180-42. Approved trees. [Amended 4-24-1967; 10-16-1967]

A. The Superintendent of Public Works will maintain a list of approved trees which will be on file in the Village Clerk's Office. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. When planting curb trees, the choice of trees should be determined in accordance with the variety of trees already present on the street or block.

§ 180-43. Restrictions on planting. [Amended 4-24-1967]

The following planting restrictions shall meet the requirements of this article and shall be deemed to conform to the conditions of § 180-41 above as to planting:

A. No hedges or shrubs shall be planted between the sidewalk and curb.

B. No tree shall be planted:

(1) Within 15 feet of the curb at an intersection.

(2) Within 15 feet of a streetlight.

(3) Within 10 feet of a fire hydrant.

(4) Within 10 feet of a driveway.

(5) Within 30 feet of an existing tree, nor may two trees be placed within 30 feet of each other.

§ 180-44. Permit not required for trimming.

Nothing herein contained regulating the planting of trees and shrubs shall be construed to require a permit for the trimming of trees, shrubs or hedges to meet the provisions of § 180-39.

§ 180-45. Permit for cutting down trees.

A. No person shall remove or cut down any tree or shrub in any street, park or other public place within the Village without first having secured a permit therefor. For purposes of this article, removal of a tree or shrub includes the removal of its stump. Application for such permits for the removal of trees or shrubs shall be made to the Village Clerk. **[Amended 6-25-1984 by L.L. No. 5-1984]**

B. Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Village Clerk and issued by an insurance company authorized to do business in this state, running to the Village providing coverage for public liability (for personal injury) and property damage. Such certificate of insurance shall contain a provision that coverage will not be reduced, canceled or nonrenewed unless the Village of Freeport Village Clerk is given at least 10 days' written notice thereof. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence public liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy. **[Added 6-9-1975 by L.L. No. 5-1975; amended 1-17-1983 by L.L. No. 2-1983; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 180-46. Replacement of tree or shrub.

Wherever a permit to remove or cut down a tree or shrub has been granted, it shall be the responsibility of the property owner to have the same replaced in accordance with the provisions of this article regarding the planting of trees or shrubs.

§ 180-47. Attachments to trees.

It shall be unlawful to attach any wire or rope to any tree or shrub in any park, street or other public place within the Village without first having secured a permit therefor from the Village Clerk.

§ 180-48. Injury to tree or shrub.

It shall be unlawful to injure any tree or shrub planted or growing in any public place.

§ 180-49. Signs or advertisements attached to trees.

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any public place.

§ 180-50. Removal of dangerous trees or limbs. [Amended 4-12-1971; 6-25-1984 by L.L. No. 5-1984]

A. It shall be the duty of every owner or occupant of land to trim or remove any tree, including its stump, or any limb or branch of a tree situated on said land or in front thereof which is likely to fall on or across any public way or place in the Village.

B. For failure, upon notice by the Village Clerk of not less than 48 hours, to trim or remove any tree, including its stump, or any branch or limb of a tree as specified as to place and manner, the Village or its agents may cause the same to be done and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 180-51. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any violation of the provisions of this article shall render each offender liable to a maximum fine of $1,000 for each offense. In addition, the Village reserves the right to seize, remove or otherwise dispose of any planting in violation thereof.

ARTICLE VII
(Reserved)[4]

§ 180-52. through § 180-56. (Reserved)

ARTICLE VIII
Dimensions and Weights of Vehicles
[Adopted 1-9-2012 by L.L. No. 1-2012]

§ 180-57. Prohibited acts; dimension and weight standards; exceptions; enforcement.

A. Except as expressly permitted by federal law, the New York State Vehicle and Traffic Law, the regulations of the New York State Department of Transportation or by special permit granted by the Mayor, no person shall operate or move or cause or knowingly permit to be operated or moved on any public road, street or highway (hereinafter

4. **Editor's Note: Former Article VII, Operation and Utilization of Freeport Mall, of the 1979 Code, adopted 2-26-1979 by L.L. No. 2-1979, as amended 5-28-1979 by L.L. No. 5-1979, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

collectively referred to as "road") in the Village of Freeport any vehicle or combination of vehicles exceeding the weight of 80,000 pounds gross vehicular weight (GVW) where posted with official traffic regulation signs. This restriction shall not apply where the requirement for local delivery will permit no alternative route.

B. Width. The width of a vehicle, inclusive of load, shall not be more than 96 inches, plus safety devices, on any Village road.

C. Height.

(1) The height of a vehicle from the underside of a tire to the top of the vehicle, inclusive of load, shall be no more than 13 1/2 feet.

(2) Any damages to highways, overpasses or highway structures resulting front the use of a vehicle exceeding 13 1/2 feet in height where such excess height is the proximate cause of the damage shall be compensated for by the owner and operator of such vehicle.

D. Length.

(1) The length of a single vehicle, inclusive of a load and bumpers, shall not be more than 40 feet unless otherwise provided in this section.

(2) The length of a semitrailer or trailer shall not exceed 48 feet, except as provided in this section; provided, however, that the length of any trailer or semitrailer being operated in combination with another trailer or semitrailer shall not exceed 28 feet.

(3) The length of a bus having a carrying capacity of more than seven passengers shall not exceed 45 feet, except that the length of an articulated bus shall not exceed 62 feet.

(4) The provisions of this section shall not apply to fire or other emergency vehicles.

(5) Any semitrailer with a length not to exceed 48 feet may be operated on any Village road, provided that the total length of a combination of vehicles, including such a semitrailer, does not exceed 60 feet.

E. Additional restrictions on length; exceptions.

(1) The total length of a combination of vehicles, inclusive of load and bumpers, shall not be more than 65 feet.

(2) The provisions of Subsection E(1) shall not apply to:

(a) Vehicles of a corporation which is subject to the jurisdiction of the Interstate Commerce Commission, the Public Service Commission or other regulatory body, which are used in the construction, reconstruction, repair or maintenance of its property or facilities, provided that the length of such vehicles are regulated by and comply with the safety requirements of the applicable federal or New York State laws and regulations.

(b) Vehicles hauling poles, girders, columns or other similar objects of excess length, provided such vehicles comply with the safety requirements of applicable federal or New York State laws and regulations.

(c) Fire or other emergency vehicles.

(d) State and/or municipally owned vehicles engaged in snow plowing, ice clearing or other emergency-type operations.

F. In determining the number of wheels and axles in the vehicle or combination of vehicles within the meaning of this section, only two wheels shall be counted for each axle, and axles which are less than 46 inches apart from center to center shall be counted as one axle. However, in the case of multiple tires or multiple wheels, the sum of the widths of all the tires on a wheel or combination of wheels shall be taken in determining the width.

G. Subject to the provisions of this section governing maximum vehicle gross weights, the weight, per inch width of tire, on any one wheel of a single vehicle or a combination of vehicles equipped with pneumatic tires, when loaded, shall not be more than 800 pounds.

H. Subject to the provisions of this section governing maximum vehicle gross weights, the weight on any one wheel of a single vehicle with pneumatic tires, when loaded, shall not be more than 11,200 pounds.

I. Subject to the provisions of this section governing maximum vehicle gross weights, the weight on any one axle of a single vehicle equipped with pneumatic tires, when loaded, shall not be more than 22,400 pounds.

J. Subject to the provisions of this section governing maximum vehicle gross weights, the weight of any two consecutive axles of a single vehicle or a combination of a vehicle equipped with pneumatic tires, when loaded, and when axles are spaced less than eight feet from center to center shall not be more than 36,000 pounds, except that, where axles are spaced eight feet apart or greater, but less than 10 feet, the weight on those two axles shall not exceed that permitted by Subsection K(2) of this section and, in addition, shall not exceed 40,000 pounds. Axles shall be counted as provided in Subsection F of this section.

K. Subject to the provisions of this section governing maximum vehicle gross weights, a single vehicle, or combination, of vehicles having three axles or more and equipped with pneumatic tires, when loaded, may have a total weight on all axles not to exceed 34,000 pounds, plus 1,000 pounds for each foot and major fraction of a foot of the distance from the center of the foremost axles to the center or the rearmost axles. Axles are to be counted as provided in Subsection F of this section. In no case, however, shall the total weight exceed 80,000 pounds. For any vehicle or combination of vehicles having a total gross vehicle weight of less than 71,000 pounds, the higher of the following shall apply:

(1) The total weight on all axles shall not exceed 34,000 pounds for each foot and major fraction of a foot of the distance from the center of the foremost axles to the center of the rearmost axles; or

(2) The overall weight on a group of two or more consecutive axles shall not exceed the weight produced by application of the following formula:

W = 500(LxN) / (N-1) + (12xN) + (36)

Where:

W = overall gross weight on any group of two or more consecutive axles, to the nearest 500 pounds.

L = distance in feet from the center of the foremost axle to the center of the rearmost axle of any group of two or more consecutive axles,

N = the number of axles in the group under consideration, except that the two consecutive sets of tandem axles may carry a gross load not to exceed 34,000 pounds, provided that the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.

For any vehicle or combination of vehicles having a total gross weight of 71,000 pounds or greater, this Subsection K(2) shall apply to determine maximum gross weight which is permitted hereunder, subject to the provisions of this section governing maximum gross weights.

L. No vehicle shall be operated on the public streets of the Village of Freeport other than on pneumatic tires.

M. For the purpose of this section, the width of pneumatic tires shall be ascertained by measuring the greatest width of the tire casing when the tire is inflated.

N. No person shall operate, nor shall any owner permit the operation or movement of, a vehicle or any combination of vehicles over, or through, any road if the weight of such vehicle, or combination of vehicle and load, is greater than the posted weight or exceeds the height of the posted clearance as shown on an official sign.

O. If a vehicle or combination of vehicles is operated in violation of this section, an appearance ticket or summons may be issued to the registrant of the vehicle or, if a combination of vehicles, to the registrant of the hauling vehicles, rather than the operator. In the event that the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant only for the purpose of receiving such appearance ticket or summons. In addition, a notice containing all pertinent information relating to the charge which is contained on the summons or appearance tickets shall be mailed by or on behalf of the person who issued the appearance ticket or summons to the registrant of said vehicle or trailer on file with the Department of Motor Vehicles of said state no less than five days before the return date specified on the appearance ticket or summons. Proof of mailing to the registrant under this section shall be filed with the court in which the appearance ticket or summons is returnable on or before the return date. A failure of a corporate registrant to appear or answer upon arraignment or trial shall constitute a default which shall result in the entry of a civil judgment in an amount corresponding to the amount of fine for a violation of this section. The provisions of this subsection shall not apply to owner-operators of any motor vehicle or to any motor vehicle or trailer which is registered in the name of a person whose principal business is the lease or rental of motor vehicles or trailers, unless the motor vehicle or trailer is being operated by an employee of the

registrant or for a community of interest other than the lease or rental agreement between the panics to the lease or rental agreement.

P. In any case wherein the charge before the court alleges a violation of this section, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to a violation of one of the subsections of this section. No other disposition of plea of guilty to any other charge in satisfaction of such shall be authorized; provided, however, that if the prosecuting attorney, upon reviewing the available evidence, determines that the charge of a violation of this section is not warranted, the prosecuting attorney may consent, and the court may allow, a disposition by plea of guilty to that or another charge in satisfaction of such charge; provided, however, that the court must impose at least the minimum fine, as authorized in this article, for the offense.

§ 180-58. Penalties for offenses.

A. Each violation of the provisions of this article shall be punishable by a fine of not less than $200 nor more than $500 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, for the first offense; by a fine of not less than $500 nor more than $1,000 or by imprisonment for not more than 60 days, or by both such fine and imprisonment, for the second or subsequent violation of this article committed within a period of 60 days after the previous such violation, plus, in both cases, the fine provided in Subsection B of this section.

B. Each violation of the provisions of this article with respect to any vehicle or combination of vehicles whose weight exceeds the weight limitations set forth in any of these sections or the weight limitations specified by a permit issued by the United States Department of Transportation or the New York State Department of Transportation shall be punishable by fines levied on the registered owner of the vehicle or vehicles, whether at the time of the violation the vehicle was in the charge of the registered owner or his agent or lessee, in accordance with the following schedule, which shall be in addition to the penalties provided in Subsection A of this section:

Fines For Excess Total Weight		
Percent of Excess Weight		
Greater than	Less Than or Equal to	Amount of Fine
0.0%	2.0%	$250
2.0%	4.0%	$300
4.0%	6.0%	$450
6.0%	7.0%	$525
7.0%	8.0%	$600
8.0%	10.0%	$750
10.0%	12.0%	$950

Fines For Excess Total Weight		
Percent of Excess Weight		
Greater than	Less Than or Equal to	Amount of Fine
12.0%	14.0%	$1,150
14.0%	16.0%	$1,350
16.0%	18.0%	$1,550
18.0%	20.0%	$1,750
20.0%	22.0%	$1,950
22.0%	24.0%	$2,150
24.0%	26.0%	$2,350
26.0%	28.0%	$2,550
28.0%	30.0%	$2,750
30.0%	32.0%	$2,950
32.0%	34.0%	$3,150
34.0%	36.0%	$3,350
36.0%	38.0%	$3,550
38.0%	40.0%	$3,750
40.0% or greater		$3,750 plus $125 for each percent over 40%

NOTES:

1. Where the total weight or axle weight or axles grouping weight is greater than 7%, including enforcement scale tolerance in excess of the limits specified by a United States or New York State Department of Transportation excess weight permit, the permit shall, for the purposes of computing the fine, be deemed void, and the amount of the fine shall be determined in accordance with the maximum weight which would have been in effect for the operation of such vehicle if the permit to exceed such maximum weight had not been issued.
2. In connection with the weighing of a vehicle or combination of vehicles, if it is found that there is a violation of Subsection K and also Subsection I or Subsection J, or a violation of both Subsections I and J, of § 180-57, there shall be a single fine imposed, and the maximum amount of such fine shall not exceed the highest fine that could be imposed under this section.
3. The court may impose any sentence authorized by this section; provided, however, that any such sentence must include a fine as provided in this section.
4. All fines collected as a result of the above schedule shall remain the property of the Village of Freeport.

C. Service of summons. If a vehicle or combination of vehicles is operated in violation of this article, an appearance ticket or summons may be issued to the registrant of the vehicle, or in the case of a combination of vehicles, to the registrant of the hauling vehicle, rather than the operator. In the event the vehicle is operated by a person other than the registrant, any appearance ticket or summons issued to the registrant shall be served upon the operator, who shall be deemed the agent of the registrant for the purpose of receiving such appearance ticket or summons. Such operator-agent shall transmit such ticket or summons to the registrant of the vehicle or hauling vehicle, If the registrant does not appear on the return date, a notice establishing a new return date accompanied by a copy of the summons or appearance ticket shall also be mailed by certified mail by the court to the registrant at the address given on the registration certificate for the vehicle or, if no registration certificate is produced at the time the appearance ticket or summons is issued, the address of the registrant on file with the Department of Motor Vehicles or given to the police officer issuing the appearance ticket or summons. Whenever proceedings in court result in a conviction for a violation of this section, and the court has made the mailing specified herein, the court shall levy a mandatory surcharge, in addition to any sentence permitted by law, in the amount of $30. This mandatory surcharge shall be paid to the Clerk of the Court. The provisions of this subsection shall not apply to owner-operators of any motor vehicle which is registered in the name of a person whose principal business is the lease or rental of motor vehicles or trailers unless the motor vehicle or trailer is being operated by an employee of the registrant.

§ 180-59. Applicability of Federal Motor Carrier Safety Regulations.

A. No person shall operate, cause or knowingly permit or move any motor vehicle on any road in the Village of Freeport in violation of Federal Motor Carrier Safety Regulations, Parts 393 through 397, inclusive.

B. Penalties for offenses. A violation of this section shall be punishable by a fine of not less than $200 nor more than $500 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. In the event the violation of this section is one which requires, pursuant to applicable regulations, that the motor vehicle be taken out of service, then the fine shall be not less than $500 nor more than $1,000 or imprisonment of not more than 15 days, or both such fine and imprisonment.

C. The court may impose any sentence authorized by this section; provided, however, that any such sentence must include a fine as provided in this section.

D. All fines collected as a result of the above sections shall remain the property of the Village of Freeport.

Chapter 185

TAXATION

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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Tax on Income of Utilities
[Adopted 12-9-1968 by L.L. No. 2-1968]

§ 185-1. Imposition of tax. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Pursuant to the authority granted by Village Law of § 5-530 the State of New York, from on and after March 1, 1969, there is hereby imposed:

A. A tax equal to 1% of the gross income of every utility doing business in the Incorporated Village of Freeport, which is subject to the supervision of the New York State Department of Public Service and which has an annual gross income in excess of $500.

B. A tax equal to 1% of the gross operating income of every other utility doing business in the Incorporated Village of Freeport, which has an annual gross operating income in excess of $500.

§ 185-2. Definitions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Words and phrases used in this article, unless otherwise noted, shall have the same meanings as ascribed to them in § 186-a of the Tax Law.

§ 185-3. Applicability.

This article and the tax imposed thereby shall:

A. Apply only within the territorial limits of the Village of Freeport, New York.

B. Not apply and the tax shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village of Freeport, notwithstanding that some act be necessarily performed with respect to such transaction within such limits.

C. Be in addition to any and all other taxes and fees imposed by any other provisions of law.

D. Apply to all subject income received on and after March 1, 1969.

§ 185-4. Disposition of revenues.

All revenues resulting from the imposition of the tax imposed by 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.

§ 185-5. Collection and enforcement; rules and regulations.

The Village Treasurer shall be the chief enforcement officer of this article and shall make and be responsible for all collections hereunder. He shall also have the power and authority to make any rules or regulations or directives, not inconsistent with law, which, in his discretion, are reasonably necessary to facilitate the administration of this article and the collection of the taxes imposed hereby. Copies of all such rules and regulations and directives, as may from time to time be promulgated, shall be sent by registered mail to all utilities subject to this article which register as such with the Village Treasurer. All such rules, regulations and directives shall be deemed a portion of this article.

§ 185-6. Filing of returns; contents.

A. Time of filing. Every utility subject to a tax hereunder shall file a return on or before July 25 and January 25 for the six calendar months preceding each return date, including any period for which the tax imposed hereby or any amendment hereof is effective; however, any utility whose average gross income or gross operating income for the aforesaid six-month period is less than $3,000 may file a return annually on October 1 for the 12 calendar months preceding each return date, including any period for which the tax imposed hereby or any amendment hereof is effective. Any utility, whether subject to tax under this article or not, may be required to file an annual return by the Village Treasurer.

B. Contents. Returns shall be filed with the Village Treasurer on a form to be furnished by him for such purpose and shall show thereon the gross income or gross operating income for the period covered by the return and such other information, data or matter as the Village Treasurer may require to be included therein. Every return shall have annexed thereto a certification by the head of the utility making the same or of the

owner or of a copartner thereof or of a principal corporate officer to the effect that the statements contained therein are true.

§ 185-7. Payment of tax.

At the time of filing a return as required by this article, each utility shall pay the tax imposed hereby for the period covered by such return to the Village Treasurer. Such tax shall be due and payable at the time of the filing of the return or, if a return is not filed when due, on the last day on which the return is required to be filed.

§ 185-8. Penalties and interest.

Any utility failing to file a return or a 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, except the first month, after such return was required to be filed or such tax became due, but the Village Treasurer, if satisfied that the delay was excusable, may remit all or any portion of such penalty.

§ 185-9. Tax as operating cost. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The tax imposed by this article shall be charged against and be paid by the utility and may 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.

§ 185-10. Insufficient or unsatisfactory returns.

In case any return filed pursuant to this article shall be insufficient or unsatisfactory to the Village Treasurer, he may require a further or supplemental return at any time, which shall contain any data that may be specified by him, 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, the Village Treasurer shall determine the amount due from such information as he is able to obtain and, if necessary, estimate the tax on the basis of external indexes or otherwise. He shall give notice of such determination to the utility liable for such tax. Such determination shall finally and irrevocably fix such tax unless the utility against which it is assessed shall, within one year after the giving of notice of such determination, apply to him for a hearing or unless the Village Treasurer, of his own motion, shall reduce the same. After such hearing, he shall give notice of his decision to the utility liable for such tax.

§ 185-11. Review of determination of tax.

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules if the proceeding is commenced within 90 days after the giving of notice of such final determination; provided, however, that any such proceeding under said Article 78 shall not be instituted unless the amount of any tax sought

to be reviewed, with such interest and penalties thereon as may be provided for by local law, ordinance or resolution, shall be first deposited and an undertaking filed, 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 petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

§ 185-12. Service of notice.

Any notice authorized or required under the provisions of this article may be given by mailing the same to the utility for which it is intended in a postpaid envelope and addressed to such utility at the address given by it in the last return filed by it 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 utility to which addressed. Any period of time, which is determined according to the provisions of this section by the giving of notice, shall commence to run from the date of mailing of such notice.

§ 185-13. Refunds.

If, within one year from the giving of notice of any determination or assessment of any tax or penalty, the person liable for the tax shall make application for a refund thereof and the Village Treasurer or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Village 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 Village Treasurer; however, no refund shall be made of a tax or penalty paid pursuant to a determination of the Village Treasurer as hereinbefore provided unless the Village 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 in the manner provided in the Civil Practice Law and Rules that such determination was erroneous or illegal. 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 Village Treasurer may receive additional evidence with respect thereto. After making his determination, the Village Treasurer shall give notice thereof to the person interested, and he shall be entitled to commence a proceeding to review such determination in accordance with the provisions of the following section hereof.

§ 185-14. Review of proceedings for refunds.

Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Village Treasurer and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that such proceeding is instituted within 90 days after the giving of the notice of such denial, that a final determination of tax due was not previously made and that an undertaking is filed with the Village Treasurer, 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 petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

§ 185-15. Assessment of additional tax restricted.

Except in the case of a willfully false or fraudulent return with the intent to evade the tax, no assessment or additional tax shall be made with respect to taxes imposed under this article after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as required hereby, the tax may be assessed at any time.

§ 185-16. Power of Village Treasurer.

In addition to any other powers herein given the Village Treasurer and in order to further ensure payment of the tax imposed hereby, he shall have the power to:

A. Prescribe the form of all reports and returns required to be made hereunder.

B. Take testimony and proofs, under oath, with reference to any matter hereby entrusted to him.

C. Subpoena and require the attendance of witnesses and the production of books, papers, records and documents.

D. In the absence of the Village Treasurer, authorization shall be granted to the Deputy Treasurer, if any, the Village Clerk and, in his absence, the Deputy Village Clerk to sign documents consisting of, but not limited to, tax sales certificate redemptions and bond anticipation notes. **[Added 10-27-1980 by L.L. No. 12-1980]**

§ 185-17. Enforcement.

Whenever any person shall fail to pay any tax or penalty imposed by this article, the Village Attorney shall, upon the request of the Village 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 Village 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.

ARTICLE II

Tax Exemption for Senior Citizens
[Adopted 11-21-1966 by L.L. No. 2-1966]

§ 185-18. Exemption stated. [Amended by L.L. No. 2-1971; 11-14-1983 by L.L. No. 15-1983]

Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Incorporated Village of Freeport to the extent of a maximum of 50% of assessed valuation, the amount of said exemption to be determined as set forth hereinbelow.

§ 185-19. Conditions for exemption. [Last amended 11-14-2022 by L.L. No. 2-2022]

A. No exemption shall be granted unless an annual application is made therefor as hereinafter set forth.

B. The extent of the exemption shall be determined from the following tables:

Annual Income	
Tax Year 2024 – 2025	**Percentage of Assessed Valuation Exempt From Taxation**
Not more than $50,000	50%
More than $50,000, but less than $51,000	45%
$51,000 or more, but less than $52,000	40%
$52,000 or more, but less than $53,000	35%
$53,000 or more, but less than $53,900	30%
$53,900 or more, but less than $54,800	25%
$54,800 or more, but less than $55,700	20%
$55,700 or more, but less than $56,600	15%
$56,600 or more, but less than $57,500	10%
$57,500 or more, but less than $58,400	5%

C. The annual income referred to in the above table shall be that income for the income tax year immediately preceding the date of making the application for exemption.

D. The term "income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or wife, their combined income may not exceed such sum, except that where the husband or wife, or ex-husband or ex-wife, is absent from the property as provided in the New York State Real Property Tax Law § 467, Subdivision 3(d)(iii), then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include Social Security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286, or monies earned through employment in the Federal Foster Grandparent Program, and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. The provisions of this subsection notwithstanding, such income shall not include veteran's disability compensation, as defined in Title 38 of the United States Code. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the

exhaustion or wear and tear of real or personal property held for the production of income.

E. No exemption shall be granted:

(1) Unless the owner shall have held an exemption under this section for his previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the, time of ownership of the property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceedings, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed consecutive, for purposes of this section. Where a residence is sold and replaced with another within one year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which, as of the date of transfer, was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within nine months of the date of transfer shall be deemed to satisfy the requirement of this subsection that the title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which, as of the date of such death, was exempt from taxation under such provisions, becomes vested, by virtue of devise or descent from the deceased owner or owners or by transfer by any other means within nine months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this subsection that the title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months shall be deemed satisfied.

(2) Unless the property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not so used exclusively for residential purposes 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.

(3) Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property, except where an owner is absent from the residence while receiving health-related care as an inpatient of a residential health-care facility, as defined in § 2801 of the Public Health Law, provided that any income accruing to that person shall only be income only to the extent that it exceeds the amount paid by such owner, spouse or co-owner for care in the facility, and provided, further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or the real property is owned by a husband and/or wife, or an ex-husband and/or an ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met, provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be 62 years of age or over.

(4) For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

(5) That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section, and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

F. The property must be used exclusively for residential purposes in order to qualify for the exemption and must be occupied in whole or in part by the owners or owner and is the legal residence of said owners or owner.

§ 185-20. Application for exemption.

A. Application for such exemption must be made by the owner or all of the owners of the property on forms to be furnished by the Assessor of the Incorporated Village of Freeport and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such Assessor's office at least 90 days before the day for filing the final assessment roll.

B. At least 60 days prior to the first day of October, which is the taxable status date of the Incorporated Village of Freeport, the assessing authority shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before taxable status date and be approved in order for the exemption to be granted. Failure to mail any such application form and notice or the failure of such person to receive the

same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person. **[Added 2-22-1971 by L.L. No. 2-1971]**

§ 185-21. Penalties for offenses.

Any conviction of having made any willfully false statement in the application for such exemption shall be punishable by a fine of not more than $100 and shall disqualify the applicant or applicants from further exemption for a period of five years.

§ 185-21.1. Effective date. [Added 11-14-1983 by L.L. No. 15-1983]

Effective January 1, 1984, the foregoing provisions shall apply to assessment rolls prepared on the basis of taxable status dates occurring after October 1, 1984.

ARTICLE III
Tax Exemption for Property Improvement for Physically Disabled [Adopted 11-14-1983 by L.L. No. 16-1983[1]]

§ 185-22. Grant of exemption.

An improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement if the improvement is used for the purpose of facilitating and accommodating the use and accessibility of said real property by a resident owner of the real property who is physically disabled or a member of the resident owner's household who is physically disabled, if such member resides in the real property. Such exemption shall apply to improvements constructed prior to and subsequent to the effective date of this article.

§ 185-23. Qualification for exemption. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

To qualify as physically disabled for the purpose of this article, an individual shall submit to the Department of Assessment of the Incorporated Village of Freeport a certified statement from a physician licensed to practice in the state, on a form prescribed and made available by the Commissioner, State Board of Equalization and Assessment, which states that the individual has a permanent physical impairment which substantially limits one or more of the individual's major life activities, except that an individual who has obtained a certificate from the State Commission for the Blind and Visually Handicapped, stating that the individual is legally blind, may submit such certificate in lieu of a physician's certified statement.

1. **Editor's Note: This local law also provided that it shall take effect 1-1-1984.**

§ 185-24. Application. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This exemption shall be granted only upon application by the owner or all of the owners of the real property on a form prescribed and made available by the Commissioner, State Board of Equalization and Assessment. The applicant shall furnish the information as the Board shall require. The application shall be filed together with the appropriate certified statement of physical disability or certificate of blindness with the Assessor for the Incorporated Village of Freeport on or before the taxable status date of the Village of Freeport.

§ 185-25. Approval of application; continuance of exemption.

If the Assessor is satisfied that the improvement is necessary to facilitate and accommodate the use and accessibility by a resident who is physically disabled and that the applicant is entitled to an exemption pursuant to this article, the Assessor shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this article on the assessment roll with the taxable property, with the amount of the exemption as determined pursuant to § 185-22 of this article in a separate column. Once granted, the exemption shall continue on the real property until the improvement ceases to be necessary to facilitate and accommodate the use and accessibility of the property by the resident who is physically disabled.

ARTICLE IV
Home Improvement Tax Exemption
[Adopted 12-6-1993 as L.L. No. 7-1993]

§ 185-26. Definitions.

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

ASSESSOR — The Assessor of the Village of Freeport.

RESIDENTIAL BUILDING — Any building or structure designed and occupied exclusively for residential purposes by not more than two families.

§ 185-27. Applicability of exemption.

Residential buildings reconstructed, altered or improved for residential purposes shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter.

§ 185-28. Exclusions.

For the purposes of this article, the terms "reconstruction," "alteration" and "improvement" shall not include ordinary maintenance and repairs.

§ 185-29. Amount of exemption.

A. Such building 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. Thereafter, for an additional period of seven years, the extent of such exemption shall be decreased by 12 1/2% of the initial exemption each year during such additional period.

B. Such exemption shall be limited to $80,000 in increased market value of the property attributable to such reconstruction, alteration or improvement. Any increase in market value greater than $80,000 shall not be eligible for the exemption.

§ 185-30. Conditions of exemption.

No exemption shall be granted for reconstruction, alterations or improvements unless:

A. Such reconstruction, alteration or improvement was commenced subsequent to the effective date of this article;

B. The value of such reconstruction, alteration or improvement exceeds $3,000; and

C. The greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

§ 185-31. Application for exemption.

A. Such exemption shall be granted only upon application by the owner of such building on a form prescribed by the Commissioner, State Board of Equalization and Assessment. The original of the application shall be filed with the Assessor on or before October 1, which is the taxable status date. **[Amended 6-20-1994 by L.L. No. 5-1994; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. If the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this article, he shall approve the application and such buildings shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared after the taxable status date referred to in Subsection A of this section.

C. The assessed value of any exemption granted pursuant to this chapter shall be entered by the Assessor on the portion of the assessment roll provided for property exempt from taxation.

§ 185-32. Cessation of residential use.

In the event that a building granted an exemption pursuant to this article ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributed use of the owner, the exemption granted pursuant to this article shall cease.

ARTICLE V

Tax Lien Sales

[Adopted 8-22-1994 as L.L. No. 7-1994]

§ 185-33. Statutory authority.

Pursuant to § 6 of Chapter 602 of the Laws of 1993, as amended by Chapter 532 of the Laws of 1994, as proposed in Legislative Bill Number S. 8560-A,[2] the Village of Freeport 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.

§ 185-34. Filing with state.

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.

§ 185-35. When effective.

This article shall take effect on the same day as a chapter of the laws of 1994 takes effect as proposed in Legislative Bill Number S. 8560-A, except that if S. 8560-A shall become a law prior to adoption of this article, this article shall take effect immediately.[3]

ARTICLE VI

Tax Exemption for Veterans

[Adopted 6-9-1997 by L.L. No. 4-1997]

§ 185-36. Definitions. [Amended 8-2-2004 by L.L. No. 3-2004]

Definitions of the terms in this article are in accordance with those set forth in § 458-a, Subdivisions 1(a) through (g) and 6(a) through (d), in the New York State Real Property Tax Law.

§ 185-37. Amount.

Pursuant to § 458-a of the Real Property Tax Law, as amended, qualifying residential property, as defined by § 458-a of the Real Property Tax Law, in the Incorporated Village of Freeport owned by an eligible veteran shall be exempt from taxation by the Village to the maximum extent as provided in § 458-a of the Real Property Tax Law.

2. **Editor's Note: See L. 1994, c. 532.**

3. **Editor's Note: Said L. 1994, c. 532, was adopted 8-26-1994.**

§ 185-38. Application.

Application for such exemption shall be made by the owner or all of the owners of the property on forms prescribed by the State Board, to be furnished by the Village Assessor, and the applicant or applicants shall furnish the information and execute the application in the manner required or prescribed in such forms in the Village Assessor's office on or before the appropriate tax status date.

§ 185-38.1. Sale of property. [Added 6-8-2007 by L.L. No. 4-2007]

Where a veteran already receiving an exemption pursuant to this chapter sells the property receiving the exemption and purchases property within the Village of Freeport, the assessor shall transfer and prorate, for the remainder of the fiscal year, the exemption that the veteran received. Nothing in this section shall be construed to remove the requirement that any such veteran transferring an exemption pursuant to this section shall reapply for the exemption authorized pursuant to this section on or before the taxable status date, in the event such veteran wishes to receive the exemption in future fiscal years.

§ 185-39. When effective.

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

ARTICLE VII
Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers [Adopted 1-27-2003 by L.L. No. 1-2003]

§ 185-40. Exemption stated.

Real property owned by an enrolled member of the Freeport Fire Department shall be exempt from taxation by the Incorporated Village of Freeport to the extent of ten percent of the assessed value of such property, exclusive of special assessments.

§ 185-41. Application for exemption.

A. Application for such exemption must be made annually by the owner or all of the owners of the property on forms to be furnished by the Assessor of the Incorporated Village of Freeport and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such Assessor's office on or before the taxable status date of October 1.

B. For those enrolled members of the Freeport Fire Department who have accrued more than 20 years of active service, application for an exemption, under this section, is not required.

§ 185-42. Conditions for filing application.

A. The applicant resides in the Incorporated Village of Freeport which is served by the Freeport Fire Department; and

B. The real property is the primary resident of the applicant; and

C. The real property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purpose, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section.

§ 185-43. Qualifications for exemption; exemption; exemption duration. [Added 6-18-2007 by L.L. No. 5-2007]

A. An applicant who has been certified by the authority having jurisdiction for the Freeport Fire Department as an enrolled member of the Freeport Fire Department, for at least five years, shall be granted the exemption as stated within § 185-40, provided a completed application under § 185-41 is submitted annually.

B. Any enrolled member of the Freeport Fire Department who accrues more than 20 years of active service and is so certified by the authority having jurisdiction for the Freeport Fire Department shall be granted the ten-percent exemption as stated within § 185-40 for the remainder of his or her life as long as his or her primary residence is located within the Incorporated Village of Freeport.

C. An exemption under this chapter to an unmarried spouse of a deceased, enrolled member of the Freeport Fire Department may be continued; provided, however, that:

(1) Such unmarried spouse is certified by the Freeport Fire Department as an unmarried spouse of a deceased enrolled member of the Freeport Fire Department; and

(2) Such deceased firefighter had been an enrolled member for at least 20 years; and

(3) Such deceased fireperson and un-remarried spouse had been receiving the exemption for such property prior to the death of the fireperson.

§ 185-44. Coordination of benefits.

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this article shall suffer any diminution of such benefit because of the provisions of this article.

ARTICLE VIII

Tax Exemption for Persons with Disabilities [Adopted 10-30-2006 by L.L. No. 5-2006]

§ 185-45. Exemption stated.

Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereinafter defined, is limited by reason of such disability, shall be exempt from taxation by the Incorporated Village of Freeport to the extent 50% of the assessed valuation thereof as hereinafter provided.

§ 185-46. Conditions for exemption. [Amended 11-14-2022 by L.L. No. 2-2022]

A. No exemption shall be granted unless an annual application is made therefor as hereinafter set forth.

B. No exemption shall be granted if the income of the owners of the property is equal to or exceeds $58,400.

C. The extent of the exemption shall be determined from the following table:

Annual Income	
Tax Year 2024 – 2025	**Percentage of Assessed Valuation Exempt From Taxation**
Not more than $50,000	50%
More than $50,000, but less than $51,000	45%
$51,000 or more, but less than $52,000	40%
$52,000 or more, but less than $53,000	35%
$53,000 or more, but less than $53,900	30%
$53,900 or more, but less than $54,800	25%
$54,800 or more, but less than $55,700	20%
$55,700 or more, but less than $56,600	15%
$56,600 or more, but less than $57,500	10%
$57,500 or more, but less than $58,400	5%

D. The annual income referred to in the above table shall be that income for the income tax year immediately preceding the date of the making of the application.

E. For purposes of this article:

(1) "Sibling" shall mean a brother or a sister, whether related through half blood, whole blood or adoption.

(2) "A person with a disability" is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, and who: a) is certified to receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits under the federal Social Security Act; or b) is certified to receive Railroad Retirement Disability benefits under the federal Railroad Retirement Act; or c) has received a certificate from the State Commission for the Blind and Visually Handicapped stating that such person is legally blind; or d) is certified to receive a United States Postal Service disability pension. An award letter from the Social Security Administration or the Railroad Retirement Board, or a certificate from the State Commission for the Blind and Visually Handicapped, or an award letter from the United States Postal Service shall be submitted as proof of disability.

F. "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include Social Security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or monies earned through employment in the Federal Foster Grandparent Program and any such income shall be offset, by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

G. No exemption shall be granted:

(1) Unless the property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not so used exclusively for residential purposes 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;

(2) Unless the real property is the legal residence of and is occupied in whole or in part by the disabled person, except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in § 2801 of the Public Health Law, provided that any income accruing to that person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

H. For the purposes of this section, title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his shares of stock in such corporation as determined by its or their proportional relationship to the total of outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

I. That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owner by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section, and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

§ 185-47. Application for exemption.

A. Application for such exemption must be made annually by the owner, or all of the owners of the property, on forms prescribed by the State Board, and shall be filed in the office of the Village Assessor on or before the Village's taxable status date and be approved in order for the exemption to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

B. At least 60 days prior to the first day of October, which is the taxable status date of the Incorporated Village of Freeport, the assessing authority shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to be granted. Failure to mail any such application form and notice or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

ARTICLE IX
Tax Exemption for Cold War Veterans
[Adopted 7-7-2008 by L.L. No. 4-2008]

§ 185-48. Definitions.

Definitions of the terms in this article are in accordance with those set forth in § 458-b, Subdivision 1(a) through (h), in the New York State Real Property Tax Law.

§ 185-49. Amount.

Pursuant to § 458-b of the Real Property Tax Law, as amended, qualifying residential property, as defined by § 458-b of the Real Property Tax Law, in the Incorporated Village of Freeport owned by an eligible Cold War veteran shall be exempt from taxation by the Village to the maximum extent permitted, and subject to all terms as provided in § 458-b of the Real Property Tax Law.

§ 185-50. Application.

A. Application for such exemption shall be made by the owner or all of the owners of the property on forms prescribed by the State Board, to be furnished by the Village Assessor, and the applicant or applicants shall furnish the information and execute the application in the manner required or prescribed in such forms in the Village Assessor's office on or before the appropriate tax status date.

B. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption.

§ 185-51. When effective.

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

Chapter 188

TAXICABS

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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 by Art. II of Ch. 22 of the 1966 Code. Amendments noted where applicable]

ARTICLE I

General Regulations

§ 188-1. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the following meanings:

DRIVER — Any person actually engaged in the driving of a taxicab either for himself or as the employee of an operator.

OPERATOR — Any person, firm, association or corporation, whether owner or lessee, engaged in the business or operation of one or more taxicabs.

PASSENGER — A person paying a fee for transportation.

RATE CARD — A card issued by the Village for display in each taxicab, which contains the rates of fare then in force.

STREET — Any street, alley, avenue, court, bridge, lane or other public place within the Village.

TAXI STAND — A public place alongside the curb of a street or elsewhere in the Village, which has been designated by the Board of Trustees of the Village as reserved exclusively for the use of all taxicabs licensed hereunder.

TAXICAB — Any motor vehicle engaged in the business of carrying passengers for hire, having a seating capacity of less than eight persons and not operated on a fixed route.

TRIP CARD — A daily record, prepared by the driver of a taxicab, of all trips made by such driver, showing time and place of origin, destination, number of passengers, the amount of fare for each trip and the time such driver went on and off duty.

VILLAGE — The Incorporated Village of Freeport.

ZONE — An area within the Village established by the Board of Trustees for the purpose of determining the rates to be charged for the hiring of taxicabs.

§ 188-2. Service required.

Every person licensed as a taxicab owner under this article shall maintain continuous service seven days each week and 24 hours each day, except that individual owner-drivers shall maintain continuous service at least eight hours per day and at least five days each week.

§ 188-3. Color scheme for vehicles.

Every operator shall adopt a distinguishing color scheme, design or dress for all vehicles operated by him and shall use the same on all such vehicles so operated by him and licensed hereunder and shall in all cases have the name under which the license is issued legibly printed on said vehicles on both sides thereof. Such color scheme, design or dress shall not imitate or so closely resemble the color scheme, design or dress used or adopted by other operators as to be confused therewith but shall be so distinctive as to be readily identified either by patrons or by the Police Department.

§ 188-4. Identification of taxicabs.

Each taxicab operated hereunder shall have a permanently affixed roof light with the word "Taxi" imprinted thereon in such manner that it shall be visible at all times, and, each taxicab shall bear, on the outside of each front door, the word "Taxi" and the name of the person or corporation to whom the license was issued in letters three inches in height, either painted thereon or otherwise securely affixed thereto. There shall also be affixed to the left front door, in a conspicuous place, the medallion issued by the Village Clerk as hereinabove provided. The number appearing on the medallion shall be painted on the right front door in a conspicuous place. Such number shall be four inches in height.

§ 188-5. Display of driver's license, rate card and map. [Amended 4-12-1976 by L.L. No. 5-1976; 9-16-1991 by L.L. No. 3-1991; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No taxicab shall be operated upon the streets of the Village unless there are displayed in such taxicab the taxicab operator's license, with their picture in an illuminated holder in a manner in which it is clearly visible and can readily be observed by all passengers therein, and the rate card and a copy of the Taxicab Rate Zone Map as set forth in § 188-9 hereof.

§ 188-6. Zones and rates; zone map.

A. Authority of Board of Trustees. The Board of Trustees may from time to time, after public notice and a public hearing, establish, abolish, enlarge or diminish the boundaries of any zones and establish the rates of fare which shall be charged for transportation from, to, within and between the various zones so established.

B. Map adopted. The boundaries of these zones are hereby established as shown on the map thereof entitled "Taxicab Rate Zone Map, dated April 30, 1963," a copy of which said map, identified by the signature of the Village Clerk, is filed in the office of the Village Clerk. Said map is hereby declared to be a part of this article.

C. Interpretation. A plot of land and any improvements thereon shall be considered to be in the zone in which the major portion of the street line of each plot shall be located as shown on said map.

§ 188-7. Adherence to prescribed rates.

No fare shall be charged for transportation other than the prescribed fixed rates.

§ 188-8. Schedule of taxicab rates. [Amended 9-21-1970; 12-17-1973; 4-12-1976 by L.L. No. 5-1976; 6-11-1979 by L.L. No. 7-1979; 6-2-1980 by L.L. No. 6-1980; 6-23-1980 by L.L. No. 8-1980; 9-16-1991 by L.L. No. 4-1991]

The Board of Trustees, by resolution, shall adopt and, from time to time, may amend a schedule of taxicab rates and charges to be charged for transportation from, to, within and between the various zones so established.[1]

§ 188-9. Rates to be posted in taxicab. [Amended 4-12-1976 by L.L. No. 5-1976; 9-16-1991 by L.L. No. 5-1991]

The schedule of rates of fare charged by operators of taxicab service, in legible form, shall be posted in a conspicuous place in the passenger compartment facing the passenger seat of each taxicab. In addition to the rates of fare, the rate card shall clearly set forth, in legible form, the charges for packages other than groceries, for luggage, grocery packages and any discount fares or other charges authorized from time to time by resolution of the Board of Trustees. Said rate card shall further state that a written receipt is available from the driver upon request of the passenger. A copy of the Taxicab Rate Zone Map, in legible form, shall also be so displayed. For purposes of compliance with this section, the schedule of rates of fare and charges and the Taxicab Rate Zone map may be consolidated into a single card, provided that the same is in legible form.

§ 188-10. Suggesting improper fare.

No taxicab owner or driver shall demand or suggest that any passenger or prospective passenger pay a fare other than that prescribed by this article.

§ 188-11. Refusal to pay fare.

It shall be unlawful for any person to refuse to pay the legal fare for any taxicab hired by him, and it shall be unlawful for any person to hire any vehicle herein defined with the intent to defraud the operator and/or driver from whom it is hired of the value of such service.

1. **Editor's Note: The current resolution is on file in the office of the Village Clerk.**

§ 188-12. Establishment and use of taxicab stands.

A. Designation. The Board of Trustees may from time to time, by resolution, establish stands at such locations upon the streets or other public places of the Village as it deems necessary for the use of taxicabs operated and licensed hereunder and prescribe the number of taxicabs that may occupy each such stand.

B. Use. All taxi stands may be used by any taxicab licensed hereunder, provided that there is a vacant space available therefor. No vehicle, other than a taxicab duly licensed by the Village hereunder, shall occupy any space established as a taxi stand at any time.

§ 188-13. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person violating any of the provisions of this chapter shall be liable to a fine of not more than $1,000 or by imprisonment for a period not exceeding 15 days or both.

ARTICLE II
Licenses

§ 188-14. Operator and driver to be licensed.

No taxicab shall be operated over or upon the streets of the Village until and unless the operator and driver thereof shall have first obtained and have then in force licenses as herein required and have complied with the provisions and regulations contained in this article.

§ 188-15. Investigations prior to licensing.

A. Operator. Upon the filing of an application for a taxicab operator's license, such application shall be referred to the Board of Trustees of the Village, who shall make or cause to be made an investigation as to the need for such transportation, taking into consideration the number of operators licensed, the number of taxicabs in operation, the need for additional taxicabs or taxicab operators, the possible effect on traffic conditions, fitness of the applicant and whether or not the public interest would be better served by the granting of such license and such other matters as may, in the opinion of the Board of Trustees, bear upon the advisability or necessity for the granting of such license.

B. Driver. Upon the filing of an application for a taxicab driver's license, the Board of Trustees shall direct the Chairman of the Board of Police Commissioners to cause an investigation to be made of each applicant for a taxicab driver's license and report on such investigation, and the copy of the traffic and police record, if any, of the applicant shall be attached to the application for the consideration of the Board of Trustees.

C. Effect of conviction of morals charge. No applicant having been convicted on a morals charge shall be licensed to operate or drive a taxicab in the Village.

§ 188-16. Application for operator's license; issuance.

A. Issuance. Licenses for the operation of taxicabs shall be issued by the Mayor when approved by the Board of Trustees of the Village, upon the filing of an application therefor upon forms to be furnished by the Village Clerk.

B. Application; contents. Such application shall contain the trade name, if any, under which said business will be operated; the full name, age, citizenship and address of the operator and, if a firm, association or corporation, the names, ages, citizenships and addresses of the members or officers thereof; and shall designate the agent, if any, to be in charge of the business of the operator in the Village. Such application shall further contain the number, make and description of each vehicle to be licensed; the factory or serial number and State of New York registration number of each vehicle; and such other information as may be required by the Board of Trustees or by the Mayor. Said application shall further state the peculiar or distinguishing color scheme or design or dress, including monograms or other distinguishing features intended to be used on such vehicles. Said application shall further specify the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments and the name and location of the court in which each was entered.

§ 188-17. Fees for operator's license; renewal. [Amended 11-26-1973; 2-26-1990 by L.L. No. 33-1990]

All licenses to operate a taxicab shall be issued as of the first day of April or subsequent date of issue, shall expire on the 31st day of March next succeeding such date unless sooner suspended or revoked by the Board of Trustees and shall be renewed annually. The license fee shall accompany the application for the license or, as the case may be, the application for renewal thereof. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a license or a renewal thereof to operate a taxicab upon or over the streets of the Incorporated Village of Freeport.

§ 188-18. Insurance required for operation. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No license shall be issued to operate a taxicab or taxicabs unless and until the applicant shall file, with the Village Clerk and have approved by the Claims, an insurance policy or a certificate thereof of standard form, issued by an insurance company for such taxicab or taxicabs and provided minimum coverage for personal injuries or death of any persons and for property damage in any one accident. Such insurance policy or certificate shall provide that the Village will be given 10 days' prior notice of cancellation. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of minimum insurance required.

§ 188-19. Effect of cancellation of insurance.

Such policy required in § 188-18 shall not be canceled or suspended either by the insured or the insurer unless at least 10 days' notice in writing of the intention to cancel or suspend such policy has been filed with the Village Clerk, and upon such suspension or cancellation of

insurance, the license of said operator shall stand suspended until such time as an acceptable policy or certificate of insurance shall be on file with the Village Clerk.

§ 188-20. Application for transfer of license.

Licenses shall not be transferred to another operator except on application to and approval by the Board of Trustees of the Village, such application shall be made in the same manner and under the same conditions as the original application for license.

§ 188-21. Notice of sale of taxicab; effect.

Every owner, upon the sale or other disposition of a licensed taxicab, shall, within 24 hours, notify the Police Department of such sale or other disposition and surrender the licenses and medallions.

§ 188-22. Record of owners' licenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Village Clerk and Police Department shall keep a record of every taxicab owner's license issued under this article. Such registration shall show the date and number of such licenses and all renewals, suspensions and revocations thereof and a record of each taxicab license, stating the make, model, passenger seating capacity, name of manufacturer, New York State registration number, motor number and the name and address of the person or persons owning said taxicab. Such registration shall also show each driver's license issued hereunder, showing the name and address of such driver, their New York State chauffeur's license number, the number of his taxicab license issued hereunder and the date of issue and of renewal of such driver's license.

§ 188-23. Licensing of taxicab drivers. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every person driving a taxicab licensed under the provisions of this article must be licensed as a taxicab driver.

§ 188-24. Application for driver's license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every person desiring to obtain a taxicab driver's license shall comply with the following:

A. Applicant for a taxicab driver's license must be over the age of 18.

B. Contents of application. They shall make application for license on a blank furnished by the Village Clerk, which application shall state the full name and residence of the applicant; their place of residence during the five years previous to their present address; their age, height, weight, color of eyes, color of hair, place of birth and whether a citizen of the United States either by birth or naturalization; places of previous employment; whether they are married or single; whether they have been convicted of a felony or misdemeanor; whether they have previously been licensed as a

driver or chauffeur and, if so, when, where and whether their license has ever been revoked or suspended and for what cause; and the number of their state driver's license.

C. State license. Applicant shall exhibit current New York State Class E license or CDL for inspection.

D. Character reference. They shall file testimonials of at least two reputable persons as to good character and reliability with their application.

E. All applicants for a taxicab driver's license must furnish a certificate from a reputable physician certifying that, in their opinion, the applicant is not afflicted with any disease or infirmity which might make applicant an unsafe or unsatisfactory driver.

F. Photographs. They shall file with their application two photographs, 1 1/2 inches by 1 1/2 inches, taken within 30 days prior to the date of application, and such photo must be a true likeness of the applicant and must show only neck and shoulders and uncovered head. One of the photographs shall be attached to their license and the other shall be filed with their application. Such photographs shall be attached to the license in such a manner that it cannot be removed and another photograph substituted without the probability of detection.

G. Fingerprinting and examination. Applicant shall submit fingerprints to DCJS. Applicant shall be examined by the Chairman of the Board of Police Commissioners or an officer or officers designated as to applicant's knowledge of and compliance with all the provisions of this article, the traffic regulations and geography of the Village and the laws of the State of New York relative to the operation of motor vehicles, and if the result of such examination is not satisfactory, applicant shall be denied a license.

§ 188-25. Issuance of driver's license; form; display. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A license to drive a taxicab shall be issued by the Mayor upon the satisfactory fulfillment of the requirements of §§ 188-23 and 188-24. Such license shall be in such form as to contain a brief description, the photograph and the signature of the licensee. Such license shall be clearly displayed at all times in the taxicab operated by the licensee and in such manner as to be readily examined by the police or passengers.

§ 188-26. Fee for driver's license; expiration; transfer. [Amended 12-23-1985 by L.L. No. 8-1985; 2-26-1990 by L.L. No. 34-1990]

All licenses to drive a taxicab shall be issued as of the first day of April or subsequent date of issue, shall expire on the 31st day of March next succeeding such date unless sooner suspended or revoked by the Board of Trustees, shall be nontransferable and shall be renewed annually. The license fee shall accompany the application for the license or, as the case may be, the application for renewal thereof. The Board of Trustees by resolution shall adopt and from to time may amend a schedule of fees payable by an applicant for a taxicab driver's license or a renewal thereof.

§ 188-27. Notice of loss of license or change of address. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every taxicab driver licensed pursuant to this article shall, within 48 hours, notify the Village Clerk of any change of address or loss of either their taxicab driver's license or their chauffeur's license.

§ 188-28. Temporary driver's license; fee. [Amended 7-13-1970]

A. Authority. Upon the showing of an emergency, such as the death, resignation or illness of a taxicab driver, which would cause substantial hardship because of the enforced idleness of a taxicab, the Village Clerk is authorized to issue a temporary license to an applicant therefor, provided that such applicant complies with all the conditions and meets all of the requirements established as a condition precedent to the issuance of a regular license in § 188-23 of this chapter.

B. Issuance; duration. The Village Clerk shall set the date upon which such temporary license shall become effective and the date upon which it shall expire, such latter date being no more than 90 days from the time it became effective. Such temporary license shall not be renewable. **[Amended 7-28-1969]**

C. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a temporary taxicab driver's license. **[Amended 12-23-1985 by L.L. No. 8-1985; 2-26-1990 by L.L. No. 35-1990]**

§ 188-29. Transfer of license for vehicle; fee.

A. Inspection required. No license may be transferred to another vehicle until such vehicle shall have been inspected and approved in accordance with the provisions of § 188-30 of this chapter.

B. Procedure. Licenses may be transferred to another vehicle upon showing that the vehicle for which it was issued is no longer in service and the filing with the Village Clerk of an endorsement by the insurance company showing transfer of insurance from the vehicle originally licensed to another vehicle, such endorsement to be attached to said insurance policy and made a part thereof.

C. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a transfer of a taxicab operator's license from one vehicle to another. **[Amended 2-26-1990 by L.L. No. 36-1990]**

§ 188-30. Inspection of vehicles; certification.

A. Authority of Police Department. The Police Department is hereby authorized and empowered to establish reasonable rules and regulations for the inspection of taxicabs, The Police Department shall maintain constant vigilance over all taxicabs to see that they are kept in a condition of continued fitness for public use.

B. Certificate to be furnished. Before a license shall be issued for any taxicab, the applicant therefor shall furnish a certificate to the Village Clerk, signed by the Chairman of the Board of Police Commissioners, certifying that said vehicle has been inspected and examined and found to be in a safe condition for the transporting of passengers, is clean, fit and of good appearance.

C. Inspections. All taxicabs and limousines licensed hereunder shall be inspected at least once in every three months by a New York State licensed motor vehicle inspection station, and a certificate of such inspection, showing compliance with all state safety inspection rules, must be filed with the Chairman of the Board of Police Commissioners. Such certificate must be properly signed and stamped in accordance with the requirements of the Motor Vehicle Safety Inspection Law of the State of New York. Unless such certificate is furnished as herein required, the license for such taxicab or limousine shall stand suspended until such time as such taxicab or limousine is placed in proper condition and such certificate thereof is filed with the Chairman of the Board of Police Commissioners. **[Added 2-14-1977 by L.L. No. 2-1977]**

D. Any New York State licensed motor vehicle inspection station which is affiliated with or owned by a taxicab or limousine company or is affiliated with any operator of any taxicab or limousine company shall be prohibited from making taxicab or limousine inspections pursuant to this section. **[Added 2-14-1977 by L.L. No. 2-1977]**

§ 188-31. Periodic inspections of vehicles.

All taxicabs licensed hereunder shall be inspected by the Police Department or by some competent mechanic designated by the Chairman of the Board of Police Commissioners at least once every 90 days, and a certificate shall be filed with the Clerk showing that all safety devices or appliances are in proper working order and meet the minimum state inspection requirements. Unless such certificate is furnished as herein required, the license for such taxicab shall stand suspended until such time as such equipment is placed in proper condition and certificate thereof filed with the Clerk.

§ 188-32. Suspension or revocation of licenses.

A. Grounds. Licenses granted under this article may be suspended or revoked at any time by the Board of Trustees if the holder thereof shall be convicted of a violation of any provision of this article or any rule or regulation adopted hereunder or of any violation of any ordinance of the Village or of any traffic law, ordinance or regulation of the State of New York or of any municipality of the State of New York or of any crime or be guilty of making any false statement or misrepresentation in his application.

B. Temporary suspension. The Chairman of the Board of Police Commissioners may, upon receiving written information giving him reasonable cause to believe that the holder of any license issued hereunder has violated any provision of this article or been indicted or charged for any crime or offense or if guilty of having made a false statement or misrepresentation in his application, forthwith temporarily suspend such license until a hearing can be held by the Board of Trustees as provided by this section.

C. Hearing required. No license shall either be suspended or revoked hereunder without a hearing thereon and after written notice shall have been given to the licensee either in person or by registered mail.

§ 188-33. Hearing regarding suspension or revocation of license.

A. Time of hearing. It shall be provided herein that a hearing shall be held by the Board of Trustees with respect to either suspension or revocation of any license issued hereunder, as set forth in § 188-32, not less than 10 days nor more than 20 days after notice of such revocation or suspension shall have been given to the licensee either in person or by registered mail.

B. Time to be designated. Such hearing shall be held on a date and at a place and hour designated by the Board of Trustees.

C. Notice of hearing. The Village Clerk shall give at least 10 days' notice of such hearing. Said notice shall state the name and address of the licensee, the subject matter of the hearing and the date, place and hour of the hearing.

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

E. Witnesses, All witnesses shall be sworn and examined under oath.

§ 188-34. Surrender of license and medallion.

It shall be unlawful for any operator or driver to refuse the surrender of a license and medallion to the Police Department upon demand after such license has been suspended, revoked or expired.

ARTICLE III
Operation

§ 188-35. Compliance required.

The following regulations shall be observed in the operation and driving of every taxicab upon the streets of the Village.

§ 188-36. Driver to remain with taxicab; exception.

The driver of every taxicab shall remain in the driver's compartment at all times or immediately adjacent to his taxicab when such vehicle is in any public place, except that when necessary, a driver may be absent from his cab for not more than 30 consecutive minutes.

§ 188-37. Soliciting passengers.

A. No taxicab driver shall solicit passengers, except while parked or standing at a taxi stand and except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent thereto, nor in a loud or annoying tone of voice nor by sign nor in any manner annoy or obstruct the movement of or follow any person for the purpose of soliciting patronage.

B. No taxicab shall cruise in search of passengers.

§ 188-38. Accepting additional passengers.

No taxicab driver shall stop to pick up any additional passengers while proceeding to the destination of any passengers then occupying the taxicab without the consent of all such passengers.

§ 188-39. Excessive number of passengers.

No taxicab driver shall permit more persons to be carried in his taxicab than the number for which he has approved seating facilities.

§ 188-40. Refusal to accept passenger.

Except as provided in § 188-38 hereof, no taxicab driver shall refuse or neglect to convey any orderly person upon request unless previously engaged to full capacity.

§ 188-41. Transporting persons to different destinations.

If a taxicab is transporting two or more persons to different destinations, the driver shall be the sole judge of the order in which such persons shall be transported to their destinations and the route which shall be followed in transporting them.

§ 188-42. Observance of traffic laws; report of summons or arrest.

Every taxicab driver shall obey all traffic laws, ordinances, rules and regulations while driving a taxicab and, upon receipt of a summons or his arrest for any alleged violation of any such law, ordinance, rule or regulation, shall report the same within 10 days to the Village Clerk, advising him of the nature of the offense charged and the name and location of the court and the date on which such summons is returnable or on which the hearing or trial is to be held.

§ 188-43. Parking at taxi stand; exception,

No taxicab shall park or stand on any public street or place other than at a taxi stand designated or established and so marked pursuant to a resolution of the Board of Trustees, except between the hours of 12:00 midnight and 6:00 a.m.

§ 188-44. Keeping passenger waiting.

No passenger in a taxicab shall be kept waiting longer than five minutes before proceeding to his announced destination.

§ 188-45. Reports of accidents.

All accidents in which any taxicab shall be involved shall be reported to the Police Department within 24 hours after the happening thereof.

§ 188-46. Property found in taxicabs.

Every taxicab driver, as soon as practicable after his taxicab is emptied of passengers, shall carefully search his taxicab for any property lost or left therein by any passenger and, if he shall find any such property, shall immediately deliver it to the Police Department.

§ 188-47. Persons permitted in taxicabs.

No person, other than the driver or a passenger, shall enter any taxicab while it is in operation as such.

§ 188-48. Records of operation.

A. Duty of driver; contents. Every driver shall keep a written trip card, showing the time and place each passenger engaged his taxicab and the time and place he left such taxicab, on a form approved by the Police Department. This trip card must also show the time that such driver went on and off duty. Such record shall be retained by the owner of such taxicab for at least one year.

B. Records. Every owner shall retain and preserve all trip cards in a safe place, and such trip cards shall be available to the Police Department of the Village.

Chapter 191

TOW CARS

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ARTICLE IV
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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Art. III of Ch. 22 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
General Regulations

§ 191-1. Legislative declaration. [Amended 12-20-1993 by L.L. No. 8-1993]

The Board of Trustees of the Incorporated Village of Freeport hereby declares and finds that it is of vital importance to the residents and taxpayers of the Village and the traveling public that disabled, unattended, abandoned and unauthorized parked motor vehicles be removed from both public and private property as promptly as possible. The Board further finds that the towing of said motor vehicles from said locations and through the public streets and highways in the Village is a matter affecting the public interest, safety and general welfare and, consequently, should be subject to the regulation, supervision and administrative control of the Village for the purpose of safeguarding the public against fraud, exorbitant rates and charges and similar abuses in the course of receiving such services.

§ 191-2. Definitions. [Amended 12-20-1993 by L.L. No. 9-1993; 3-20-2006 by L.L. No. 2-2006]

Unless otherwise expressly provided, the following words, for the purpose of this chapter, shall have the meaning herein indicated:

ACCIDENT — Any incident or occurrence in which one or more vehicles come into contact with each other or another object, thereby causing personal injury or property damage.

FOR HIRE — Any incident where a fee, charge or other consideration is imposed for towing, carrying or removing a motor vehicle from public or private property or a public street or highway in the Village.

MOTOR VEHICLE REPAIR SHOP — As defined by § 398-b of the Vehicle and Traffic Law of the State of New York, commonly referred to as the definition section of the Motor Vehicle Repair Shop Registration Act.

OPERATE — The control and direction of the use of a vehicle and the use of a vehicle for towing from places within the Village.

OWNER — A person owning or leasing or controlling one or more tow cars and driving or operating or causing any such vehicle to be operated upon the public streets and highways within the Village of Freeport for hire.

PERSON — An individual, a partnership, any unincorporated association, a corporation or any other entity.

SCENE OF ACCIDENT — Includes any area of a street to which a vehicle is removed to prevent obstruction of traffic, and will remain so until the vehicle or vehicles are removed either under its or their own power or by a properly licensed tow car.

TOW CAR, TOWING CAR or TOW TRUCK — A vehicle which is either towing or is equipped with a crane, winch or similar device designed to raise, remove or carry a motor vehicle or the front or rear end thereof. For the purpose of this section, the following shall not be considered "towing cars":

A. A. Vehicles of a governmental agency.

B. B. Vehicles used exclusively for towing disabled motor vehicles which are owned, leased or operated by the owner or lessee of the towing vehicle or by a person, firm or corporation which is affiliated with the owner or lessee of the towing vehicle, and such vehicles have legibly inscribed on each side in letters not less than two inches high the legend "not for public hire."

TOWING — The moving of a vehicle from public or private property by another vehicle for hire or where the towing service is performed by a person engaged in the servicing or repairing of vehicles.

VEHICLE — A motor vehicle as defined in § 125 of the Vehicle and Traffic Law of the State of New York; a bus as defined in § 104 of such law; a tractor as defined in § 151-a of such law; a trailer as defined in § 156 of such law; or a truck as defined in § 158 of such law.

VILLAGE — The Incorporated Village of Freeport.

§ 191-3. Lettering on doors; license display. [Amended 6-13-1977 by L.L. No. 9-1977]

Each tow car operated hereunder shall bear the words "Tow Car" on the outside of each front door and shall have its license affixed to the left side door.

§ 191-4. Schedule of charges; maximums. [Amended 4-23-1973; 6-13-1977 by L.L. No. 9-1977; 1-11-1982 by L.L. No. 1-1982; 2-26-1990 by L.L. No. 37-1990; 12-20-1993 by L.L. No. 10-1993]

A. The owner of a tow car shall prepare a typewritten schedule, in triplicate, of maximum prices to be charged for towing and storing of motor vehicles, and all three copies of such schedule shall be filed with the Village Clerk. The charges for towing shall be based upon the distance said vehicles are to be towed and not estimated or based upon the availability of tow cars. Also included in such schedule of towing charges shall be all charges for additional labor for the use of dollies or flatbed trucks when same are required due to the condition of the vehicle to be towed, and the use of special skills when the same are required to right an overturned vehicle. All towing and storage charges shall be shown on the authorization of towing form before a signature is obtained. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of maximum charges chargeable by licensed tow car owners for the towing and storage of motor vehicles.[1]

B. The aforesaid towing charges shall apply to all motor vehicles except buses, tractors and trailers, as defined herein, and except those trucks exceeding one and one-half (1 1/2) tons in capacity; nor shall they apply to towing under a contract which was in existence prior to the motor vehicle involved having become disabled.

§ 191-5. Contents of bills; receipts. [Amended 12-20-1993 by L.L. No. 11-1993]

A. Preparation; contents. The owner of a tow car shall have prepared a pad of bills containing a printed billhead showing the name and address of his place of business. The operator of a tow car shall prepare a bill for towing and/or storage on his billhead form, in duplicate, the original of which shall be furnished to the owner of the abandoned, unattended, disabled or unauthorized parked vehicle or his authorized representative. This bill must be printed in a form approved by the Village Clerk and shall contain the following information:

(1) Full name and address of person engaging tow car.

(2) State registration number of the vehicle to be towed.

(3) Total amount to be charged for towing and storage rate per 24 hours or part thereof.

(4) Full name and address of operator of tow car.

(5) State registration number of tow car.

1. **Editor's Note: The current resolution is on file in the office of the Village Clerk.**

(6) Tow car license number.

B. Disposition. The duplicate of the bill shall be retained by the tow car owner for a period of six months. These bills shall be exhibited upon demand of the Village Attorney or any member of the Police Department. Upon payment of the bill given to the owner of the towed vehicle or his authorized representative, the licensee shall acknowledge receipt of payment of such bill.

§ 191-6. Authorization for towing; form. [Amended 12-20-1993 by L.L. No. 12-1993]

A. Required.

(1) No vehicle requiring towing shall be removed without an authorization on a form prescribed by the Village Clerk and signed by the vehicle owner or operator, property owner, Police Chief or other authorized persons or agents in charge thereof. The following persons shall be authorized to execute said form as follows:

(a) The vehicle owner or operator or his authorized agent or representative, when the vehicle has been involved in an accident or is otherwise disabled and the owner or operator is alive, conscious and capable of giving such authorization.

(b) The Chief of Police or his duly authorized agent or representative when:

[1] The vehicle must be towed due to snowfall, flood, fire or other extraordinary conditions affecting the normal flow of traffic;

[2] The vehicle is parked or has been allowed to remain upon any public street or highway in the Village, or a Village parking field, Village park or any other public property, and is in a disabled condition so as to be incapable of operation;

[3] The vehicle has been allowed to remain on a public street or highway or Village parking field, Village park or any other public property and its position is at such an hour or in such a location as to constitute a potential hazard or obstruction to the normal flow of traffic;

[4] The vehicle has been left unattended on any public street or highway or Village parking field, Village park or any other public property after the owner or operator has been notified to remove same; after efforts to notify the owner or operator have proved futile;

[5] The vehicle has been abandoned; or

[6] The owner or operator is deceased, disabled, unconscious or otherwise incapable of giving authorization.

(c) The property owner or his duly authorized agent or representative when:

[1] The vehicle has been parked on private property without the property owner's permission; or

[2] The vehicle remains parked on private property after permission to park has expired.

(2) Such authorization shall be for the towing and storage of the vehicle only and shall show the rates to be charged for towing and storing said vehicle. Such signed authorization shall be retained by the licensed tow car owner for a period of six months and shall be exhibited upon demand to the Village Attorney or any member of the Police Department.

B. Form. The towing authorization required hereunder must be in substantially the following form:

Towing Authorization

(Insert name, address and phone number of licensed towing company)

Date_____

Name_____

Address_____

(City) _____(Town)

Make and type of car _____ Year_____

State registration number _____

Vehicle identification number _____

Towed from _____ to _____

Towing charges: $ _____ (Amount shown on filed schedule, not to exceed the maximum fees and charges contained in the schedule adopted, and from time to time amended, by resolution of the Board of Trustees.)

Storage charges: $ _____ (Amount shown on filed schedule, not to exceed the maximum fees and charges contained in the schedule adopted, and from time to time amended, by resolution by the Board of Trustees.)

Tow car driver's name _____

Address _____

License number _____

Tow car's medallion number _____

State registration _____

I authorize the towing of the above automobile.

_____

(Signature of owner or person in charge)

C. No motor vehicle which is parked on private property shall be towed without authorization of the property owner where the motor vehicle is located and unless the following requirements are met:

(1) The property owner or his authorized agent shall file with the Police Department a copy of a written agreement authorizing one or more tow car owners to tow unauthorized parked motor vehicles located on the property owner's premises.

(2) The property owner shall post in a conspicuous place or places and at all entrances to the property owner's premises signs stating that an unauthorized

parked motor vehicle will be towed at the motor vehicle owner's expense, and such signs must state additionally where the motor vehicle can be recovered. Any and all signs required to be installed pursuant to this section shall comply with the applicable sections pertaining to signs as stated in the Village of Freeport Code, Chapter 210, Article XXI, Signs, with the exception that the maximum size of a sign place is 30 by 36 inches.

(3) The authorized tow car owner shall tow an unauthorized parked motor vehicle only upon the direction and consent of the property owner or his authorized agent of the premises where the unauthorized vehicle is located. The property owner or his agent shall be present at the location to give the required direction and consent to the towing.

(4) The tow car owner shall, without delay, notify the Police Department in writing of the towing of an unauthorized parked motor vehicle by filing a copy of the authorization required by Subsection A and in the form prescribed in Subsection B of this section with said Department.

(5) Towing, storage and labor charges for vehicles towed pursuant to this section shall be the same as those for vehicles towed from public property and shall be adopted or amended by resolution of the Board of Trustees pursuant to § 191-4.

(6) No tow car owner shall tow any vehicle located on private property without having fully complied with all the applicable requirements of this chapter.

§ 191-7. Soliciting towing work. [Amended 6-13-1977 by L.L. No. 9-1977]

It shall be unlawful for any person to solicit towing work at the scene of an accident in the Village, and it shall be unlawful to respond to the scene of an accident until notified by the Police Department.

§ 191-8. (Reserved)[2]

§ 191-9. Unlawful removal of vehicle.

It shall be unlawful for any tow car owner or his agent or any other person to remove a motor vehicle involved in an accident or otherwise disabled without an authorization, signed by the owner or other person in charge, on a form prescribed by § 191-6 hereof.

§ 191-10. Estimates; agreements for repairs.

A. Fee for estimate. No fee shall be charged, either directly or indirectly, for making an estimate for repairs on any motor vehicle involved in an accident or otherwise disabled without the prior written consent of the owner of the disabled vehicle.

2. Editor's Note: Former § 191-8, Right to have vehicle towed, as amended, was repealed 8-18-2014 by L.L. No. 6-2014.

B. Agreement for repairs. The agreement form for repairs required hereunder must be in substantially the following form:

Agreement for Repairs

It is hereby agreed between

(Insert name and address of owner or person in charge or authorized to enter agreement) and _____ (Insert name, address and telephone number if tow car licensee or repairer) that _____ (owner or person in charge) agrees to pay the sum of $ _____ to _____ (repairer) who, in consideration thereof, agrees to repair a _____ (year, make and type of automobile) New York State Registration Number _____ which was involved in an accident and removed by a tow car.

Date: _____ day of _____ 20_____.

_____

Licensee

_____

(Owner) (Person in Charge)

(Check appropriate one)

§ 191-11. Signed agreement required; time lapse.

A. Signed agreement required. It shall be unlawful for any tow car owner or his agent or any other person to make repairs or to charge a fee, directly or indirectly, for making an estimate for repairs on any motor vehicle involved in an accident or otherwise disabled without entering into a signed agreement with the owner or other person in charge of said disabled motor vehicle fixing the cost on a form prescribed by § 191-10 hereof.

B. Time lapse prescribed. It shall be unlawful for any owner or his agent or any other person to enter into an agreement for the repair or for the estimate for repairs, where the owner or person in charge of the motor vehicle involved in an accident is to be hospitalized because of such accident, until the expiration of at least 24 hours from the time of such accident unless the injured person has, before the expiration of said time, been discharged from the hospital.

§ 191-12. Excessive charges.

It shall be unlawful for any person to demand or receive any payment in excess of the maximum charges permitted by this article or shown on the schedule filed by the owner with the Village Clerk.

§ 191-13. Answers to inquiries from Village Clerk.

Licensed tow car owners and their agents, when required, will answer all communications received from the Village Clerk.

ARTICLE II

Use of Tow Cars

[Added 8-18-2014 by L.L. No. 6-2014[3]]

§ 191-14. Authority to operate tow cars.

A. It shall be unlawful for any person to operate any tow car owned or controlled by him or permit the same to be operated upon the public streets and highways in the Village unless said operator is authorized to tow upon the streets of the Village as stated within Subsection B herein. It shall also be unlawful for any person to solicit towing, repair, bodywork or any other service at the scene of an accident or to use unmarked vehicles at accident scenes which solicit towing. Responding to a call on notification other than through the Freeport Police Department shall be considered a violation.

B. The use of tow cars within the Village of Freeport for the towing of impounded, damaged, disabled, unattended, abandoned, inoperable and/or unauthorized parked motor vehicles under § 191-1 shall be determined and authorized through the submission of sealed bids pursuant to the General Municipal Law of the State of New York upon terms and conditions that protect the public interest, safety and general welfare of the residents of the Village of Freeport.

§ 191-15. Expiration of current licenses; rotational system.

All currently issued licenses shall expire May 1, 2015, along with the repeal of old §§ 191-14 through 191-30 as stated herein. Until May 1, 2015, old §§ 191-14 through 191-30 shall be in effect only for those issued licenses. The rotational system is hereby modified so that every other tow will be given to the successful bidder under new § 191-14B.

§ 191-16. through § 191-30. (Reserved)

ARTICLE III

Penalties

[Added 8-18-2014 by L.L. No. 6-2014[4]]

§ 191-31. Penalties for offenses.

An offense against any provision of this chapter shall be punishable by a fine of not more than $500 for the first offense or by imprisonment for a period not exceeding 15 days for each such offense; $750 for the second offense or by imprisonment for a period not exceeding 15 days for each such offense; $1,000 for each subsequent offense or by imprisonment for a period not exceeding 15 days for each such offense.

3. Editor's Note: This local law also repealed former Art. II, Licensing (§§ 191-14 through 191-30), as amended.

4. Editor's Note: This local law also repealed former Art. III, Penalties, added 3-20-2006 by L.L. No. 2-2006.

ARTICLE IV

Severability

[Added 3-20-2006 by L.L. No. 2-2006]

§ 191-32. Provisions severable.

If any provisions of this chapter are held to be unconstitutional or invalid by any court, the remaining provisions of this chapter shall not be invalidated.

Chapter 196

SEX OFFENDERS

§ 196-1. Findings and intent.
§ 196-2. Definitions.
§ 196-3. Restrictions established.
§ 196-4. Relocation.
§ 196-5. Applicability.
§ 196-6. Exemption.
§ 196-7. Administration.
§ 196-8. Enforcement.
§ 196-9. Village not liable.
§ 196-10. Severability.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 7-27-2009 by L.L. No. 2-2009. Amendments noted where applicable.]

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§ 196-1. Findings and intent.

A. The Board of Trustees of the Incorporated Village of Freeport recognizes that the Sex Offender Registration Act, New York's version of Megan's Law (Correction Law Article 6-C) and County Law have increased public awareness of sex offenders by requiring them to become registered with authorities and making such information available to the public.

B. The Board of Trustees finds that registered sex offenders pose a significant threat to the health and safety of the community and especially to children, whose age and inexperience make them particularly vulnerable to the heinous and reprehensible acts of these offenders. The Board of Trustees also finds that the rate of recidivism is high and programs designed to treat and rehabilitate these types of offenders have been largely ineffective. The Board of Trustees further finds that restricting registered sex offenders from residing in close proximity to places where children are likely to congregate is likely to reduce the opportunity and temptation for, and can minimize the risk of repeated acts against minors.

C. It is the intention of the Board of Trustees to exercise its authority pursuant to Article IX of the New York State Constitution and § 10 of the Municipal Home Rule Law, to protect and safeguard the lives and well-being of the community, especially minors, from registered sex offenders, by prohibiting registered sex offenders from residing in close proximity to places where children could naturally congregate, such as schools, child day-care centers, community centers, public libraries, parks, playgrounds, and other recreational facilities.

D. This chapter is intended to create a civil regulatory scheme in order to protect minors to the extent possible under the circumstances and is not intended as a punitive measure against registered sex offenders.

§ 196-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings intended:

CHILD DAY-CARE CENTER — A building or property that provides care for six or more children during the day or evening hours by someone other than the parent, stepparent, guardian or relative of the child, whether or not tuition, fees, or other forms of compensation are charged, and regardless of whether or not the facility is licensed by any state or other governmental agency.

COMMUNITY CENTER — A building or property where members of a community congregate for social, cultural, or recreational purposes.

DOMICILE — A person's true, fixed permanent home or fixed place of habitation.

MUNICIPAL RECREATION FACILITY — Land, including accessory structures, owned and/or operated by the Village of Freeport and/or any other municipal entity, which is used for one or more of the following uses: parks, baseball fields, soccer fields, basketball courts, playgrounds, fitness trails, bleachers, waterfront areas, beaches, pools, ice rinks, tennis courts, and any other centers designed for recreational uses.

PUBLIC LIBRARY — A library supported with public funds accessible to the general public.

REGISTERED SEX OFFENDER — A sex offender who is required to register with the New York State Division of Criminal Justice Services or other agency having jurisdiction pursuant to the provisions of Article 6-C of the Correction Law of the State of New York or other applicable or successor law, whether or not the sex offender has actually registered in compliance with the law, or of an order of a court of competent jurisdiction.

RESIDENCE — The place where a person sleeps, which may include more than one location, and may be mobile or transitory.

SCHOOL — A building or property, whose principal purpose and use is as a place of education, including, but not limited to, public or private preschool, elementary and secondary schools, vocational schools and other non-degree-granting schools, including self-defense, dance, swimming, gymnastics, and similar instruction programs.

§ 196-3. Restrictions established.

It shall be unlawful for any registered sex offender to establish a residence or domicile within a one-thousand-foot radius of any property line of a school, child day-care center, community center, public library, and municipal recreational facility.

§ 196-4. Relocation.

Any registered sex offender who establishes a residence or domicile in violation of the residency restriction set forth in § 196-3 of this chapter shall have 30 days from receipt of a written notice from the Village to relocate to a location which does not violate the restriction set forth in § 196-3 of this chapter.

§ 196-5. Applicability.

This chapter shall not apply to a registered sex offender if that person is required to be domiciled at a location fixed by an order of a court of competent jurisdiction.

§ 196-6. Exemption.

The residency restriction of § 196-3 shall not apply to a registered sex offender who has established a residence or domicile prior to the effective date of this chapter; or to a registered sex offender under the age of 18 years of age residing with his or her parent(s) or legal guardian.

§ 196-7. Administration.

Unless otherwise provided, the provisions of this chapter shall be administered and enforced by the Superintendent of Buildings for the Incorporated Village of Freeport and by the Freeport Police Department.

§ 196-8. Enforcement.

A. Any person violating the provisions of §§ 196-3 and 196-4 of this chapter shall, upon conviction, be subject to a fine up to $2,500 and/or 15 days in the Nassau County Correctional Center or both such fine and/or imprisonment. Each and every day a violation of §§ 196-3 and 196-4 exists shall be separate violation.

B. In addition to the fines set forth in Subsection A hereof the Village may request an order of injunction of the Nassau County Supreme Court compelling compliance by such sex offender with the provisions of this chapter.

§ 196-9. Village not liable.

Nothing in this chapter shall be deemed to impose any duty or obligation upon the Village of Freeport which might serve as a basis for civil or criminal liability against the Village or any official or employee of the Village for failing to act in accordance with this chapter.

§ 196-10. Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

Chapter 197

VEHICLES, ABANDONED ON PRIVATE PROPERTY

§ 197-1. Abandonment prohibited.
§ 197-2. Definitions.
§ 197-3. Notice to remove.
§ 197-4. Penalties for offenses.
§ 197-5. Exceptions.
§ 197-6. Conversion by Police Department.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 11-21-1966 as Section 10-9 of Ch. 10 of the 1966 Code; amended 11-18-1968; 4-21-1975 by L.L. No. 3-1975. Other amendments noted where applicable.]

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§ 197-1. Abandonment prohibited. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to deposit or cause to be permitted to be deposited an abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle, trailer, boat or camper, on any private land within the corporate limits of the Village of Freeport, except when permitted by resolution of the Village Board on findings that the enforcement of this prohibition would cause any of the aforementioned persons occupying the land undue hardship and is not required in the public interest.

§ 197-2. Definitions.

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

ABANDON — Parking, placing, leaving or permitting the parking, placing or leaving of any motor vehicle, cycle or trailer chassis or portion of any motor vehicle, cycle or trailer upon any privately owned property[1] in a junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked condition.

§ 197-3. Notice to remove.

If the provisions of the foregoing sections are violated, the Village Clerk or the Superintendent of Buildings shall serve written notice, either personally or by mail, upon the owner, occupant or person having charge of any such land upon which any such motor vehicle, cycle or trailer is deposited to comply with the provisions of this chapter, notifying such owner, occupant, lessee, agent, tenant or otherwise having charge of such land upon which such motor vehicle, cycle or trailer is deposited that unless same is removed within five days from the date of notice, the Village of Freeport, acting through its duly authorized agents, servants, officers and employees, will enter upon said land and remove said

1. **Editor's Note: Concerning vehicles abandoned on streets, see Ch. 142, Lost and Abandoned Property, § 142-3.**

abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer.

§ 197-4. Penalties for offenses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any owner, occupant, lessee, agent, tenant or otherwise who shall neglect and refuse to remove said abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked vehicle, cycle or trailer as directed by this section; who shall fail or refuse to comply with the provisions of any notice; or who shall violate any of the provisions of law; or who shall resist or obstruct authorized agents, servants, officers or employees of the Village of Freeport in the removal of any such abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer shall be deemed in violation of this chapter and shall be subject to a penalty not to exceed $1,000 for each and every violation.

§ 197-5. Exceptions.

The provisions of this chapter shall not apply to licensed junk dealers or with regard to any abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer stored in an enclosed building or on the premises of a business enterprise engaging in the repair or servicing of motor vehicles and operated in a lawful place and manner when necessary to the operation of such business enterprise.

§ 197-6. Conversion by Police Department. [Added 7-13-1987 by L.L. No. 5-1987]

The Police Department is authorized to convert in any calendar year up to 1% of its unclaimed abandoned vehicles, but in no event more than two vehicles in any calendar year, as authorized by § 1224 of the Vehicle and Traffic Law of the State of New York.

Chapter 201

WATER

ARTICLE I
General Regulations

§ 201-1. Definitions.
§ 201-2. Application for water service; effect.
§ 201-3. Granting of permits.
§ 201-4. Performance of work.
§ 201-5. Inspection of work.
§ 201-6. Notice of change of ownership.
§ 201-7. Right of entry.
§ 201-8. Installation of supply or service lines.
§ 201-9. Installation regulations.
§ 201-10. Repair and maintenance.
§ 201-11. Tapping charges.
§ 201-12. Service to be metered.
§ 201-13. Meter installation.
§ 201-14. Responsibility for damage to meters.
§ 201-15. Water rents.
§ 201-16. Temporary water supply; accessories.
§ 201-17. Water furnished outside Village.
§ 201-18. Payment of water rents.
§ 201-19. Lien for rents.
§ 201-20. Use of water; waste.
§ 201-21. Fire hydrants.
§ 201-22. Article penalties.
§ 201-23. Authority to make rules and regulations.

ARTICLE II
Air Conditioning and Refrigeration

§ 201-24. Definitions.
§ 201-25. Water for direct cooling.
§ 201-26. Water for indirect cooling.
§ 201-27. Required ventilation.
§ 201-28. Permit for installation.
§ 201-29. Application for installation permit.
§ 201-30. Permit fee.
§ 201-31. Required safety devices.
§ 201-32. Applicability of Plumbing Code.
§ 201-33. Dispersal wells.

ARTICLE III
Penalties for Offenses

§ 201-34. Penalty.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 23 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
General Regulations

§ 201-1. Definitions. [Amended 2-11-1974]

Unless otherwise expressly stated, whenever used in this article, the following words shall mean:

AIR GAP — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a pool, tank, plumbing fixture or other device and the flood-level rim of the receptacle. The vertical distance shall be not less than two times the diameter of the supply pipe and never less than one inch.

ATMOSPHERIC VACUUM BREAKER — A combination check valve in the supply line and valve member opening to atmosphere when the pressure in the water line drops to atmospheric. It must be installed on the discharge side of the last control valve and above the usage point. It cannot be used under continuous pressure for periods exceeding 12 hours.

AUXILIARY SUPPLY — Any water source, other than the Village supply, which may be available in the building or on the premises.

BACKFLOW — The flow of water or other liquids, mixtures or substances from any source into pipes supplying potable water.

BACKFLOW PREVENTER — A device or means to prevent a backflow or backsiphonage.

BACK PRESSURE — A condition whereby pressure higher than the water supply pressure is created on the premises by pumps, thermal expansion from boilers, etc., causing a reversal of flow into the water supply.

BACKSIPHONAGE — The flowing back of used, contaminated or polluted water from a plumbing fixture, vessel, swimming pool or other source into a pipe supplying potable water and caused by a vacuum or partial vacuum in the potable water piping. It may be caused by:

A. Ordinary gravity. When the water supply is lost and a fixture that is elevated is opened allowing air into the system, water will, by gravity, reverse the flow.

B. Undersized piping. High velocity water traveling through undersized piping can cause an aspirator effect and draw water out of branch pipes causing a partial vacuum and a reverse flow.

C. Vacuum. Caused by pumping water from the supply system, causing a pressure drop or negative pressure in the supply or on the premises. A break in the water main or excessive usage at a lower level in the water system or on the premises can also be a cause.

BAROMETRIC LOOP — A loop of water supply pipe rising approximately 35 feet, at its topmost point, above the highest fixture it supplies.

CROSS-CONNECTIONS — Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other contains water of unknown or questionable quality, steam, gases or chemicals whereby there may be a flow from one system to the other.

DEMAND WATER — Water available at a fixed flat rate, previous to or without metering, for temporary use.

DOUBLE CHECK VALVE ASSEMBLY — An assembly of two check valves and test tees designed to open to permit the flow of water in one direction and to close automatically if there is a reversal of flow.

FLOOD-LEVEL RIM — The edge of the receptacle from which water overflows.

HOSE CONNECTION VACUUM BREAKER — A combination check valve and atmospheric vacuum breaker used on sill cocks, hose bibs, water outlets to boat docks or threaded faucets where a portable hose may be attached.

NONPOTABLE WATER — Water which is not safe for human consumption or which is of questionable potability.

OWNER — Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the property in question.

POLLUTION or CONTAMINATION — The introduction of any foreign substance, organic, inorganic, radiological or biological, in the Village potable water which tends to degrade its quality so as to constitute a nuisance, a hazard or make the water unsafe for human consumption. Hazardous pollutants or contaminants include sewage, lethal chemicals or other substances which, if introduced into the public water supply system, would or may endanger the health of the consumer. Nonhazardous substance would not endanger the health of the consumer but would create a nuisance if introduced into the public water supply system.

POTABLE WATER — Any water which, according to federal and state established standards, is safe for human consumption.

PREMISES — Any building, structure, enclosure or locality to which water is supplied or to be supplied, whether attached to realty or not and further including boats.

PRESSURE VACUUM BREAKERS — A combination check valve in supply line and spring-loaded valve member opening to atmosphere. It may be used under continuous supply pressure and must be installed above the usage point. It cannot be used if it may be subject to back-pressures.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER — An assembly of differential valves and check valves, including an automatically opened spillage port to atmosphere, to prevent backflow or backsiphonage.

SERVICE AND INSTALLATION — Supply pipes, taps or other connections, pipes, curb boxes and valves from the main to the valve beyond the meter, inclusive.

STREET — Any public street, highway, sidewalk, alley, avenue or other public way or public grounds in the Village, including any property leased by the Village or any easement granted to the Village.

SUPERINTENDENT — The Superintendent of the Water Department of the Village of Freeport.

VILLAGE — The Incorporated Village of Freeport.

WATER DEPARTMENT — The Board of Water and Light Commissioners, the Superintendent of the Water Department, employees of the Water Department, Village Treasurer's office and any person duly designated to act on its behalf.

WATER RENTS, COSTS AND CHARGES — The rates fixed for water supplied or under demand and of any expense in the performance of the functions required by this article.

§ 201-2. Application for water service; effect. [Amended 2-24-2003 by L.L. No. 2-2003]

A. Forms. All applications for water service, for the use of water or for any modification or repair of an existing installation shall be made in writing to the office of the Superintendent of Water by the owner of the premises in the prescribed form and must state all uses to which the water is to be applied.

B. Compliance. The making of application for water service and the granting of a permit therefore shall constitute an agreement by the owner to comply with all the provisions of this article as well as all rules and regulations promulgated by the Water Department of the Incorporated Village of Freeport.

§ 201-3. Granting of permits.

No permit shall be granted under this article unless and until the required street and sidewalk opening permits have been obtained in accordance with the requirements of state, county or Village ordinances.

§ 201-4. Performance of work.

All work performed under this article shall be done only by plumbers and/or contractors duly licensed and bonded in accordance with the provisions of Code of the Incorporated Village of Freeport or employees supervised by them.

§ 201-5. Inspection of work.

All work, both new and any modification performed under this article, shall be inspected and completed to the satisfaction of the Water Department.

§ 201-6. Notice of change of ownership. [Amended 2-24-2003 by L.L. No. 2-2003]

Notification of change of ownership of any premises, property, building, structure, enclosure or locality having a service connection to a main shall be made to the office of the Village Treasurer and the Superintendent of Water, with the name and address of the party to whom such is conveyed, within 48 hours after the conveyance is delivered.

§ 201-7. Right of entry. [Amended 10-18-1967]

Any authorized agent of the Water Department, upon proper identification, shall be permitted to enter upon the premises where there is a service or supply pipe or pipes to make the necessary examinations or repairs.

§ 201-8. Installation of supply or service lines.

The installation, connection or maintenance of a private water supply or service line is the owner's obligation and shall be installed, connected and maintained by the owner of the building or premises serviced in conformity with the regulations as set forth in this article.

§ 201-9. Installation regulations. [Amended 7-12-1971; 4-24-1972; 2-11-1974; 9-20-1982 by L.L. No. 11-1982; 2-24-2003 by L.L. No. 2-2003]

A. Installations. Each service pipe, curb cock or box, tap, tee or wet cut that is installed, connected, replaced or repaired shall be inspected and approved by a duly authorized agent of the Water Department prior to use. The location of any point of connection to the water system shall be that designated by the Water Department.

B. Discontinuance. Each service pipe, curb cock or box, tap, tee or wet cut that is to be replaced or discontinued shall be inspected and approved by a duly authorized agent of the Water Department at the time of such replacement or discontinuance. The connection, tap or taps of any service line which may be disconnected by reason of replacement, repair, demolition or other cause shall be killed or disconnected at the main at the owners expense. Charges for water rents for the old service will continue until the disconnection has been inspected as required by this section. Temporary use of water through the old service may be granted at water rents on file in the Village office and shall be by a special agreement, in writing, with the Water Department.

C. Private property. The installation, connection, replacement or repair of any service line or part thereof within any private property line is subject to inspection of each such change or alteration of said service line.

D. Notification. Notice of any proposed tap, connection or modification of service from the main to the meter shall be served at the office of the Superintendent of the Water Department no less than 48 hours in advance of any such tap, connection or modification. Such notice shall be accompanied by tap or inspection receipt. In case of emergency, the Superintendent of the Water Department or his authorized agent may waive or delay this requirement.

E. Street openings. All service work beyond the property line requires a street opening or sidewalk permit as set forth in the Code of the Incorporated Village of Freeport. However, no restoration shall start until the limits of restoration are established by the Village of Freeport Department of Public Works.

F. Size and depth. All service lines shall have a four-foot cover using the established street grade as a base. Separate taps shall require a minimum street opening of five feet squared and shall be dug to a depth of six inches below the water main. Openings made for multiple taps or any other service shall be made in the dimensions and kept clean as required by the Water Department. Wet cut openings shall be five feet by seven feet. Any deviations from these requirements shall be subject to a special ruling by the Water Department. No Water Department employee shall do any work in an opening that is hazardous.

G. Size of taps. New and replacement taps shall be one inch or greater. Connections two inches and larger shall have a three-valve cluster. The minimum service line for residential, commercial and industrial use shall be one inch. For residential use, the size of the tap or multiples thereof and the size of the service shall conform. One-inch connections shall be provided to receive a one-inch meter. For business and industrial use, the size of the tap or multiples thereof, the size of the service and the size of the meter shall conform, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal

headers, two gate valves for each meter and angle-type back pressure valves for all but one of the meters. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

H. Separate taps and services. There shall be a separate tap and service for each building, except an accessory building, or premises. No service shall be siamesed or otherwise connected to any other building or premises. Each separate store or place of business in one building shall have a separate tap and service. Any deviation is subject to a special ruling by the Water Department.

I. Multiple occupancy. Any building or premises having or designed to have multiple occupancy, be it industrial, business, residential or any combination of recognized uses, shall comply with Subsection H whenever practical and mechanically possible. Where, in the opinion of the Water Department, an exception is necessary and the capacity of the service line is adequate, more than one meter may be installed on a service line, one for each occupancy.

J. Cross-connections.

(1) It shall be unlawful to cross-connect any private source of water supply or any liquid supply, source or storage with the piping, plumbing or fixtures connected to the Village potable water supply. Where such a condition is found to exist, the Village water supply will be disconnected and service refused until such cross-connection has been removed or the Village water supply has been protected by a device or devices acceptable to the State Commissioner of Health. All expenses shall be charged to the owner of the premises.

(2) If the physical connection is subject to back pressure and a hazardous substance involved, the Village water supply shall be protected by an air gap or a reduced pressure principle backflow preventer. If the physical connection is subject to back pressure and a nonhazardous substance involved, a double check valve assembly may be used.

(3) If the physical connection is not subject to back pressure and a hazardous substance involved, the Village water supply shall be protected by an air gap or a reduced pressure principle backflow preventer. If the physical connection is not subject to back pressure and a nonhazardous substance involved, a double cheek valve assembly may be used. Only devices acceptable to the State Commissioner of Health may be used.

K. Service lines.

(1) All service lines two inches in diameter and smaller are to be Type K seamless copper tubing.

(2) Service lines larger than two inches in diameter may be either in copper, cast iron or wrought iron. No sweat joints, lead goosenecks or galvanized connections shall be installed in any part of any water service.

L. Sewer trench. Any water service line located in the same trench as a sewer line must be located above and to one side of the sewer line and at least one foot away from the sewer line.

M. Sleeved services. All services under concrete slabs, floors or other solid material on the street side of the meter shall be sleeved.

N. Curb stops. A curb valve, the same size as the service line, must be installed on each service and be complete with curb box and cover. Curb valves must have a full round way for straight through water flow and conform to the American Water Works Association standards.

(1) Curb valve fittings.

(a) Curb valves one inch and smaller shall be fitted with a stationary rod and enclosed in an extension-type two-piece curb box with the upper section not less than 1 1/4 inches inside diameter, with a heavy cast-iron top marked water, into which a brass bushing is embedded and tapped for the cast-iron access plug.

(b) Curb valves 1 1/2 inches and two inches shall be fitted with a solid tee head and enclosed in an extension-type two-piece curb box with a lock-type cover marked water and with the smaller section not less than 2 1/2 inches inside diameter.

(c) Curb valves three inches and larger shall be fitted with a two-inch square operating nut and enclosed in a screw-type three-piece curb box with a lock-type cover marked water and with the smallest section not less than 5 1/4 inches inside diameter.

(2) Curb valves two inches and smaller shall be brass or bronze of the free turning plug- or ball-type. Plug valves shall have a straight self-lubricated balanced plug with sufficient low friction washers and O-rings to assure a permanent watertight seal. Ball valves shall have a brass or bronze self-lubricated perfect sphere ball with rubber seat ball support and two O-rings in the stem to assure a permanent watertight seal.

(3) Curb valves three inches and larger shall be cast-iron gate valves with nonrising stem, bronze disc and two O-rings in the stem.

(4) Curb valves shall be located approximately two feet inside the curbline and five feet from any tree or pole with the top of the curb box and cover at the established grade of the curb cut or the established grade of the curb and sidewalk. No curb boxes are to be installed in the concrete sidewalk without the approval of the Water Department. Other locations must be approved by the Water Department.

O. Air conditioning. Use of water for air conditioning shall conform to all of the provisions of Village ordinance.[1]

P. Underground sprinklers. Any underground sprinkler (irrigation) system connected to the Village water system shall include a double check valve assembly acceptable to the State Commissioner of Health.

1. Editor's Note: See Art. II of this chapter.

Q. Automatic fire sprinklers. The water available for any automatic fire sprinkler system shall be supplied by a separate water service from the water main not less than four inches in diameter and equipped with a check valve. No antifreeze or foreign substances, either liquid or dry, shall be introduced into the system except as specifically provided by Section 5500, NFPA No. 13, of the National Fire Protection Association recommendations, dated May, 1969, or later revision thereof. The water service connection to the water main shall be by wet cut. Drawings showing and describing the automatic fire sprinkler system and bearing the stamp of approval of the New York Fire Insurance Rating Organization and/or the Factory Mutual Engineering Division shall be filed in duplicate with the Water Department prior to making the wet cut.

R. Nonconforming. Any fire sprinkler system in use and not conforming to the requirements of this article shall be made so to conform within 60 days after notice by the Water Department. Upon failure to comply with the notice of the Water Department, the Water Department may do or cause to have done such work as may be required to carry out the intent of this article and charge the premises for the cost.

S. Backflow and backsiphonage devices. The Village potable water supply system shall be protected against contamination from backflow and backsiphonage by the owner of the premises by providing and maintaining suitable devices acceptable to the State Commissioner of Health. Approved devices may be installed at each outlet or cross-connection, which threatens contamination from backflow, or an approved device may be installed in the water service adjacent to the water meter. The owner of any existing water service or connection that threatens contamination from backflow or backsiphonage shall install such device or devices within 30 days after notice. All devices must be installed in an accessible location and exposed to view for ease of inspecting and testing.

T. Hose bibs. All hose bibs shall be protected from backflow or backsiphonage by barometric loops, vacuum breakers, check valves and/or backsiphonage/backflow preventers.

U. Water outlets. Water outlets to boat docks, swimming pools, industrial process or chemical lines, tanks or vats, pumps and/or steam lines shall be protected from back pressure, backflow or backsiphonage by air gaps and/or backsiphonage/backflow preventers. Potable water connections to boiler feed water systems in which boiler water-conditioning chemicals are introduced shall be made through an air gap or provided with a reduced pressure principle backflow preventer assembly.

§ 201-10. Repair and maintenance.

A. Repairs. It shall be the owner's responsibility to repair and maintain the entire line from the water main tap or connection into the building or premises and to keep the service line protected from frost, heat, leaks and breaks. Any defects must be promptly repaired or replaced and the curb gate and/or valve must be kept in working order, free of dirt or any other obstruction.

B. Owner's failure to repair. If the owner fails to observe the maintenance requirements of this article within 24 hours after notification by the Village Clerk to the owner of the

premises, the Village may shut off or cause to have shut off the water supply, or it may repair or replace or cause to have repaired or replaced the defective parts of the service line. All costs shall be a charge against the premises serviced.

§ 201-11. Tapping charges. [Amended 7-12-1971; 2-11-1974; 6-20-1977 by L.L. No. 10-1977; 12-17-2001 by L.L. No. 6-2001]

A. Charges for tapping for each service shall be established, from time to time, by a resolution of the Village Board of Trustees.

B. Sizes, main limitations. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(1) Steel mains: One-inch tap or larger.

(2) Transite mains: One-inch tap or larger.

(3) Cast-iron mains: One-inch tap or larger.

C. Firematic sprinkler system, unmetered.

(1) Fire sprinkler rates are established by the Board of Trustees and are payable at the beginning of each quarter.

(2) All water available as a result of such installation shall be used for firematic purposes only, and any use of this available water for other than firematic purposes shall be in violation of this article, and any and all penalties under § 201-22 of this article are applicable.

D. Wet cuts. Two-inch services and over shall be wet cuts. Each is subject to inspection by the Water Department at a fee established by the Village Board of Trustees from time to time.

§ 201-12. Service to be metered.

All water services shall be metered by straight gallon register-type meters as approved by the Village Board of Trustees. Upon notification by the Water Department through the Village Clerk, the owner of any premises serviced with water and not metered shall, if required, make such repairs or alterations to the plumbing and premises necessary for the proper installation of a water meter. Upon failure of the owner to make such repairs or alterations within 10 days following such notification, the Water Department may do or cause to have done such repairs or alterations and charge all costs to the owner of the premises.

§ 201-13. Meter installation. [Amended 2-11-1974; 2-24-2003 by L.L. No. 2-2003]

A. Cost. Meters one inch or less in diameter shall be installed by the Water Department without charge for meter or installation. Title to these shall remain in the Incorporated Village of Freeport. Meters over one inch in diameter shall be approved by the Water Department and installed and paid for by the owner with title remaining with said owner.

B. Size. For residential installations (single-family dwellings), one-inch fittings shall be provided to receive one-inch meter couplings furnished by the Water Department. For multiple dwellings, business, commercial and industrial installations, the size of the meter shall conform to the size of the water service, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal headers, two gate valves for each meter and back pressure valves for all but one of the meters. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

C. Location. Meters shall be installed horizontally no higher than four feet from the floor and as near as possible to where the service enters the building. Passage to the meter should be at least five feet in height. Area surrounding the meter must be kept free of obstructions and should be of sufficient width to enable the Water Department representative to inspect, maintain and read the meter. Installation should be in the cellar or utility room. Installation in a crawl space, garage, except heated commercial garages, or under the floor is prohibited. Upon notice, the owner of any premises having a meter improperly located shall have said meter relocated in accordance with the requirements of this section. If such meter is not properly relocated within 10 days after the receipt of a notice, the Water Department may perform or cause to have performed the required work and charge all costs to the owner of the premises.

D. Facilities. The owner shall provide facilities and support for the setting of the meter in each installation or alteration of water service according to the Water Department Ordinance[2] and the Plumbing Code.[3] **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

E. Valves. Each meter shall be connected to any service line by meter couplings or flanges to a shutoff valve on each side of the meter.

F. Connections. There shall be no connection to the service line between the main and the meter.

G. Submetering. The sale or charge for water by any owner to any consumer is prohibited.

H. Pits. Outdoor meter pits may be installed, upon approval of the Water Department, when inside location of a meter is shown to be mechanically or practically impossible. Each pit for 3/4 inch and one-inch meters shall be of standard-type and material, a minimum of 20 inches in diameter, 39 inches in depth and with standard cast-iron cover and shall provide unobstructed access to the meter. Such meter shall be located at least one foot above ground water level. Pit sizes for all meters shall be subject to the approval of the Water Department to provide adequate space for maintenance of the meter. Installations and maintenance of all pits shall be at the expense of the owner.

I. Licensed plumbers. All work performed under this section shall be done by a plumber licensed by the Village of Freeport or by employees under his supervision, except that actual installation of meters one inch or less in diameter shall be done by the Water Department of the Incorporated Village of Freeport.

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2. Editor's Note: This chapter.

3. Editor's Note: See Ch. 162 of this Code.

J. Seal. Upon installation, each meter shall be sealed by the Water Department. Thereafter, no seal shall be broken nor any meter removed without written permission from the Water Department. This provision shall apply to all meters, whether title to such meter be in the Incorporated Village of Freeport or individually owned.

K. Replacement.

(1) The Water Department shall replace all meters without charge for those one inch or less in diameter.

(2) The Water Department may direct the owner of any meter over one inch in diameter to promptly replace any worn meter or a meter that has been in service for 15 years at the owner's expense. Should the owner fail to comply with an order to replace, the Water Department may replace or cause to be replaced any worn, obsolete and defective meter and charge the cost to the owner of the premises.

§ 201-14. Responsibility for damage to meters. [Amended 7-12-1971; 2-24-2003 by L.L. No. 2-2003]

A. Negligence. The owner of any premises wherein a meter has been installed shall be responsible for the meter or for any damage to the meter caused by carelessness, freezing, hot water, backflow intrusion, tampering, theft or any other violation of this article. The cost for the repair or replacement of a damaged meter or replacement of a stolen meter shall be charged against the owner of the premises serviced.

B. Repairs. Routine repairs of meters of one inch or less not resulting from carelessness or negligence on the part of the owner of the premises shall be made by the Water Department without charge. Upon notification by the Water Department, the owners shall make all necessary repairs to any meter over one inch in diameter at such owners expense. Should the owner fail to comply with an order to repair, the Water Department may repair or cause to have repaired any such defective meter and charge the cost to the owner of the premises.

C. Replacement.

(1) The Water Department shall replace all meters without charge for those one inch or less in diameter.

(2) The Water Department may direct the owner of any meter over one inch in diameter to promptly replace any worn meter or a meter that has been in service for 15 years at the owner's expense. Should the owner fail to comply with an order to replace, the Water Department may replace or cause to be replaced any worn, obsolete and defective meter and charge the cost to the owner of the premises.

D. Winter storage. Meters may be winter stored with the Water Department. Breaking of the seal and removal of the meter shall be by or under the direction of the Water Department. The Water Department will seal the meter after it has again been placed in service.

E. Testing. All meters shall be tested periodically by the Water Department, and the Water Department may remove a meter at any time for such testing and substitute another meter therefore either temporarily or permanently.

§ 201-15. Water rents.

A. Rents. The rates payable for the water supplied by the municipal water system to consumers within the Village and to those outside its boundaries shall be designated as water rents and shall be those established by the Board of Trustees of the Incorporated Village of Freeport.

B. Method of payment. All water rents are payable quarterly at the office of the Village Treasurer. Metered rents are payable at the end of each quarter. Fire sprinkler rents, outlet rents and demand rents are payable at the beginning of each quarter. Other charges are payable when bill is rendered.

C. Minimum rent. The minimum rent shall be payable, though no water be consumed, as long as the service remains connected with the Village main.

D. Failure to read. When a regular quarterly reading of a meter is not available, each quarterly rent shall be billed as per similar calendar quarterly reading of past year. Estimated bills may be used on new accounts where no similar calendar quarterly bill is available. No more than one regular quarterly reading shall be skipped or estimated, except in the discretion of the office of the Village Treasurer.

E. Unauthorized use. When water has been used without authorization or compliance with the terms of this article, bills shall be rendered to the owner retroactive to the date when such unauthorized use began. Payment of such bills shall not release the owner from penalties for such violation.

F. Billing. The owner of premises connected with the municipal water system shall be responsible for all bills for water rents, charges, penalties and interest, and such bills shall be sent to each such owner as they become due. Billing for demand water shall start on the date when the tap or connection to the main is made. Meter billing shall start when the meter is installed.

§ 201-16. Temporary water supply; accessories. [Amended 12-17-2001 by L.L. No. 6-2001; 2-24-2003 by L.L. No. 2-2003]

A. One-family. The rent for temporary water supply for the construction of each one-family building with accessory buildings and appurtenances shall be at a rate established from time to time by the Village Board of Trustees.

B. Other buildings. The rent for construction for apartment buildings with their accessory buildings and appurtenances shall be established by the Superintendent of Water who shall determine the estimated water usage by using a similar sized building of similar use.

C. Accessories. The water supply for accessories and appurtenances constructed on the same premises or for expansion of or addition to an existing building at a later date may be by metered service already in use on said premises.

D. Expiration. The maximum period for an unused temporary permit shall be one year, otherwise for the life of the building permit.

E. Refund. Failure of the applicant to use water due to lack of construction or any other reason shall not entitle the applicant to any refund.

F. Payment. Payment for all temporary water supply shall be at the time of the granting of the building permit and shall be made at the office of the Village Treasurer.

§ 201-17. Water furnished outside Village. [Amended 2-24-2003 by L.L. No. 2-2003]

A. Responsibility. Consumers of water serviced from Village mains to buildings or premises outside the Village boundaries shall be subject to all the terms and conditions of this article.

B. Rents. Water rents to consumers outside the Village boundaries shall be 20% greater than those paid by consumers within Village boundaries.

C. Deposit. Applicants for use of water outside the Village boundaries shall pay, to the office of the Village Treasurer, for their own meter, together with an estimated rent for a six-month period as determined by the Water Department. This deposit may be used by the Village as payment for any unpaid rent or other charge.

D. Failure to maintain deposit. When a consumer outside the Village boundaries whose deposit balance falls below 50% of the established deposit amount, the Village Treasurer shall, on the next quarterly bill, reestablish the deposit estimated by the Water Department.

E. Failure to make payment. When a consumer outside the Village boundaries fails to make payments for three consecutive quarters, and does not have any deposited funds remaining, may have their water service discontinued, and the Village may place a lien against the property. Service will not be reactivated until the consumer outside the Village boundary makes full payment and reestablishes the six-month deposit.

§ 201-18. Payment of water rents. [Amended 9-11-1972; 11-27-1972]

A. Location; time. Payment for water rents and other charges payable to the Water Department shall be made at the office of the Village Treasurer during established business hours within 30 days of the rendition of the bill. All bills, including those paid by mail, shall be considered in arrears if not received in the Treasurer's office within said 30 days.

B. Penalty for charges remaining unpaid for 30 days after becoming due and payable. To all rents and other charges remaining unpaid for 30 days after they become due and payable, there shall be a penalty of 15% added. **[Amended 3-26-1984 by L.L. No. 3-1984]**

C. Penalty for rents; charges remaining unpaid as of December 31 for which bills have been rendered prior to December 1. To all other rents and other charges remaining unpaid as of the 31st day of December for which bills have been rendered prior to December 1, there shall be a penalty of 25% added. **[Amended 3-26-1984 by L.L. No. 3-1984]**

(1) Section 201-19.

§ 201-19. Lien for rents.

A. Attachment. All unpaid water rents with charges, penalties and interest, as provided for by this article, shall be a lien on the real property upon which or in connection with which water has been used, a service line connected or work performed on the meter or service line for such premises. All such liens shall be prior and superior to every other lien or claim, except the lien of an existing tax levy and levied against the real property in default.

B. Date for lien. All amounts unpaid as of the 31st day of December for water rents, with charges, penalties and interest for which bills have been rendered prior to December 1, will become a lien on and, after January 1 following, placed on the next tax roll.

§ 201-20. Use of water; waste.

A. Waste. Unless in actual use, all outlets must be securely shut off. The unnecessary waste of water is prohibited. Excessive lawn sprinkling with water running in a street gutter shall be construed as a waste.

B. Freedom of use. Each consumer shall have unrestricted reasonable use of water, without waste, for business and homes during the entire 24 hours of each day, subject to the provisions of Subsection C of this section.

C. Emergency. If the Village Board, Water and Light Commission or the Water Department at any time determines that an emergency exists threatening a shortage of the water supply, they may prescribe emergency rules for the regulation and restriction of the use of water. Such emergency rules shall have the full force and effect of an ordinance duly adopted

§ 201-21. Fire hydrants. [Amended 2-11-1974]

A. Purpose. Fire hydrants are provided for fire protection only.

B. Permit. No person, other than members of the Fire Department or Village employees or agents in the performance of their duty, shall draw water from a Village hydrant unless a permit therefor has been granted by the Village Clerk with the approval of the Water Department.

C. Charge. The charge for any special permit for the use of any hydrant shall be in accordance with its intended use as determined by the Water Department. The minimum charge shall be $50. The cost of repairing any damage caused to a hydrant by

such a user shall be paid to the Water Department by said user at the office of the Village Treasurer. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

D. Connections. No connection shall be made in hydrant outlets except by valves or couplings which are readily detachable in an emergency. The connection shall have a control valve and backflow device and all connections must be detached immediately after use has ceased and always at the end of the work day. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

E. Fire. Hydrants must be made immediately available to the Fire Department upon demand.

F. Wrench. The wrench used on a fire hydrant shall be only of a design approved by the Water Department.

G. Freezing. No hydrant shall be used for any purpose other than that of supplying water for fire fighting when the temperature is below 34° F.

H. Moving of hydrants. The moving of any hydrant by request of an owner of a building or premises shall be by or under the supervision of the Water Department and at the expense of the owner.

I. Caps. Cap chains and caps must be protected against breakage and loss, and caps must be replaced after every use of a hydrant.

J. Damage. The cost of repairing any and all damage to a hydrant shall be paid to the Water Department at the office of the Village Treasurer, whether such damage was caused by accident or intent.

K. Obstruction of hydrant. No person shall obstruct any fire hydrant or throw or pile snow, ice or other substances or materials in close proximity thereto or otherwise obstruct the full vision and use thereof. Substructures, trees, bushes and poles or other objects must be kept at least 10 feet distant from any hydrant.

L. Exception. Any exception or deviation from these rules and regulations because of mechanical or practical difficulties may be permitted by the Water Department.

§ 201-22. Article penalties.

A. (Reserved)[4]

B. Disconnections. For violation of any provision of this article, in addition to the penalties generally applicable, the Water Department is authorized to disconnect the service to the premises and to withhold restoration of the service until the violation has been removed. The cost of such action shall be charged against the premises.

C. License revocation. The license of any duly licensed plumber or contractor may be suspended or revoked for violation of this article.

4. Editor's Note: Former Subsection A, regarding a specific penalty, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 201-23. Authority to make rules and regulations.

Authority is vested in the Water Department to make such further rules and regulations as it deems necessary for the proper enforcement of the purposes of this article, including emergency repairs.

ARTICLE II
Air Conditioning and Refrigeration

§ 201-24. Definitions.

For the purpose and within the meaning of this article, the following definitions shall prevail:

AIR CONDITIONING — The cooling or dehumidification, or both, of space for human, commercial and industrial occupancy.

DIRECT WATER COOLING — The use of water as a refrigerant as taken from the Village water mains.

INDIRECT WATER COOLING — The use of refrigerants, such as freon, ammonia, methylchloride or carbon dioxide, to cool water, and this cooled water shall cool the air-conditioned or the refrigerated space. (Note: A brine may be substituted in place of water.)

REFRIGERATING MACHINE CONDENSER WATER — The use of water to dissipate the heat picked up by the refrigerating condensing unit.

REFRIGERATION — The preservation of food products and the maintenance of storage temperatures for commercial and industrial purposes.

WATER SAVER — Some method of conserving water such as evaporative condenser, spray pond, cooling tower or some other means of cooling recirculated water.

§ 201-25. Water for direct cooling.

No air-conditioning equipment using water as a direct cooling medium may be installed unless a means of water disposal, other than discharge into the Village sanitary sewers, is provided and such means of disposal approved by the Superintendent of Buildings. Such approval may be withheld if the dispersal methods either do not conform to approved engineering practices or in any way endanger the public safety, health or welfare.

§ 201-26. Water for indirect cooling.

A. No air-conditioning or refrigeration equipment using water as an indirect cooling system may be installed of more than five horsepower total connected load per water meter connection, unless:

   (1) Evaporative condensers, a cooling tower, spray pond or some similar device with no sewer connection, except for seasonal cleaning and flushing, is used; or

   (2) A means of water disposal, other than the discharge into the Village sanitary sewer system, shall be provided in all installations.

B. In no event shall any such air-conditioning or refrigeration equipment be installed or be permitted to operate in which the total consumption of water is in excess of 10 gallons per minute; however, the use of an evaporative condenser, cooling tower, spray pond or some approved similar device that will not exceed 10 gallons of water per minute is permissible.

§ 201-27. Required ventilation.

All spaces in which refrigerating equipment is installed in a common refrigerating machine room or any separate locations shall be properly ventilated in accordance with the following:

Refrigerant Charge (pounds)	Capacity, Mechanical Exhaust System (cubic feet per minute)
20	150
50	300
150	300
Or equivalent window area, opposite walls of machine room.	

§ 201-28. Permit for installation.

A. Proposed installations. No air-conditioning or refrigeration equipment shall be installed without first obtaining a permit from the Superintendent of Buildings. When required by the Superintendent of Buildings, the approval of the Superintendent of the Sanitary Sewer Department and the Superintendent of the Water Department must be obtained before a permit will be issued. Such permit may be withheld if the dispersal plans as submitted either do not conform to approved engineering practice or in any way endanger the public safety, health or welfare.

B. Existing installations. A permit to maintain existing air-conditioning or refrigeration equipment shall be issued after inspection shows that such equipment is in compliance with this article.

§ 201-29. Application for installation permit.

A. Proposed installations. Before the installation of any air-conditioning or commercial refrigeration equipment, the owner, lessee or the engineer or the person, firm, company or corporation employed by the owner or lessee shall submit a statement, in triplicate, to the Superintendent of Buildings describing the proposed work, together with such drawings as the Superintendent shall require. Such statement constituting an application for a permit shall be accompanied by a verified statement giving the full name and residence address of the owner or lessee of the premises where the installation is to be made.

B. Existing installations. Application for a permit to maintain any air-conditioning or refrigeration equipment now existing shall certify, by a verified statement, that the installation is now in conformity with this article.

§ 201-30. Permit fee. [Amended 4-27-1981 by L.L. No. 8-1981; 2-26-1990 by L.L. No. 39-1990]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a permit to install air-conditioning or refrigeration equipment.

§ 201-31. Required safety devices.

A. Three pounds of refrigerant. All equipment having more than three pounds of refrigerant shall be equipped with approved safety devices and pressure relief valve.

B. Twenty pounds of toxic refrigerant. All refrigerating equipment using toxic refrigerants of over 20 pounds in capacity shall be recorded with the Fire Department.

C. Potable water connections. Any water supply connection to refrigerating equipment using toxic refrigerants must be equipped with a reduced pressure principle backflow preventer.

§ 201-32. Applicability of Plumbing Code.

Installation and maintenance of all air-conditioning and refrigerating equipment using municipal water is hereby declared to be under the Plumbing Code[5] insofar as water connections are concerned and must be installed by licensed plumbers with necessary permits.

§ 201-33. Dispersal wells.

All dispersal wells for the disposal of water from air-conditioning apparatus shall be adequate to disperse the entire effluent and shall be maintained in such condition that at no time shall there be an overflow therefrom.

ARTICLE III
Penalties for Offenses

§ 201-34. Penalty. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to the penalties set forth in § 1-14 of the Code of the Village of Freeport.

5. **Editor's Note: See Ch. 162, Plumbing.**

Chapter 205

WATERFRONT PROPERTIES AND WATERCRAFT

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[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 5-9-1966 as Ch. 6 of the 1966 Code. Amendments noted where applicable.]

ARTICLE I
General Regulations

§ 205-1. Definitions.

As used herein, unless specifically provided otherwise, the following definitions shall be understood and applied:

PIERHEAD LINE — In all navigable waters within the harbor line where such waters abut property which has been zoned for residential, business, manufacturing or industrial use, in

the absence of any other pierhead line fixed by the Village, there is deemed to have been established a pierhead line parallel with the property or bulkhead line adjoining such water and removed from such property or bulkhead line a distance equal to 20% of the width of said navigable water at the point in question, said distance, however, not to exceed 25 feet. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

REGULATION ZONE AND HARBOR LINE — All of the navigable waters located within the boundary lines of the Village are hereby established as a marine regulation zone, and the outermost limits thereof constitute the harbor line of the Village. Included therein but not necessarily limited thereto are the waters of Milburn Creek, West End Canal, Cary Canal, Albert Canal, Hampton Canal, Florence Canal, Glovers Canal, Baldwin Bay, Nassau Channel, Miller Channel, Little Swift Creek, Randall Bay, Freeport Bay, Woodcleft Bay, Woodcleft Canal, The Narrows, Grove Channel, Woodcleft Basin, Sportsman's Channel, East Channel, Emories Channel, Gordon Channel, Hudson Bay, Hudson Channel and four channels running easterly therefrom lying between East Bedell Street and West Fourth Street, Freeport Creek, Smith Creek and Freeport Stadium Creek.

WATERFRONT PROPERTY — Any premises, terrestrial or subaqueous, which abut oil, extend into or are bounded by the navigable waters within the harbor line.

§ 205-2. Discharging toilets or refuse into waters.

No person shall discharge a toilet or deposit or cause the deposit of any sewage, offal, ashes, garbage, waste or other offensive or rejected materials, either from shore or from any undocumented vessel, into any of the waters within or bounding the Village to a distance of 1,500 feet from the shore.

§ 205-3. Inspection of waterfront properties.

Regular inspection shall be made, by the Superintendent of Buildings, of waterfront properties, their structures and appurtenances to determine their condition and methods of operation having regard to factors of safety, health and general welfare in every way and in particular as provided herein.

§ 205-4. Notice of defects or violations.

If defects or violations of law or ordinance are found upon the inspection provided for in § 205-3, notice shall be served upon the owner of the property involved with directions to amend the same in the manner to be specified in the notice. Failure to comply shall constitute a violation hereof.

§ 205-5. Maintenance of waterfront property. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The owner, lessee or occupant of waterfront property shall keep the same cleaned and in good repair, and he shall keep the slips adjacent thereto properly dredged so as not to constitute a menace to navigation or to the health and well-being of the community or in any way be a nuisance. The area between the bulkhead line and the pierhead line shall also be the

responsibility of the land owner to remove any aquatic vessels, slips, docks, floats or other items that may pose a danger or nuisance to navigable waters.

§ 205-6. Prohibited unloadings of cargoes or goods.

No cargo, goods or merchandise shall be discharged upon any pier, bulkhead, wharf structure or marginal street, wharf or place after the Superintendent of Buildings has posted publicly or served upon the owner, consignee, master or other officer of any vessel or stevedore or other carrier notice the said structure or street will be endangered by the placing of such cargo, goods or merchandise thereon.

§ 205-7. Weight limits on marginal streets.

In order that pavements and cover plates of marginal streets, wharves and other places shall not be damaged, cargo, goods or merchandise in excess of 12 tons in weight shall not be transferred on any truck upon or over any marginal street, wharf or place, except by special license or permission of the Mayor upon certification by the Highway Superintendent that injury will not be caused thereby, nor shall cargo, goods or merchandise in excess of 1,000 pounds weight per square foot be placed or stacked upon any marginal street, wharf or place, except by special license or permission of the Mayor if upon inspection it shall be found that such act will not be adverse to public health, welfare or safety.

§ 205-8. Buildings, derricks and platforms regulated.

To provide uniformity of property lines and assure compliance with the established rules of construction, maintenance and operation of structures, no person, unless he shall have filed application therefor setting forth all details as to purpose and design with the Superintendent of Buildings and received from him a permit for such purpose, shall erect or maintain:

A. Between property line and pierhead line. Between the property line and the pierhead lines, as herein established, any shed, building, office, tally house, booth, platform or stand or place or maintain or cause any derrick, hoisting mast, coal hopper, sign or advertising device or obstruction of any kind or drive or cause any piles to be driven or make or cause any filling in or construction, repairs, alterations, removals, dredging or demolition of any kind to be made.

B. Upon pier or bulkhead. Upon any pier or bulkhead, any shed, storage building or other structure to receive or discharge cargo or for any other purpose.

C. Upon waterfront property. Upon any waterfront property, any platform, shed, stand or other structure suitable for the business of the wholesale or retail fish trade for any similar purpose.

D. For purposes of calculating buildable area, only the portion of land between the street line and the bulkhead line can be considered for the construction of a primary or secondary structure. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

ARTICLE II
Commercial Beaches

§ 205-9. Obtaining of license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No person shall carry on or conduct a bathing beach or bathing pool in the Village where a charge is made for the use thereof without first having obtained a license in conformity with the provisions of §§ 138-1 through 138-11 of Chapter 138, Licensing of Businesses, and as further provided herein.

§ 205-10. Contents of application.

In addition to the information required of applicants under the provisions of § 138-2 of Chapter 138, Licensing of Businesses, every applicant hereunder shall, in verified writing, state the place and character of the proposed beach or pool and the size, number and character of the boats, rafts, buoys and all other apparatus for lifesaving or resuscitation with which such beach or pool is equipped. Such application shall be accompanied by a Nassau County Health Department certificate that the pool complies with health standards set by law and that the lifesaving and resuscitation apparatus provided are adequate.

§ 205-11. Annual fee. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a license to operate a bathing beach or bathing pool.

§ 205-12. Lifesaver required.

Each licensee hereunder shall, at all hours during which the licensed beach or pool is open to the public, have on duty a person trained in swimming, life saving and resuscitation, who shall have the qualifications of a senior Red Cross lifesaver.

§ 205-13. (Reserved)[1]

ARTICLE III
Boats and Vessels

§ 205-14. Applicability.

The regulations established by this article shall apply to all navigable waters located within the boundary lines of the Village, as the term "navigable waters" is defined in § 2(4) of the Navigation Law of the State of New York, and except when the provisions of this article are

1. **Editor's Note: Former § 205-13, Disinfection of bathing suits, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

in conflict with the laws or ordinances of the United States, the State of New York or any political division or administrative authority thereof having jurisdiction thereover.

§ 205-15. Compliance with laws and rules.

All provisions of the Navigation Law of this state, of the inland water rules enacted by Congress governing the navigation of the inland waters of the United States and of the pilot rules for United States inland waters applicable to the channel systems relative to the rule for vessels passing each other and other matters consistent with the proper use of the channel systems shall be complied with by all boats using the navigable waters within the boundary lines of the Village.

§ 205-16. Definitions.

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

BOAT, CRAFT, VESSEL — Includes every description of watercraft or other contrivance used on or capable of being used as a means of transportation in water.

CHANNEL SYSTEMS — As used in this article, comprehends main channels, cross channels connecting with them, basins and bathing areas.

HOUSEBOAT or BARGE — The terms "houseboat" or "barge" shall include a vessel not equipped with temporary or permanent motive power and shall include a raft or a float or any other similar contrivance used or capable of use as a temporary or permanent abode.

MOTORBOAT — Comprehends any vessel propelled by machinery, except tugboats and towboats, but including craft equipped with detachable motors.

PERSONAL WATERCRAFT — A vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel. **[Added 5-24-1999 by L.L. No. 4-1999]**

SPECIALTY PROP-CRAFT — A vessel which is powered by an outboard motor or propeller-driven motor and which is designed to be operated by a person sitting, standing or kneeling on or being towed behind the vessel rather than in the conventional manner of sitting or standing inside the vessel. **[Added 5-24-1999 by L.L. No. 4-1999]**

§ 205-17. Mooring and docking.

A. Channel clearance required. No craft shall be moored or anchored except at the edge of a channel and in no cases closer than 50 feet to channel markers or so as to interfere with the full use of the channel by others.

B. Removal of certain vessels required. Any vessel which becomes a menace to navigation or unseaworthy or sinks, grounds or becomes otherwise disabled shall be removed by the owner or person in charge thereof on order of the Chairman of the Board of Police Commissioners. Failure to comply with such order within 48 hours of its service in

person or by mail to the owner's last known address shall constitute a violation of this article.

C. Docking to be parallel. No person shall moor or dock or permit to be moored or docked any boat, craft or vessel, other than parallel to the bank and in a single line, whether or not said bank be bulkheaded, in the following canals or waterways in the Village:

(1) Albert Canal.

(2) Glovers Canal.

(3) The canal lying east of South Bayview Avenue and west of St. Marks Place.

(4) Nassau and Miller Channels north of 100 feet north of Manhattan Street.

(5) Sportsman's Channel.

(6) East Channel.

(7) Emories Channel and north basin.

(8) Gordon Channel.

(9) The canals lying between Bedell Street and West First Street, between West First Street and West Second Street, between West Second Street and West Third Street and between West Third Street and West Fourth Street.

(10) Teal Canal.

(11) Mallard Canal.

(12) Plover Canal.

D. Properties owned or operated by the Village of Freeport. **[Added 6-3-2013 by L.L. No. 1-2013, amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(1) No vessel shall be moored or docked at the marina portion of Sea Breeze Park, the boat slips located at the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park without proper authorization, in the form of a placard or permit, from the Village of Freeport. The Board of Trustees, from time to time, shall set the fees for the docking and mooring of vessels at Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park.

(a) Notwithstanding any other provisions of law to the contrary, the failure to have proper authorization to moor or dock a vessel at the Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park shall be a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of $500 for the first infraction, $1,000 for the second infraction, and not more than $1,500 for the third and any violations thereafter or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

§ 205-18. Safe operation of boats. [Amended 8-27-1973; 5-9-1988 by L.L. No. 2-1988; 5-24-1999 by L.L. No. 5-1999]

A. Generally. Every person operating a boat shall operate it in a careful and prudent manner at all times and at such rate of speed as not to disturb the reasonable comfort or endanger the property or life and limb of others or in such a manner as to interfere with the free and proper use by others of the channel system and other parts of the navigable waters within the Village. Creating a dangerous wake when approaching another boat shall be considered a violation of this article.

B. Reckless operation of vessels. It shall be unlawful to operate any vessel in a reckless manner.

(1) A person is guilty of reckless operation of a vessel who operates any vessel, personal watercraft, specialty prop-craft, water skis, aquaplane or boat in a manner exhibiting a disregard for the safety of person or property or without due regard, caution or circumspection or at a rate of speed in a manner so as to endanger or likely to endanger life or limb or damage to one's own property or the property of others, including but not limited to the erosion of marshland; or

(2) Jumping the wake of another vessel, by an operator of a personal watercraft or specialty prop-craft, unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed.

C. No person shall operate any boat, within the waterways of the Incorporated Village of Freeport, at any rate of speed which shall cause a wake, or wave, which may endanger the life or safety of any person or may cause damage to any property, including but not limited to the erosion of marshland.

D. Speed limits. No boat shall be operated at a speed in excess of five miles per hour in any channel, basin, dock or anchorage, bathing area or elsewhere in the navigable waters of the Incorporated Village of Freeport.

E. Muffler required. No person shall operate a motorboat without having the exhaust of the engine run through a muffler so constructed and used as to muffle the noise of the exhaust in a reasonable manner.

F. Scope of provisions. The foregoing provisions of this section shall be held inapplicable in such waters as may be from time to time set aside for the conduct of boat races or similar events held under the auspices of a recognized bona fide civic or yachting club, group or association when a permit therefor has been granted. The waters thus set aside shall be clearly marked and posted in conformity with a resolution duly adopted by the Board of Trustees, upon consultation with and consent of the Town Board of Hempstead and in conformity with § 34 of the Navigation Law of New York.

G. Penalties. There shall be a fine not to exceed $1,000 for a conviction of any provision of this section. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 205-19. Licensing of houseboats.

No person shall moor or anchor any houseboat within the harbor line for a period of more than 48 hours without having obtained a license therefor, after having filed an application and otherwise complying with the provisions of §§ 138-1 through 138-11 of Chapter 138, Licensing of Businesses. Such license shall be renewed weekly.

§ 205-20. Inspections; refusal of license.

Inspection of every craft, houseboat or barge for which a license is required shall be made by the Chairman of the Board of Police Commissioners upon orders of the Mayor, and if the applicant's use of maritime waters would, in the Mayor's opinion, endanger the safety, good order, morals or welfare of the community, the Mayor shall refuse to issue a license.

§ 205-21. Permits for mooring. [Amended 8-27-1973]

No person shall moor or anchor any houseboat or barge in any waters within or bordering in the Village to a distance of 1,500 feet from the shore for a period of more than 48 hours without a permit issued by the Village Clerk. These permits shall not be necessary nor shall they be construed to apply to vessels that are used exclusively for pleasure.

ARTICLE IV
Public Vistas
[Added 9-29-1997 by L.L. No. 9-1997]

§ 205-22. Legislative intent.

The Board of Trustees of the Incorporated Village of Freeport hereby declares and finds that it is of vital importance to the residents and taxpayers of the Village and the public at large that certain activities be prohibited on all public scenic piers and waterfront walkways overlooking our waterways. These prohibitions are for the purpose of promoting public comfort, safety and welfare of all people who seek to enjoy the scenic piers and waterfront walkways.

§ 205-23. Fishing prohibited.

There shall be no fishing and crabbing from a public scenic pier or walkway. The Board of Trustees of the Incorporated Village of Freeport may, by resolution, adopt designated fishing areas along public scenic piers or walkways and direct the Department of Public Works to post notices as to such designated fishing areas.

§ 205-24. Swimming prohibited.

There shall be no jumping or diving from public scenic piers or walkways, nor shall there be any swimming in the waters immediately surrounding any public scenic pier or walkways.

§ 205-25. Ball playing prohibited.

There shall be no ball playing or disk throwing on any public scenic pier or walkway.

§ 205-26. Mooring prohibited. [Added 10-27-1997 by L.L. No. 14-1997]

There shall be no mooring or docking of boats from any public scenic pier, except in the case of maritime emergency.

§ 205-27. Domestic animals prohibited. [Added 10-27-1997 by L.L. No. 14-1997]

There shall be no domestic animals, with the exception of Seeing-Eye dogs, permitted on any public scenic pier or walkways.

§ 205-28. General prohibitions. [Added 10-27-1997 by L.L. No. 14-1997]

There shall be no bicycles, in-line states, roller skates, skateboards permitted on any public scenic pier or walkway.

Chapter 209

SITE PLAN REVIEW

§ 209-1. Intent and purpose.
§ 209-2. Legislative authority.
§ 209-3. Definitions.
§ 209-4. Applicability; exemptions.
§ 209-5. Concept plan conferences and preliminary meetings.
§ 209-6. Application requirements.
§ 209-7. Review criteria.
§ 209-8. Public hearing.
§ 209-9. Waiver of public hearing.
§ 209-10. Planning Board action.
§ 209-11. Assurances.
§ 209-12. Filing fees.
§ 209-13. Appeal.
§ 209-14. Severability.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 7-6-1998 by L.L. No. 2-1998. Amendments noted where applicable.]

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§ 209-1. Intent and purpose.

It is the purpose of this chapter to promote the health, safety and general welfare of the Village through site plan review. This design evaluation procedure will allow the Village to review the arrangement, layout, use interrelationships and neighborhood impacts of sites intended for development or redevelopment and to ensure the aesthetic quality of such design to conform with the character of the neighborhood. It is also the intent of this chapter to protect the unique coastal area of the Village through site plan review by maximizing the conservation, enhancement, and utilization of its natural and man-made resources.

§ 209-2. Legislative authority.

In accordance with § 7-725-a of the Village Law, the Board of Trustees of the Village of Freeport authorizes the Planning Board to review and approve, approve with modifications or disapprove site plans pursuant to this chapter. In accordance with Municipal Home Rule Law §§ 10 and 22, this chapter supersedes § 7-725-a of the Village Law to the extent of permitting the Village to require:

A. The posting of a performance bond, assurance or other guaranty as a condition of site plan approval.

B. The reservation of parkland on site plans containing residential units, which are suitably located for recreational purposes, or the monetary payment of a sum to the Village in lieu of the reservation of parkland, pursuant to the standards and criteria set forth in § 209-7 of this chapter.

§ 209-3. Definitions.

Unless otherwise defined herein, the definitions contained in § 210-3 of the Code of the Village of Freeport, New York, shall apply to this chapter for the purpose of defining, interpreting, construing and applying the terms and provisions of this chapter. In addition to the foregoing, the following definitions shall apply:

CLERK OF THE PLANNING BOARD — The Village Clerk, or a duly authorized representative.

PLANNING BOARD — The Planning Board of the Incorporated Village of Freeport, New York.

SITE PLAN — A map prepared by an architect, a landscape architect, a civil engineer or a surveyor, containing the elements set forth in § 209-6C(2) as applicable, together with an architectural rendering of the proposed buildings and structures.

§ 209-4. Applicability; exemptions.

A. No building, structure or outdoor use of land shall be used, constructed, enlarged, altered or moved in any zoning district until a site plan meeting the requirements of this chapter has been approved by the Planning Board. In all cases requiring site plan approval by the Planning Board, a building permit or, where no building permit may be required, a certificate of occupancy or certificate of completion for all buildings or structures and outdoor uses of land shall not be issued by the Superintendent of Buildings except upon authorization of, and in conformity with, the site plan approval by the Planning Board. However, the Planning Board, pursuant to the provisions of § 210-207 of the Village Code, shall only have the authority to review issues involving sign permits when such issues involve denials or modifications of sign permit applications as initially determined by the Superintendent of Buildings. **[Amended 1-24-2005 by L.L. No. 1-2005; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Specifically excluded from the provisions of this chapter are the following items:

(1) Renovations which are 100% internal to an existing building or structure.

(2) Exterior renovations to an existing building or structure which do not increase, alter or otherwise modify the outer envelope of said building or structure. However, facade improvements to business and commercial structures are specifically included within the provisions of this chapter.

(3) Repair and replacement of existing driveways, curb cuts, aprons and sidewalks in which no change is being made to the width or length of the existing driveway. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(4) Repair and replacement of existing bulkheads, piers, mooring poles and/or floating docks.

(5) Repairs to existing in-ground and aboveground swimming pools, except such pools which are located on corner parcels.

(6) Fences which do not extend beyond the front line of the building or principal structure with the exception of fences made of or designed as metallic in nature. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(7) Decks which are six feet or less above grade. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(8) Storage sheds which conform with all zoning regulations and do not exceed 120 square feet and/or a height of 10 feet at the ridge.

(9) Residential handicap ramps. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 209-5. Concept plan conferences and preliminary meetings. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. A preliminary conference or conferences may be held between the Planning Board, a representative of the Building Department and the applicant and his/her representatives upon written request to the Clerk of the Planning Board prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, to advise the applicant as to potential problems and concerns and to determine generally the type of information to be shown on and submitted with the site plan. In order to accomplish these objectives, the applicant shall provide the following:

(1) A statement and site map showing the location and dimensions of all structures, buildings, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features on the site, anticipated changes in the site's existing topography and natural features, and, where applicable, measures and features to comply with other applicable state and/or local regulations, including, but not limited to, tidal wetlands, freshwater wetlands and flood hazard areas.

(2) A map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, water bodies, shorelines (with high-water line), easements and other pertinent features.

(3) A topographic or contour map of adequate scale and detail to show site topography.

B. A preliminary meeting is required for all new residential and new commercial construction. The intent of such a meeting is to allow the Planning Board to review the completed application with the applicant and provide feedback in an informal setting prior to the public hearing.

§ 209-6. Application requirements.

A. All applications for approval of a site plan shall be submitted on a form prescribed by rule or regulation of the Planning Board. Twelve copies of the site plan application and

any related information shall be submitted to the Planning Board. No application shall be accepted by the Clerk of the Planning Board unless it is complete. Within 30 days of receipt of the application, the Planning Board shall determine whether said application is complete. If the Planning Board determines that said application is incomplete, it shall promptly notify the applicant wherein said application is deficient. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. No application shall be deemed complete until either a negative declaration or conditioned negative declaration has been made for the application pursuant to the State Environmental Quality Review Act (SEQRA) or, if a positive declaration is made, until a draft environmental impact statement has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy. Regardless of the time requirements of this section, reasonable time shall be provided for compliance with SEQRA, including the preparation of a final environmental impact statement.

C. The application shall be accompanied by information contained on the following checklist. The Planning Board may, at its discretion, waive any requirements on this checklist which are clearly not relevant to the proposed use and site: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(1) The applicant shall provide photographs of all parcels within a radius of 300 feet of the subject parcel, with identifying comments on said photographs.

(2) A site plan shall include the following information, plotted as necessary to a scale of not more than 20 feet to one inch:

(a) Title of drawing, including name and address of applicant.

(b) North point, scale and date.

(c) Boundaries of the project.

(d) Existing natural features, such as watercourses, water bodies, wetlands, wooded areas and individual large trees on the subject property. Features to be retained should be noted.

(e) Floodplain boundaries as determined by the Federal Emergency Management Agency.

(f) Location of proposed land and water uses and their areas, in acres, and the location, together with the proposed use, dimensions, height and architectural features, of all buildings and other structures.

(g) Location of outdoor storage and description of materials to be stored.

(h) Location of all existing or proposed site improvements, including streets, drains, culverts, retaining walls, fences, docks and easements, whether public or private.

(i) Location and description of all proposed waterfront public access/recreation provisions.

(j) Description of sewage disposal and water supply systems and location of such facilities.

(k) Location and proposed development of buffer areas and other landscaping; the general landscaping plan and planting schedule.

(l) Location of all parking and loading areas, internal circulation pattern and ingress and egress drives.

(m) Provision for pedestrian and patron access, including public and private sidewalks, walkways and docks.

(n) Location, design and size of all signs and lighting facilities.

(o) Approximate locations and dimensions of areas proposed for neighborhood parks, playgrounds or other permanent open space.

(p) Building orientation and site design for energy efficiency and visual quality.

(q) Location and design of all energy distribution facilities, including electrical, gas and solar energy.

(r) Description and location of erosion control measures, including proposed location of sediment sink/setting pond and interceptor swales, etc.

(s) Location, supporting design data and copies of computations used as a basis for the design capacities and performance of stormwater management facilities.

(t) Lines and dimensions of all property which is offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the development.

(u) Estimated project construction schedule.

(v) Record of application for approval status of all necessary permits from federal, state and county officials.

(w) Identification of any federal, state or county permits required for project execution.

(x) The Planning Board may require such additional information as it may deem necessary for a complete assessment of the project pursuant to this chapter.

D. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 210, Article XXIX, shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards within such chapter and article. **[Added 12-17-2007 by L.L. No. 6-2007]**

§ 209-7. Review criteria.

A. General criteria. Planning Board review of the site plan shall include, but not be limited to, the following criteria:

(1) Development shall be compatible with natural features of the site and with surrounding land uses.

(2) Various on-site structures and uses within the development shall be harmonious and in scale to one another and with the neighborhood. No open design foundation system will be permitted for residential structures within an AE flood zone. Open design foundation systems shall only be permitted in FEMA-designated V (Velocity) zones and FEMA-designated Coastal A Zones, also known as the LIMWA Zone. **[Amended 5-6-2015 by L.L. No. 2-2015; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(3) Development shall be arranged to minimize visual or noise impacts with adjoining uses and adjoining lands. In mitigating impacts, consideration shall be given to the use, adequacy, type and arrangement of trees, shrubs and other landscaping materials.

(4) Development shall minimize the destruction, damage or detrimental modification of, or interference with, natural, scenic, topographic or physical features of the site.

(5) Development shall promote and facilitate open space, recreation and public access to the water, where appropriate and feasible, and shall avoid obstruction of existing public or semi-public access to the waterfront.

(6) Development shall provide for sufficient and adequate off-street parking and loading space.

(7) Development shall provide adequate and efficient arrangement of vehicular traffic access and circulation within the site and take steps to mitigate the proposal's effect on traffic patterns and congestion in the vicinity of the proposed development.

(8) Development shall provide unimpeded access for emergency service vehicles and convenient availability of fire protection devices.

(9) Development shall provide for adequate pedestrian and nonmotorized vehicular access, circulation and safety.

(10) Development shall give consideration to the relationship, compatibility, location, arrangements, size, design and aesthetics of buildings, lighting and signs with respect to on-site and off-site uses and facilities.

(11) Development shall ensure that there will be no measurable increase in runoff from the site during or after construction.

(12) Development shall ensure an adequate supply of potable water and sanitary waste disposal systems.

(13) Development shall minimize flooding and erosion hazards through nonstructural means, long-term structural measures and appropriate siting of structures.

(14) Development shall protect surface waters and groundwaters from direct and indirect pollution and from overuse.

(15) Development shall ensure the adequacy of landscaping and setbacks in regard to achieving maximum compatibility with, and protection of, local and area scenic quality, adjacent fish and wildlife habitats, freshwater wetlands, tidal wetlands and coastal waters.

(16) The height and bulk of buildings and structures shall be compatible with the site and in harmony with adjacent buildings, structures and uses so that new construction does not harm the visual quality or character of the area.

(17) For parcels abutting the water, and at the boundary between districts zoned for residential, apartment house, condominium or cooperative uses and all other districts, the height of the building or structure at any given point, where feasible, shall not exceed a distance greater than the setback of the structure from the lot line, except in the case of one-family dwellings, and except to the extent that a facility located adjacent to the water is essential to the functioning of a water-dependent use, as said term is defined in § 911 of the Executive Law of the State of New York.

(18) Building orientation and site design shall, to the maximum extent practicable, ensure that the proposed development conserves energy use.

(19) Development shall protect and avoid disturbance of sites recognized as being of local historical, architectural or archaeological importance on or adjacent to the site.

B. Reservation of parkland on site plans containing residential units.

(1) Before the Planning Board, may approve a site plan containing residential units, such site plan shall also show, when required by such board, a park or parks suitably located for playground or other recreational purposes.

(2) Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Village. Such finding shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village based on projected population growth to which the particular site plan will contribute.

(3) In the event that the Planning Board makes a finding pursuant to § 209-7B(2) that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the Planning Board may require a sum of money in lieu thereof to be established by resolution of the Board of Trustees. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the site plan which could be possible locations for parks or recreational facilities, as well as practical factors, including whether there is a need for additional facilities in the immediate neighborhood. Any money required by the Planning Board in lieu of land for park playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the Village exclusively for park,

playground or other recreational purposes, including but not limited to the acquisition of a fee, or less than fee, interest in property or the enhancement or revitalization of existing park facilities.

(4) Notwithstanding the foregoing provisions of § 209-7B, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved, the Planning Board shall credit the applicant for any land set aside, or money donated in lieu thereof, under such subdivision plat approval. In the event of resubdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

C. Consultation with other agencies and departments. In its review of a site plan, the Planning Board shall consult with the Superintendent of Buildings or his representative and may consult with other local and county officials and its designated private consultants, in addition to representatives of federal and state agencies, including but not limited to the New York State Department of Environmental Conservation, New York State Department of State and the Army Corps of Engineers.

§ 209-8. Public hearing.

Upon the Planning Board's determination that the site plan application is complete and satisfactory for review, a public hearing shall be scheduled to be held within 62 days from the time of such determination, except as provided for herein. For the purpose of this section, the date of determination of a complete application shall be taken as the date of the first regular Planning Board meeting following completion of the site plan application. The Clerk of the Planning Board shall mail notice of said hearing to the applicant at least 10 days before such hearing, and shall cause said hearing to be advertised at least five days prior to the scheduled date in a newspaper of general circulation in the Village and shall mail to all property owners within 300 feet of the subject property, by first-class mail, a notice of said hearing.

§ 209-9. Waiver of public hearing.

A. An applicant may apply to the Planning Board for a waiver of a public hearing.

B. The Planning Board may grant such a waiver upon a satisfactory demonstration, at a preliminary conference with the Planning Board, of all of the following:

(1) The property is located in a Residence AA or Residence A Zoning District.

(2) The proposed construction is not a new dwelling or building.

(3) The Planning Board determines that the review criteria contained in § 209-7 are satisfied.

§ 209-10. Planning Board action.

Within 62 days after the public hearing the Planning Board shall render a written decision. This sixty-two-day time period may be extended upon the mutual consent of the Planning Board and the applicant, or as may be permitted under the SEQRA.

A. Every decision of the Planning Board with respect to a site plan shall immediately be filed in the office of the Village Clerk and the Building Department.

B. Upon approval or approval with modifications, the Village Clerk shall mail to the applicant a copy of the written decision of the Planning Board.

C. Upon approval or approval with modifications, the Planning Board shall endorse a copy of the site plan and forward it to the Superintendent of Buildings, who shall then issue the appropriate permit if the project conforms to all other applicable requirements.

D. Upon disapproval, the Planning Board shall so inform the Superintendent of Buildings, who shall not issue a building permit or certificate of occupancy or of completion. The Village Clerk shall also mail to the applicant a copy of the written decision of the Planning Board and its reasons for disapproval. A copy of the appropriate minutes may suffice for this notice.

E. All mailings shall be by ordinary first-class mail to the applicant and his/her attorney, if any, at the address given by the applicant on the application form.

F. Specifications for all improvements shown on the site plan shall be those set forth in this chapter and in other local laws, rules and regulations or in construction specifications of the Village of Freeport.

§ 209-11. Assurances.

A. A statement shall be placed on all site plans approved by the Planning Board to the effect that the owner(s) agree(s) to comply with the plan and all conditions noted thereon. The installation of required site improvements (all roads, paved areas, drainage, utilities, outdoor lighting, open space and recreation, landscaping and screening, including planting) which are an integral part of the approved plan may be guaranteed by cash, performance bond or other acceptable guaranty approved by the Board of Trustees and the Village Attorney. In the event that a satisfactory guaranty is not provided within 90 days of the date of the resolution, the site plan shall be null and void. A guaranty of the improvements shall be for 100% of the cost of improvements.

B. The said cash, performance bond or other acceptable guaranty shall be conditioned on the property owner's or developer's completing the said work enumerated herein and set forth on the approved site plan in a manner satisfactory to the Planning Board, and upon the proper functioning of said systems for a period of one year from their completion. In default thereof, the said guaranty shall be forfeited; and the Village shall use the amount thereof to complete any incomplete portion of the said work or to make sure repairs are undertaken as are necessary to assure the proper functioning of said improvements. If any amount of money remains after the Village has completed said work, such excess money will be returned to the surety or the person putting up the required deposit. The installation of all improvements shall be under the direct

supervision of a New York State registered architect, landscape architect or professional engineer.

C. To obtain a building permit, an applicant shall provide to the Superintendent of Buildings proof of acceptance of guaranty by the Board of Trustees. No part of the guaranty shall be released until all of the requirements of site plan approval have been met, including the construction and completion of all site improvements and their inspection and approval by the Village.

D. The site improvements shall be fully completed in accordance with the approved plan before any new building, structure or outdoor use shown on the approved site plan is occupied or used or any existing building shown on the approved site plan is occupied with a new use.

§ 209-12. Filing fees.

The Board of Trustees of the Incorporated Village of Freeport shall adopt, by resolution, and from time to time may amend, but not more than once annually, a schedule of fees payable by an applicant for applications brought before the Planning Board for determination or action.

§ 209-13. Appeal.

The applicant or any aggrieved person may appeal a decision of the Planning Board. The appeal is made to the Supreme Court for review by proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within 30 days after the filing of a decision on a site plan application in the office of the Village Clerk.

§ 209-14. Severability.

In the event that any part or portion of this chapter shall be adjudged or determined to be invalid for any reason, such adjudication or determination shall not affect the validity of any other part or portion of this chapter. In the event that any provision of this chapter shall conflict or be inconsistent with any other provision of law, the more restrictive such provision shall be deemed to prevail to the extent inconsistent.

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Schedule B - Sample Stormwater Control Facility Maintenance Agreement

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 11-3-1952; readopted as amended 5-9-1966 as Ch. 24 of the 1966 Code. Subsequent amendments noted where applicable.]

ARTICLE I
Definitions and General Administration

§ 210-1. Purposes.

The purposes of this chapter are to regulate and restrict the location, construction and use of buildings, structures and the use of land in the Village and, for said purpose, to divide the Village into districts.

§ 210-2. Interpretation of chapter.

The provisions of this chapter shall be construed to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare of the Village. It is not intended by this chapter to rescind, repeal, abrogate, annul or in any way impair or interfere with any existing provisions, laws or ordinances, except as hereinbefore provided, or any rules, regulations or permits previously adopted or issued pursuant to law, relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards or other open spaces than are imposed or required by any other ordinances, rules or regulations or permits, or by easements, covenants or agreements, the provisions of this chapter shall control; and provided further that nothing herein contained shall prohibit or restrict the revocation of any permit heretofore or hereafter issued where no vested rights exist in favor of the holder thereof.

§ 210-3. Definitions. [Amended 4-24-1967; 8-14-1978 by L.L. No. 16-1978; 3-18-1996 by L.L. No. 1-1996; 4-21-1999 by L.L. No. 2-1999; 12-17-2007 by L.L. No. 6-2007; 5-12-2008 by L.L. No. 3-2008]

For the purpose of interpreting, construing and applying the provisions of this chapter, the following definitions shall be observed:

ACCESSORY BUILDING — Any structure other than a garage, with a foundation system, used for an accessory use, which is enclosed to protect its interior from the weather, located on the same lot as a residence.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use or building and located on the same lot as such principal use or building.

ADJUSTED GRADE — Only in areas mapped in a floodplain by FEMA FIRM maps. Adjusted grade is the average of established grade and the design flood elevation as established by FEMA, the Incorporated Village of Freeport, and the North American Vertical Datum of 1988 (NAVD88). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

ALTERATIONS — As applied to a building or structure, means changes or rearrangements in the structural parts or in the exit facilities; or enlargements, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

APARTMENT HOUSE — A building arranged, intended or designed to be occupied by three or more families living independently of each other.

AREA, BUILDING — The maximum horizontal projected area of a building and its accessory buildings, exclusive of chimneys, cornices, open steps, balconies, terraces (except such terraces or uncovered porches as are constructed above finished grade elevation) and other minor ornamental features projecting from the walls of the building and not supported independently by the ground.

AREA, RESIDENTIAL FLOOR — Comprises the total area in square feet of all floors used for residential purposes, including the public hallways, stairwells and elevators serving dwelling units, and is measured between the exterior faces of walls. It does not include the floor area of cellars, open porches or floor areas having headroom of less than seven feet six inches, nor cellars, community rooms, offices, stores or other nonresidential space.

ATTIC — The building volume enclosed between the underside of the roof, the top side of the structure forming the ceiling over the highest floors and, if present, the exterior walls. Attics may be either habitable or uninhabitable spaces as determined by the provisions of the New York State Building Code. Attics which meet the standards for habitable space shall be considered a story.

BARBECUE PIT — An exterior fireplace or built-in grill constructed primarily of masonry permanently anchored to the ground with a foundation system not exceeding four feet in height above established grade and 50 square feet in area. Similar structures exceeding these dimensions are defined as accessory structures.

BASE FLOOD ELEVATION — A benchmark determined by FEMA as a minimum design elevation for structures and buildings as designated on FIRM maps.

BASEMENT — A story, the floor of which is not more than three feet below and the ceiling of which is not less than four feet six inches above the average level of the lawfully established grade of the street curb. A basement shall be considered a story.

BOARDINGHOUSE — Any dwelling in which more than three persons are housed or lodged for hire with or without meals. A rooming house or furnished room house shall be deemed a boardinghouse.

BREEZEWAY — A roofed structure with a maximum of six feet in width along its short axis and a maximum of 125 square feet in area, enclosed or unenclosed, unheated, connecting a residence with either a detached garage or an accessory building.

BUILDING — A combination of materials adapted to form a construction that is safe and stable and adapted to permanent or continuous occupancy for residence, business, assembly or storage purposes and having a roof. The term "building" shall be construed as though followed by the words "or part thereof."

BUILDING, FRONT LINE OF — The line of that face of the building nearest the front line of the lot. This face shall be construed to include all construction above grade except steps and cornices.

BUILDING, HEIGHT OF — The vertical distance measured, in the case of flat roofs, from the established grade or adjusted grade to the highest level of the parapet walls and, in the case of pitched roofs, from the established grade or adjusted grade to the highest ridgeline.

CARPORT/PORTE COCHERE — A covered area formed by or attached to the principal building, used for the storage of motor vehicles and that has less than 50% of its perimeter

enclosed by a solid vertical plane. A carport/porte cochere shall be considered an accessory structure and shall not be considered as floor area for the purposes of calculating floor area ratios.

CELLAR — A story entirely or partly underground and having more than 1/2 of its clear height below average ground level of the adjoining ground. A cellar shall not be considered a story for the purposes of height measurement in determining the permissible number of stories. Notwithstanding the foregoing, an apartment house cellar shall be considered a story if its ceiling shall extend more than two feet above the average level of the lawfully established grade of the street curb.

CORNER LOT — A lot which fronts on two or more intersecting streets and is not by definition a through lot. A corner lot will have a primary front yard which abuts the street on which the building's address is located. In the case of buildings with addresses on more than one street, the definition of the primary front yard will be at the discretion of the Superintendent of Buildings. Front yards on other streets shall be the secondary front yards. The rear yard of a corner lot shall be located on the opposite side of the lot running parallel to the primary front yard. The side yard on a corner lot shall be located on the opposite side of the lot running parallel to the secondary front yard. In the case where a building lot is fronted by three streets, a front yard shall be provided at each street front and a rear yard shall be provided located on the opposite side of the lot running parallel to the primary front yard. See Figure 210-3-1.[1]

DECK — A framed structure with a walkable surface, open to the air and not roofed. A deck extending less than 18 inches above established grade outside of areas mapped within the floodplain by FEMA FIRM maps and/or above adjusted grade in areas mapped within the floodplain by FEMA FIRM maps is not considered as lot coverage or regulated by yard setback requirements unless specifically noted otherwise in this chapter. Decks extending more than 18 inches above established grade outside of areas mapped within the floodplain by FEMA FIRM maps and/or above adjusted grade in areas mapped within the floodplain by FEMA FIRM maps are considered to be accessory structures or if attached to, or directly adjacent, having less than four feet of separation from the primary building on the lot, they are considered to be a part of the primary building.

DESIGN FLOOD ELEVATION — The base flood elevation plus the freeboard requirement. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

DWELLING — A building designed or used exclusively as the living quarters for one or more families.

ENTRY STAIR/STOOP — A stair and platform rising from grade to allow access into a building. An entry stair/stoop may be made of wood, metal, masonry and/or concrete and shall not be considered as a portion of the lot coverage of the building. Entry stairs/stoops of less than 150 square feet in area may project into required front, side and rear yards.

ESTABLISHED GRADE — Average level of the crown of the road(s) fronting the building as measured from a projection of the property lines intersecting the crown of the road. On corner lots, the elevation at the intersecting crowns of the roads shall also be included in the average. All elevations must be certified by a New-York-State-licensed surveyor. The

1. **Editor's Note: Figure 210-3-1 is on file in the Village offices.**

Superintendent of Buildings, within his/her discretion, shall have the authority to waive the requirement of such survey.

FAMILY

A. One or more persons, whether or not related by blood, marriage or adoption, all living together as a single, stable and bona fide housekeeping unit, so long as such persons together occupy and own, lease or rent the whole of a separate building or separate dwelling unit in a family-like living arrangement as the functional and factual equivalent of a natural family and use all rooms and housekeeping facilities in common.

B. Any such number of persons shall not be deemed to constitute a family if any one of such persons may not have lawful access to all parts of said separate building or separate dwelling unit or if any one or more of such persons lease or rent any separate portion of said separate building or separate dwelling unit from any other person.

C. In the event that the Superintendent of Buildings, an Inspector or any other person acting on behalf of the Building Department or otherwise duly authorized by the Mayor and/or the Village Board shall find that any two or more of the following features exist at the subject premises, then it shall be presumed that more than one family is in occupancy thereof: more than one mailbox, mail slot or post office address; more than one doorbell or doorway on the same side of the separate building or separate dwelling unit; more than one electric meter and/or gas meter; more than one connecting line for cable TV; separate entrances for segregated portions of the separate building or separate dwelling unit; partitioned internal doors barring access between segregated portions of the premises, including bedrooms; separate oral or written leases or rental agreements or the payment of rent for portions of such separate building or separate dwelling unit among its owner and residents; and/or two or more kitchens (each containing a range or oven, refrigerator and sink), unless it is otherwise proven by evidence presented to such Superintendent or Inspector or designated person by such owner or resident that such occupancy is by a family as deemed herein. This presumption shall be rebuttable, but shall not preclude such Superintendent of the Building Department, Inspector and/or designated person from making a determination that such separate building or separate dwelling unit is not occupied by such a family, based upon other, whether or not hereinabove listed and/or contained.

D. The primary determination as to the application of this definition of a family, for purposes of compliance with any provisions of this Zoning Ordinance and/or any building codes, shall be made by said Superintendent of the Building Department, Inspector and/or designated person, based upon his or her inspection of the premises, as well as any information he or she may receive from the residents thereof, any other persons and/or any other written or documentary evidence as to the condition of the premises and/or the relationships and living arrangements of the residents.

FEMA — Federal Emergency Management Agency.

FENCE — Any assemblage of materials, man-made or natural, which produces a visual or physical impediment erected along a line and extending more than two feet above established grade outside of areas mapped within the floodplain by FEMA FIRM maps or extending more than one foot above adjusted grade in areas mapped within the floodplain by FEMA

FIRM maps, intended to prevent physical movement or visibility between two exterior spaces.

FENCE HEIGHT — Measured from established grade in areas mapped outside the floodplain by FEMA FIRM maps or adjusted grade in areas mapped within the floodplain by FEMA FIRM maps, to the top of the top rail, top of the highest picket or to the top of the highest portion of the fence, excluding posts spaced not closer than five feet on center on average. Posts having a maximum dimension of six inches in depth and/or width, and spaced no closer than five feet on center on average, may exceed the height limitations imposed on fences and enclosures herein by no more than eight inches.

FENCE, CLOSED — A fence constructed so that its opaque members, such as, but not limited to, posts, rails, balusters, pickets and other solid portions, constitute 50% or more of the area of the fence.

FENCE, OPEN — A fence constructed so that its opaque members, such as posts, rails, balusters, pickets and other solid portions, do not constitute more than 50% of the area of the fence.

FILLING STATION — An area of land, including structures thereon, which is used or designed to be used primarily for the supply of oil and gasoline, or oil or other volatile fuel for the propulsion of motor vehicles or boats, delivered directly to the motor vehicles or boats in which it is used; other facilities provided or available may include polishing, greasing, washing, spraying and otherwise cleaning or servicing such motor vehicles or boats, but in no event providing for major repairs.

FIRM MAPS — Maps issued by FEMA indicating areas within the one-hundred-year and five-hundred-year floodplains.

FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

FLOOR AREA RATIO (FAR) — The floor area of a building divided by the area of the lot upon which the building is situated. Example: A lot with an area of 5,000 square feet and a FAR of 50% may have a maximum constructed floor area of 2,500 square feet = (FAR of .5) x (lot area of 5,000 square feet). For the purpose of determining compliance with FAR, floor area shall be defined to include all spaces used for sleeping, living, eating and cooking, closets, hallways, bath and toilet rooms, utility/mechanical spaces, attached garage space and all other spaces not specifically excluded below. Dimensions used for calculating area shall be measured from the exterior face of exterior wall sheathing or masonry to the exterior face of exterior wall sheathing or masonry. Area of spaces to be excluded when determining compliance with FAR: breezeway, unenclosed porch, basement, cellar, and attic spaces meeting one of the following criteria:

A. Having a height of less than seven feet from floor to underside of structural plane above, excluding low beams or trusses spaced four feet or greater on center.

B. The space is not heated.

C. Has insufficient means of egress and/or emergency escape and rescue openings as determined by the Residential Code of New York State for habitable rooms.

D. Has insufficient light or ventilation or area as determined by the New York State Building Code pertaining to habitable rooms.

GARAGE SPACE — A completely enclosed garage area.

GARAGE, ATTACHED — A garage which shares a common wall and/or ceiling/floor structure or a portion thereof with the residence it serves.

GARAGE, DETACHED — A garage located so that all portions of the garage are a minimum of four feet away from the residence it serves with an exception for roof eaves and/or cornices which extend a maximum of two feet. A detached garage may be connected to the residence it serves by an unheated enclosed structure and/or roof meeting the definition of "breezeway."

GARAGE, PRIVATE — A completely enclosed building used for storing, keeping or parking of not more than three automobiles for private use.

GARAGE, PUBLIC — Any garage other than a private garage, available to the public, operated for gain and which is used for the storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

HALLS FOR PUBLIC ASSEMBLAGE — All places where the public assembles, whether or not an admission fee is charged.

HOTEL, MOTEL or BOATEL — A building or series of buildings containing 15 or more sleeping rooms or suites, each with sanitary accommodations but without any kitchen or cooking facilities therein, arranged or designed to be rented or hired out to be occupied, or which are occupied, for sleeping purposes, for compensation, for no more than 15 calendar days, whether the compensation be paid directly or indirectly, with public rooms and restaurants as permitted accessory uses. This definition, including the limitations and restrictions contained in Article XX, shall be applicable to hotels, motels and boatels in all districts where permitted, notwithstanding any greater or lesser restrictions hereinafter imposed and otherwise applicable in the particular district, except for the requirements of § 210-180, which shall remain effective. **[Amended 1-27-2020 by L.L. No. 1-2020]**

LANDSCAPE ARBORS and PLANTERS — Unenclosed structures used solely for the containment or support of landscape plantings. Planters extending less than two feet above established grade in areas mapped outside the floodplain by FEMA FIRM maps, or not extending above adjusted grade in areas mapped within the floodplain by FEMA FIRM maps, and arbors of less than 100 square feet aggregate area per lot are not considered in lot coverage calculations and may be located in required front, side and rear yards. Arbors may not exceed heights permitted for fences within 10 feet of a property line or within 20 feet of a canal or navigable body of water.

LINE, STREET — The dividing line between a street and an abutting lot.

LOT, DEPTH OF — Connotes a mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT, PLOT or PARCEL — A portion of land considered as a unit or occupied by a building or a group of buildings which are united by a common interest or use and the customary accessories and open spaces belonging to the same, provided that said portion of land is not dissected by a street, dedicated or not, a public or private way or by any easement over which the public has a right of passage. In the case of a waterfront property for the purpose of calculating buildable area, only the portion of terrestrial land between the streetline and the bulkhead line may be considered for a primary or secondary building. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

MOTOR VEHICLE — Includes all vehicles propelled by any power other than muscular power.

MOTOR VEHICLE REPAIR SHOP — As defined by § 398-b of the Vehicle and Traffic Law of the State of New York, commonly referred to as the definition section of the Motor Vehicle Repair Shop Registration Act.

NAVD 1988 — North American Vertical Datum of 1988 Plane. Elevation datum currently used by FEMA and the Incorporated Village of Freeport for the determination of flood elevations, FIRM Maps, and mean high tide. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

NGVD 1929 — National Geodetic Vertical Datum of 1929. A benchmark elevation survey used by FEMA to quantify base flood elevations, FIRM maps and mean high tide.

NONCONFORMING USE — A structure, building or land lawfully occupied by a use that does not conform to regulations of the district in which it is situated.

NOTICES — "Public notice" or "due notice" of a hearing means notice of the time and place thereof, printed in the official newspaper of the Village in conformity with the law relative to public hearings and official notice.

OCCUPIED — See "used, occupied."

OVEROCCUPANCY, REBUTTABLE PRESUMPTION — There shall be a rebuttable presumption of fact that any person residing or living in any dwelling for a period of time in excess of 30 consecutive days shall be, for the purposes of this chapter, domiciled in the same dwelling, irrespective of whether or not moneys, compensation or services are paid or transferred in consideration for the space so occupied. In any trial or proceeding based upon an alleged overoccupancy or illegal use due to an unauthorized occupancy or other code violation, once the prosecution has established that such person or persons have resided or lived in the subject premises for a continuous period of more than 30 days, this rebuttable presumption shall arise and shall be deemed to exist continuously. It shall be further presumed that such persons residing in the same household are not members of the same family within the meaning of "family" as defined in this section. These presumptions shall only be rebutted by substantial probative evidence to the contrary.

PARKING SPACE — The area required for parking one automobile, which in this chapter is deemed to be an accessible area of not less than nine feet wide and 20 feet long, not including passageway.

PORCH, UNENCLOSED — A one-story roofed structure attached to a residence where 75% of the vertical planes extending from the top of the porch floor to the underside of the porch roof separating the area of the porch from exterior open space (yard) are open and

unobstructed. Railings which are 50% open and not more than 42 inches in height above the porch floor, decorative latticework which is more than 75% open and insect screening shall not be considered obstructions diminishing the percentage of openness. For yard setback purposes, an unenclosed porch is considered part of the principal building.

RIDGELINE — A line at which two roof planes meet, forming the highest point of those two planes. In the case where more than two roof planes meet, the highest point of intersection of those planes shall be considered the ridgeline.

SEP BASE HEIGHT — The starting (lowest) elevation for a sky exposure plane at the property lines shall be as follows:

A. In areas determined to be within a floodplain by FEMA FIRM maps: adjusted grade, as defined by § 210-3.

B. In all other areas outside of the floodplain: established grade, as defined by § 210-3.

SKY EXPOSURE PLANE (SEP) — A virtual sloping plane starting from the front, rear and side property lines at a specified height (SEP base height), rising inward over the zoning lot at a ratio of vertical distance to horizontal distance. The sky exposure plane may not be penetrated by the buildings on the lot except for the following permitted penetrations: chimneys, electric and communications service masts and cables, plumbing vents, antennas and satellite dishes, and cupolas and/or dormers deemed aesthetic enhancements to the building by the Planning Board where such dormers and/or cupolas do not exceed 10 feet in any horizontal dimension or 150 square feet in aggregate floor area. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between any floor and the ceiling next above it.

STORY, HALF — A space above a story below and where the main eaves of the building are below mid-height of said half story.

STREET — A public or private vehicular thoroughfare which affords the principal means of access to abutting property.

STRUCTURE — A combination of materials, other than a building, to form a construction that is safe and stable and includes, among other things, stadiums, tents, trailers, lunch wagons, whether movable or stationary, reviewing stands, pools, outdoor fireplaces, platforms, sheds, radio towers, exterior bins, fuel pumps, docks, boathouses, bulkheads, slips, fuel storage tanks above or below ground, walls or fences over four feet in height and display signs; the word "structure" shall be construed as though followed by the words "or part thereof."

THROUGH LOT — A lot which fronts on two streets running roughly parallel to each other. The lot will have two primary front yards, no rear yard and two side yards running perpendicular to the streets. In the case where a lot is fronted by four or more streets, it shall have a primary front yard on each street.

USE — As applied to the utilization of property, shall comprehend the lawful purposes for which lands may be employed and buildings or structures designed, adapted, arranged, erected or structurally altered.

USED, OCCUPIED — As applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

YARD, FRONT — An open space unobstructed from the finished grade level to the sky on the same lot as a main building, extending the full width of a lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of a front yard shall be measured between the front line of the building and the street line.

YARD, REAR — An open space unobstructed from the finished grade level to the sky on the same lot as a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of a rear yard shall be measured between the rear line of the lot and the building.

YARD, SIDE — An open space unobstructed from the finished grade level to the sky on the same lot as a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and, if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

§ 210-4. Establishment of districts; Zoning Map. [Amended 5-15-1972; 7-24-1972]

A. Types of districts. To promote the public health, safety, morals and general welfare of the community, the Village is hereby divided into the following types of districts: **[Amended 8-29-1977 by L.L. No. 14-1977]**

Residence AA District

Residence A District

Residence Apartment District

Business AA District

Business A District

Business B District

Service Business SB District

Marine Residence District

Marine Apartment-Boatel Condominium and Cooperative District **[Added 9-17-1979 by L.L. No. 12-1979; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Marine Business District

Marine Commerce District **[Added 11-24-1986 by L.L. No. 20-1986]**

Marine Industries District

Manufacturing District

Industrial District

Industrial B District

Planned Unit Development District – Medium Density, Primary Area, Secondary Area

Historical Preservation District

Artist/Professional Live/Work Overlay District

Golden Age Zone

Gasoline Service Station Overlay District

B. Shown on map. Said districts are bounded and defined as shown on a map entitled "Zoning Map of the Village of Freeport," adopted as amended on November 3, 1952, and certified by the Village Clerk, and the subsequent revisions thereof, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this chapter[2] as though all the lines, matters and other things depicted thereon were all fully described herein.

§ 210-5. Rules regarding district boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

A. Center lines of streets, etc. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be such boundaries.

B. Lines of lots. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

C. Line not specifically indicated. Where a boundary line does not follow such a location and is not specifically indicated on the Building Zone Map, it shall be considered 100 feet back from and parallel to the nearest street line.

D. Lines parallel to center lines. Where district boundaries are so indicated that they are approximately parallel to the center line or street lines of streets, or the center lines or the right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

E. Property not specifically zoned. Any property in the Village not specifically zoned shall be considered to be zoned Residence AA until changed by action of the Board of Trustees.

F. Railroad lines. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

G. Streams, lakes, etc. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village, unless otherwise indicated.

H. Lines within block. Where a Business B, Manufacturing or Industrial District area and a greater restricted area are indicated within a block, the boundary of the lesser restricted district area shall be considered the rear lot line of the properties affected.

2. Editor's Note: The Zoning Map is on file in the Village offices.

§ 210-6. Conformity required.

A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

B. No building shall hereafter be erected or altered:

(1) To exceed the height, or

(2) To accommodate or house a greater number of families, or

(3) To occupy a greater percentage of lot area, or

(4) To have narrower or smaller rear yards, front yards or side yards, or

(5) To have smaller percentage of floor area per family, than is specified herein for the district in which such building is located.

C. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a yard or other open space similarly required for any other building.

D. No required front yard shall be used for the open-air parking or storage of motor vehicles in any residence, apartment or business districts, except that this prohibition shall not apply to the driveway of a residence.

E. No building or structure shall be erected in a front yard.

F. Where the rear or side line of any lot in a residential area abuts any waterway, no building shall be erected within 20 feet of the property line, except that in the case of a lot with a depth or width of less than 100 feet, the depth or width of such rear or side yard shall not be less than 20% of such dimensions or area.

G. The spaces of all front, side and rear yards shall be open and unobstructed except:

(1) For the ordinary projection of windowsills, belt courses and other architectural and ornamental features to a distance of not more than six inches.

(2) For the projection of main cornices for a distance of not more than two feet.

(3) For the projection of chimneys for a distance of not more than two feet into the yard area, in length not exceeding 10 feet.

(4) For the projection of open fire escapes into the yard area for a distance of not more than 4 1/2 feet, as more particularly set forth in the Building Code.[3]

(5) For such other projections in business, manufacturing and industrial districts as are provided in the Building Code.[4]

The provision of this section requiring that the front yards shall be open and unobstructed shall not be applicable to the Industrial B District.

3. Editor's Note: See Ch. 86, Building Construction.

4. Editor's Note: See Ch. 86, Building Construction

§ 210-7. Petition for amendment; fees.

A. Application. Any owner of property desiring an amendment to this chapter changing the scope in area of any district herein created shall proceed by filing with the Board his petition, together with two copies of the Land and Tax Map of Nassau County of the area sought to be rezoned, certified by the County Clerk of Nassau County, not later than 10 days prior to the time of the filing of the petition. Upon receipt of any such petition, the Village Clerk shall immediately transmit the same to the Planning Board with the request for a report to the Board of Trustees upon the proposed change and for a statement by the Planning Board as to whether it approves or disapproves of the proposed change and its recommendations.

B. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a rezoning. **[Amended 2-26-1990 by L.L No. 40-1990]**

§ 210-8. Enforcement.

This chapter shall be enforced by the Superintendent of Buildings.

§ 210-9. Penalties for offenses. [Amended 10-3-1977 by L.L. No. 17-1977; 4-29-1991 by L.L. No. 1-1991; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

For every violation of the provisions of this chapter or any section or provision thereof, or of any condition or regulation imposed by the Board of Appeals in granting a permit or variance, the owner, agent, contractor or agent of the contractor of a building premises where such violation has been committed or shall exist and the owner, agent, contractor or agent of the contractor, lessee or tenant of any part of a building or premises on which such violation has been committed or shall exist and the agent, architect, builder, contractor or agent of the contractor or any person who commits, takes part or assists in such violation or who maintains any building or premises in which such violation shall exist shall, upon conviction, be subject to a fine in an amount not to exceed $4,000, imprisonment for not more than 15 days, or both such fine and imprisonment. Each and every day (twenty-four-hour period) that such violation continues shall constitute a separate violation.[5]

ARTICLE II
Board of Appeals

§ 210-10. Establishment; membership and organization. [Amended 1-21-1974]

There shall be a Board of Appeals as authorized by the Village Law, consisting of five members appointed by the Board of Trustees, one of whom shall be appointed Chairman by the Board of Trustees for a period of three years. The first appointments of members shall be effective April 1, 1975. The first appointments under this section shall be for terms so fixed

5. Editor's Note: Former §§ 210-9.1 through 210-9.5 of the 1979 Code, various moratoria, added by 11-21-1995 by L.L. No. 5-1995, 1-22-2007 by L.L. No. 1-2007, 6-4-2007 by L.L. No. 3-2007, 12-15-2008 by L.L. No. 5-2008, 9-25-2017 by L.L. No. 1-2017, respectively, amended 10-30-2017 by L.L. No. 2-2017, which immediately followed this section, were repealed due to expiration at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

that at least one appointment will expire at the end of each official year commencing at the end of the current such year and continuing in succeeding years until the entire original appointments made pursuant to this section run out. At the expiration of each original appointment, the succeeding members shall be appointed for five-year terms. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. A Deputy Chairman shall be appointed by the Board of Trustees, said Deputy Chairman to preside in the absence of the Chairman.

§ 210-10.1. Alternate members. [Added 11-19-2001 by L.L. No. 5-2001]

A. The Board of Trustees of the Incorporated Village of Freeport finds it necessary to supersede § 7-712 of the Village Law, which permits the appointment of alternate members to the Board of Appeals in cases where a member has a conflict of interest. This Board finds it necessary to provide for the appointment of alternate members to such Board, not only in cases of a conflict of interest, but in situations where a member is absent. We find it to be in the best interest of the Incorporated Village of Freeport and its residents to have the full benefit of a five-member Board of Appeals in all cases where practical.

B. The Mayor, subject to the approval of the Board of Trustees, may appoint two alternate members to the Board of Appeals for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest or in the event of an absence of a member.

C. The term of the first two appointed members shall be until the next organization meeting of the Board of Trustees. Subsequently they shall be appointed for annual terms expiring with the annual organization meeting of the Board of Trustees.

D. The Chairperson of the Board of Appeals may designate a duly authorized alternate member to substitute for a member when such member is unable to participate due to a conflict of interest or absence of a member on any matters before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Board of Appeals meeting at which the substitution is made.

§ 210-11. Powers of Board, generally.

The Board of Appeals shall have all the powers established by the Village Law and this chapter.

§ 210-12. Specific powers. [Amended 10-3-1977 by L.L. No. 18-1977; 5-22-1978 by L.L. No. 15-1978]

In addition to the powers and duties specified in the Village Law, the Board of Appeals, in the cases hereinafter specified, after due notice and public hearing, may grant permits

modifying or varying the application of the provisions of this chapter, in harmony with their general purpose and intent, as follows:

A. Garage space. Permit the enclosed garage space required of buildings in a Residence Apartment District to be constructed separately on the same lot instead of as an integral part of the building.

B. Business B Districts: motors, employees. Permit the use of single motors of more than two horsepower or, in the aggregate, of more than eight horsepower and permit more than 10 persons to be employed in processing or manufacturing in a Business B District.

C. Business A Districts: motors, employees. Permit the use of single motors of more than one horsepower or, in the aggregate, of more than four horsepower and permit more than five persons to be employed in processing or manufacturing in a Business A District.

D. Single-family dwellings. Permit the construction of a single-family dwelling on a lot separately owned at the time of the adoption of this chapter containing less than 75% of the area or frontage required by this chapter, or of both area and frontage; provided that the granting of such permit will authorize an appropriate improvement of a plot which could not otherwise be appropriately improved.

E. Use of internal-combustion engines. Permit the use of power generated by internal-combustion engines in manufacturing and industrial districts.

F. Extensions of buildings, uses. Permit the extension of a building or use into a more highly restricted district immediately adjacent thereto, but no more than 50 feet beyond the boundary line of the district in which such building or use is authorized; provided that the light and air of the more restricted district will not thereby be impaired.

G. Encroachments. Permit a proposed building to encroach upon the front yard setback requirement whenever the proposed building adjoins on either side of a building which is not in conformity with the minimum setback line. Such encroachment shall be limited to that of the building which has the greatest encroachment on the front yard setback.

H. Yard, lot modifications. Permit such modifications of yard or of lot areas or lot widths as may be essential to bring about appropriate improvements of property where a parcel of land was separately owned at the time of the adoption of this chapter and its area is such that it cannot be appropriately improved without such modifications.

I. Rear yard setback reduction. Permit on a corner lot in a Residence AA or Residence A District a reduction of the rear yard setback requirement to not less than 15 feet.

J. Use in Business A District. Permit in a Business A District a use found to be similar in general character to a use specifically authorized therein.

K. Parking locations. Permit the parking spaces provided for by this chapter for nonresidential use to be located elsewhere than as required, provided that such other location is no more than 500 feet distant from the location as set forth in the chapter.

L. Waiver of parking requirements. Dispense with the requirement to provide the parking spaces:

(1) When the property is unimproved or occupied by a residential use and is to be improved by a nonresidential use and lies within a zoned Business A or Business B District and is within 200 feet of a public parking field, provided that in addition to the finding required of the Zoning Board of Appeals to grant a permit, modification or variance, there shall be a finding that the public parking field has sufficient unused facilities to accommodate the reasonable and anticipated parking requirements of the contemplated improvement, and that the contemplated improvement shall have practical access to the public parking field by means of legal public streets and ways contiguous to the property. **[Amended 11-2-1975 by L.L. No. 10-1975]**

(2) When the property lies south of the Long Island Railroad tracks and east of South Main Street and is presently unimproved or improved with a residential use and is to be improved with a nonresidential use and lies within a zoned manufacturing or industrial district and is within a radius of 500 feet of a public parking field; provided that in addition to the finding required of the Zoning Board of Appeals to grant a permit, modification or variance, there shall be a finding that the public parking field has sufficient unused facilities to accommodate the reasonable and anticipated parking requirements of the contemplated improvement, and that the contemplated improvement shall have practical access to the public parking field by means of legal streets and ways contiguous to the property. **[Amended 11-24-1975 by L.L. No. 10-1975]**

M. Open-air parking. Permit the operation of open-air parking lots for more than five motor vehicles or motorless trailers in Business B Manufacturing and Industrial Districts.

N. Parking lots. Parking permits for the establishment or maintenance of a parking lot subject to the following conditions and limitations: **[Added 4-11-1983 by L.L. No. 6-1983[6]]**

(1) No parking field shall be authorized hereunder except when necessary for the safety, health or welfare of the public or to relieve congested traffic conditions.

(2) The Board shall consider the following factors:

(a) Location of the proposed parking lot and its proximity to main arteries or collector streets.

(b) The zoning district in which the proposed lot is to be situated.

(c) The compatibility of the proposed lot with the surrounding neighborhood.

(d) The likelihood that the proposed parking lot will draw additional traffic through residential streets and the overall effect of the proposed lot on traffic.

6. Editor's Note: This local law also provided for the relettering of former Subsection N as Subsection O.

(e) Whether the proposed lot will cause noise, exhaust fumes or litter to be a hazard to pedestrians, maintain adequate lighting, have proper drainage, appropriate landscaping and proper paving or whether the proposed lot will be an attractive nuisance.

(f) The location of the proposed curb cuts, entrances and exits as the same relate to traffic safety.

(g) Proximity of the proposed lot to public parks, playgrounds, apartment buildings or other multiple dwellings and pedestrian walkways.

(h) Whether the proposed lot would adversely affect the property values of adjacent properties.

(i) The proximity of the proposed lot from the primary use.

(3) The Board may grant the parking lot permit under this section upon specific conditions. In the event that such conditions are breached by the permit holder, the Board of Appeals is hereby authorized to conduct a public hearing for violation of this section upon application by the Village Clerk at the direction of the Mayor and Board of Trustees. At such hearing, the Board should consider whether or not such breach of the conditions contained in such permit is material and substantial. In the event that such breach is material and substantial, the Board of Appeals shall revoke the parking lot permit.

O. Enclosures. Permit the construction of a stone, concrete, masonry or brick enclosure or wall in Residence AA, Residence A or Residence Apartment Districts.

P. Floodplain management requirements. In those cases where an applicant for a building permit to replace or build a building or structure or part thereof situated in a designated floodplain area is denied the same upon the grounds of the applicant's inability to meet the literal floodplain management requirements contained in Chapter 87, Flood Damage Prevention, of the Code of the laws, rules and regulations of the Federal Emergency Management Agency (FEMA), the Board of Appeals, upon appeal by the applicant, shall have the right to review said denial and to grant relief from compliance with the literal application of said requirements, provided that the construction plans submitted by the applicant with the permit application are in substantial compliance therewith. Nothing in this section shall be construed to abrogate or repeal the laws, rules and regulations applicable to nonconforming uses, buildings or structures under this chapter. **[Added 9-26-1988 by L.L. No. 7-1988; amended 1-24-1994 by L.L. No. 2-1994]**

§ 210-13. Findings required to authorize variance. [Amended 4-29-1968; 1-24-1994 by L.L. No. 3-1994]

The grant of any permit as provided in § 210-12A through P above, inclusive, to modify or vary the strict application of this chapter, shall be premised upon a finding by the Board of Appeals that such permit, modification or variance:

A. Will not substantially depreciate the value of other properties.

B. Will not appreciably alter the essential character of the neighborhood.

C. Will not, because of noise, noxious odors or other undesirable attributes, create a nuisance.

D. Will secure public safety and welfare and assure substantial justice.

E. Will not create or tend to create a fire hazard or endanger the structure or premises wherein or whereon such use is sought.

F. Will fully comply with §§ 87-20 and 87-21 of Chapter 87, Flood Damage Prevention, of this Code.

§ 210-14. Time for acting upon variance.

Every permit or variance granted by the Board of Appeals to modify or vary the strict application of this chapter shall be acted upon within 12 months, and if a permit is granted for a structural variance the work thereon shall be completed within 12 months; otherwise the authority granted thereby shall automatically expire without notice, unless prior to that time an extension has been granted by the Board of Appeals.

§ 210-15. Rules of procedure.

The Board of Appeals shall establish rules to govern its procedures, deliberations and orders and shall conduct its processes in conformity thereto, subject to the following provisions:

A. Minutes. The Clerk of the Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact.

B. Records. Every rule, regulation and every finding, order, grant or variance or permit and every other determination or decision by the Board shall immediately be filed in the office of the Board and with the Village Clerk and shall be a public record.

§ 210-16. Filing fees. [Amended 4-31-1975 by L.L. No. 4-1975; 6-30-1975 by L.L. No. 6-1975; 10-31-1977 by L.L. No. 20-1977; 9-29-1986 by L.L. No. 9-1986]

The Board of Trustees of the Incorporated Village of Freeport may, from time to time but not more than once annually, adopt or amend a schedule of filing fees payable by a petitioner, applicant or appellant for any cases, matters of applications brought before the Zoning Board of Appeals for determination or action.

ARTICLE III

Nonconforming Buildings and Uses

§ 210-17. Continuance of use; scope.

The lawful use of any building or land existing on the effective date hereof may be continued even though such use does not conform to the provisions of this chapter. The following rules shall be observed as to nonconforming structures and nonconforming uses.

§ 210-18. Restoration of unsafe structure.

Any structure or portion thereof declared unsafe by a proper official authority may be restored to a safe condition.

§ 210-19. Structural alteration.

A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost 50% of the fair value of the building unless said building is changed to a conforming use.

§ 210-20. Restoration of damaged building.

No building damaged by fire, explosion, act of God or act of the public enemy to the extent of more than 60% of its fair value, exclusive of the foundation, shall be restored or rebuilt.

§ 210-21. Permissible extensions of use. [Amended 11-30-1992 by L.L. No. 10-1992]

A. A nonconforming use and, except as provided in Subsection B, a nonconforming building shall not be extended, but the extension of such a use to any portion of a nonconforming building which existed prior to the effective date hereof shall not be deemed an extension of such nonconforming use. No nonconforming use, however, shall be extended to displace a conforming use.

B. Notwithstanding the restrictions contained in Subsection A, a nonconforming building may be extended where such alteration does not extend the specific aspect of nonconformity of the building or site, as determined by the Superintendent of Buildings.

§ 210-22. Existing building permits.

Nothing herein contained shall require any change in plans, structure or designated use of a building for which a building permit has been heretofore issued, and the construction of which shall have been diligently prosecuted within 60 days of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within four months of the date of the permit, and which entire building shall be completed according to such plans as filed within 12 months from the effective date hereof.

§ 210-23. Discontinuance of nonconforming uses.

A. Generally. Whenever a nonconforming use has been discontinued, abandoned or not used for a continuous period of one year or more, such use shall not thereafter be reestablished, and future use shall be in conformity with the provisions of this chapter.

B. Dwellings. Whenever a frame building or structure heretofore partially or wholly used or occupied as a dwelling is to be converted or used for commercial purposes, it shall first be made to comply with the provisions of the Building Code and fire prevention regulations of the Village as applied to commercial buildings.[7]

C. Commercial buildings. When a frame building or structure located in a business or lesser restricted area and heretofore used for a commercial use has not been occupied for a period of at least 12 consecutive months, such building or structure shall not again be occupied or used for a commercial use unless it shall be made to comply with the provisions of the Building Code and fire prevention regulations of the Village as applied to commercial buildings.[8]

§ 210-24. Changes to conforming uses.

Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

§ 210-25. Certain uses to be discontinued. [Amended 8-29-1977 by L.L. No. 14-1977]

Notwithstanding any other provisions of this chapter, any automobile wrecking yard or other junkyard or any billboard, nonconforming sign or advertising structure in existence in any residence, Business A, Business B, Service Business SB or Planned Unit Development District on the effective date hereof shall, at the expiration of two years, become a prohibited and unlawful use and shall be discontinued.

§ 210-26. Change in district boundaries.

Whenever the boundaries of a district shall be changed so as to change an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming use or building existing therein.

§ 210-27. Permitted uses. [Added 11-22-1971]

The following regulations shall apply to all zoning districts within the Incorporated Village of Freeport notwithstanding any other provisions of this Code of ordinances. The following uses are permitted in zoning districts to the extent as set forth herein:

A. The rental of not more than one room for lodging or boarding purposes in any one dwelling unit to not more than one person; provided, however, that such person does

7. Editor's Note: See Ch. 86, Building Construction, and Ch. 115, Fire Prevention.

8. See Ch. 86, Building Construction, and Ch. 115, Fire Prevention.

not have separate cooking facilities and is not permitted and does not do independent cooking on the premises, which said room and occupancy thereof must comply in all respects with the provisions of Chapter 128, Housing Standards.

B. The use as permitted in Subsection A hereof, to wit, the rental of not more than one room for lodging or boarding purposes in any one dwelling unit to not more than one person, shall automatically expire and terminate on August 1, 1974, except by special exception of the Board of Zoning Appeals as set forth in Subsection C hereof. Any transfer of title to the property prior to August 1, 1974, shall also automatically terminate such use except by special exception of the Board of Zoning Appeals as set forth in Subsection C hereof.

C. Upon application of the property owner, a special exception may be granted by the Board of Zoning Appeals to continue the rental of not more than one room for lodging or boarding purposes in any one dwelling unit to not more than one person where it can be shown to the satisfaction of the Board that irreparable harm will be done to the owner as a result of such termination. A condition precedent to the Board's granting this exception is that the owner must be living in the dwelling. This special exception, if granted by the Board of Zoning Appeals, shall only be for a period of two years and may be renewed upon new application of the owner.

ARTICLE IV
Residence AA Districts

§ 210-28. Scope.

The following regulations shall apply in all Residence AA Districts.

§ 210-29. Permitted uses. [Amended 7-14-1969; 6-21-1971; 7-12-1971; 11-22-1971; 5-12-2008 by L.L. No. 3-2008]

The following uses are permitted:

A. Dwellings for not more than one family.

B. Churches or similar places of worship, parish houses, convents.

C. Elementary public schools, parochial schools, high schools and institutions for higher learning.

D. Public libraries.

E. Public parks and playgrounds and other municipal recreation uses.

F. Customary home occupations, such as the office of a physician, dentist, surgeon, real estate broker or other professional person, provided that such use is incidental to the primary residence use of such professional persons, and provided that such use shall be conducted in the principal building. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

G. Garage space or parking space may be provided for not more than three automobiles in a detached garage and not more than two automobiles in an attached garage. Commercial vehicles are permitted, provided that such vehicle does not exceed one-ton rated capacity, is used only by the owner or occupant of said property and is parked in a completely enclosed garage at all times when not in use. Notwithstanding the aforementioned limitations, the Board of Appeals shall have the power to grant permits for the establishment and maintenance of parking fields in this and any other zones, subject to the conditions and limitations provided in § 210-12(N) herein.

H. Accessory uses to the residence, including a detached garage, accessory buildings, accessory structures, breezeways, decks, swimming pools, entry stairs/stoops, unenclosed porches, barbecue pits, landscape arbors and planters, fences, paved patios sidewalks and driveways.

§ 210-30. Prohibited uses. [Amended 2-28-1977 by L.L. No. 3-1977]

A. Any use not herein specifically permitted is prohibited.

B. Hospitals or sanatoriums for the treatment of human ailments are prohibited, except that hospitals or institutions treating liquor-habit patients, if existing at the time of the enactment of this amendment, shall be permitted to exist as a lawful nonconforming use.

C. Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

§ 210-31. Building height; sky exposure plane. [Amended 5-12-2008 by L.L. No. 3-2008]

A. No dwelling shall exceed 35 feet in height nor have more than three stories, and no structure of any kind shall be erected to a height in excess of 40 feet, except that this provision shall not apply to restrict the height of a church spire or belfry or of a monument, flagpole, water tank, elevator bulkhead, or stage tower or home television or radio receiving aerial. No building shall penetrate the sky exposure plane, except for those portions as permitted in § 210-3. No accessory building and/or detached garage shall exceed 15 feet in height if erected with a roof pitched less than six units vertically to 12 units horizontally, and 20 feet in height if erected with a roof pitched six units vertically to 12 units horizontally or steeper.

B. The following sky exposure planes shall apply:

(1) Along front and rear property lines, a SEP pitch of one unit vertical to one unit horizontal.

(2) Along side property lines, a SEP pitch of 1.5 units vertical to one unit horizontal.

§ 210-32. Lot area; street frontage; lot width. [Amended 4-8-1968; 11-29-2021 by L.L. No. 8-2021]

No building shall be erected on a lot whose area is less than 10,000 square feet and on any lot which has a street frontage of less than 100 feet and on any lot whose width is less than

100 feet at any point between the side lines from the front property line up to the rear building line of the proposed structure.

§ 210-33. Lot coverage; floor area ratio. [Amended 5-12-2008 by L.L. No. 3-2008]

The principal building on any lot shall not cover more than 25% of the lot area, and no more than an additional 7.5% of the total area of the lot may be used for the erection of an accessory building and/or detached garage with the maximum lot coverage of said accessory building and/or detached garage to be limited to an aggregate area of a maximum of 750 square feet, and no more than an additional 5% of the total area of the lot may be used for the erection of an unenclosed porch with the aggregate maximum lot coverage of said unenclosed porch to be limited to a maximum of 375 square feet. The floor area of the principal building shall not exceed a floor area ratio of 40% of the lot area.

§ 210-34. Minimum floor area.

Every dwelling shall provide a minimum of 1,000 square feet of residential floor area per family. Every dwelling more than one story in height shall provide a minimum of 800 square feet of residential floor area on the first floor designed for residential use.

§ 210-35. Required yards. [Amended 5-12-2008 by L.L. No. 3-2008]

A. Yards of the following depths or widths shall be provided for the principal building on the lot:

   (1) Front yard depth: minimum 20 feet or the average depth of all residential front yards on the same side of the street within two hundred 200 feet in either direction, whichever is greater, but in no case more than 50 feet.

   (2) Rear yard depth: minimum 20 feet or 20% of the lot depth, whichever is greater, with the exception that for lots abutting canals and other navigable bodies of water, the rear yard depth shall equal the average depths of all residential rear yards abutting the water on the same side of the canal or navigable body of water within 200 feet in either direction or 20 feet measured landwards of the average line of the bulkhead, whichever is greater, or, if no bulkhead exists, measured 20 feet landwards of the rear property line, whichever is greater.

   (3) Side yards width: minimum 10 feet; the sum of the width of the two side yards shall, at minimum, equal 25% of the lot width.

B. No structure or building, other than a fence, landscape arbors and planters, entry stair/ stoop, may be erected in the side yard of a building, and any building other than a dwelling, or an accessory building serving the dwelling, or a detached garage serving the dwelling, or a breezeway serving the dwelling, shall have a side yard of not less than 40 feet measured to the side property lines.

C. Yards of the following depths or widths shall be provided for accessory buildings, detached garages, accessory structures, barbecue pits and breezeways on the lot:

(1) Front yard: No accessory building, accessory structure, barbecue pit, detached garage or breezeway shall be erected in any front yard.

(2) Rear yard depth: minimum five feet, except for lots which abut canals or navigable waters, a minimum depth of 20 feet measured landwards of the average line of the bulkhead shall be provided; if no bulkhead exists, measured 20 feet landwards of the rear property line.

(3) Side yards width: No accessory building, accessory structure, barbecue pit, detached garage or breezeway shall be erected in any side yard.

(4) Separation from dwellings on adjacent lots: A minimum separation of 20 feet shall be provided from any existing dwellings on adjacent lots.

D. Decks extending less than 18 inches above the established grade in areas mapped outside the floodplain by FEMA FIRM maps or decks not extending above adjusted grade in areas mapped within the floodplain by FEMA FIRM maps shall comply with the following yard requirements:

(1) Front yard depth requirements shall be the same as front yard depth requirements for principal buildings.

(2) Side yards width: minimum 3 1/2 feet from side property lines.

(3) Rear yards depth: minimum 3 1/2 feet; except for lots abutting canals or navigable water, the deck may extend to the bulkhead.

E. Decks extending more than 18 inches above established grade in areas mapped outside the floodplain by FEMA FIRM maps or decks extending above adjusted grade in areas mapped within the floodplain by FEMA FIRM maps shall be considered to be accessory structures if freestanding and if attached to or separated by less than four feet from a building, shall be considered as a part of the principal building, accessory building or detached garage to which they are attached or adjacent and shall be regulated by the requirements for those buildings.

ARTICLE V
Residence A Districts

§ 210-36. Scope.

The following regulations shall apply in all Residence A Districts.

§ 210-37. Permitted uses. [Amended 4-13-1970; 7-12-1971; 11-22-1971; 2-28-1977 by L.L. No. 3-1977; 8-29-1977 by L.L. No. 14-1977; 5-12-2008 by L.L. No. 3-2008]

The following uses are permitted:

A. All uses permitted in Residence AA Districts.

B. A detached garage, accessory buildings, accessory structures, breezeways, decks, swimming pools, entry stairs/stoops, unenclosed porches, barbecue pits, landscape arbors and planters, fences, paved patios, sidewalks and driveways.

C. Boat mooring or docking.

(1) The mooring or docking of boats at property abutting upon any canal or waterway; provided, however, that all boats so docked shall comply with the terms and provisions of §§ 205-14 through 205-18 of Chapter 205, Waterfront Properties and Watercraft.

(2) Nothing contained herein shall be deemed to permit in a zoned residential district the docking or mooring of a commercial, charter, open party or similarly used boat or the loading or unloading of cargo or the embarking or disembarking of passengers, or to permit the sailing to or from property in such a district of a commercial, charter, open party or similarly used boat with its cargo, charter, party or passengers. For the purposes of this subsection, a "charter" or "open party" boat shall only be considered as such when embarking, disembarking or carrying passengers and/or when loading or unloading cargo or supplies.

D. Dock rental.

(1) The renting of dock space for boats, provided that the total number of boats for which such dock space is rented does not exceed the number of boats permitted to be docked within the provisions of §§ 205-14 through 205-18 of Chapter 205, Waterfront Properties and Watercraft, and further provided that in no event shall the number of boats for which dock space is rented exceed, in number, one boat to each 30 linear feet of said property abutting upon or running parallel to the bank of any canal or waterway when the provisions of §§ 205-14 through 205-18 require parallel docking or mooring to the bank of said canal or waterway.

(2) Nothing hereinabove contained shall be deemed to permit the renting or offering for rent of such dock space for boats on any unimproved property abutting upon any canal or waterway.

§ 210-38. Prohibited uses.

A. Any use not herein specifically permitted is prohibited.

B. Garage space or parking space may be provided for not more than three automobiles, one of which may be a commercial vehicle with a rated capacity of not more than 1 1/2 tons, except that no vehicle or accessory thereto, other than a pleasure car, may be stored outdoors. **[Added 6-21-1971; amended 9-29-1986 by L.L. No. 10-1986]**

C. Hospitals or sanatoriums for the treatment of human ailments are prohibited, except that hospitals or institutions treating liquor-habit patients, if existing at the time of the enactment of this amendment, shall be permitted to exist as a lawful nonconforming use. **[Added 2-28-1977 by L.L. No. 3-1977]**

D. Tattoo parlors are prohibited. **[Added 5-23-1983 by L.L. No. 11-1983]**

§ 210-39. Building height; sky exposure plane. [Amended 5-12-2008 by L.L. No. 3-2008]

A. No dwelling shall exceed 35 feet in height nor have more than three stories, and no structure of any kind shall be erected to a height in excess of 40 feet, except that this provision shall not apply to restrict the height of a church spire or belfry or of a monument, flagpole, water tank, elevator bulkhead, or stage tower or home television or radio receiving aerial. No building shall penetrate the sky exposure plane, except for those portions as permitted in § 210-3. No accessory building and/or detached garage shall exceed 15 feet in height if erected with a roof pitched less than six units vertically to 12 units horizontally, and 20 feet in height if erected with a roof pitched six units vertically to 12 units horizontally or steeper.

B. The following sky exposure planes shall apply:

(1) Along front and rear property lines, a SEP pitch of one unit vertical to one unit horizontal.

(2) Along side property lines, a SEP pitch of two units vertical to one unit horizontal.

C. Superintendent of Buildings authority. **[Added 7-8-2013 by L.L. No. 2-2013]**

(1) The Superintendent of Buildings shall have the authority to waive the provisions of this section for those homes located within the AE flood zone where mitigation activities are ongoing. For purposes of this subsection, "mitigation activities" is defined as being the elevation of structures, demolitions and rebuilds.

(2) New entrances, staircases, and/or staircases for electric meter maintenance will be permitted, and subject to this subsection, provided that all appropriate zoning and planning approvals have been obtained.

(3) This subsection shall not apply to extensions and/or dormers and/or exterior alterations where mitigation efforts have not been undertaken.

§ 210-40. Lot area; street frontage; lot width. [Amended 4-8-1968]

No building shall be erected on a lot whose area is less than 5,000 square feet and on any lot which has a street frontage of less than 50 feet and on any lot whose width is less than 50 feet at a point between the side lines from the front property line to the rear building line of the proposed structure.

§ 210-41. Lot coverage; floor area ratio. [Amended 5-12-2008 by L.L. No. 3-2008]

The principal building on any lot shall not cover more than 30% of the lot area, and no more than an additional 10% of the total area of the lot may be used for the erection of an accessory building(s) and/or detached garage with the aggregate maximum lot coverage of said accessory building(s) and/or detached garage to be limited to a maximum of 500 square feet, and no more than an additional 5% of the total area of the lot may be used for the erection of an unenclosed porch with the aggregate maximum lot coverage of said porch to be limited to a maximum of 250 square feet. The floor area of the principal building shall not exceed a floor area ratio of 50% of the lot area.

§ 210-42. Minimum floor area.

There shall be a minimum floor area of 800 square feet in every dwelling.

§ 210-43. Required yards. [Amended 5-12-2008 by L.L. No. 3-2008]

A. Yards of the following depths or widths shall be provided for the principal building on the lot:

(1) Front yard depth: minimum 20 feet or the average depth of all residential front yards on the same side of the street within two hundred 200 feet in either direction, whichever is greater, but in no case more than 40 feet.

(2) Rear yard depth: minimum 20 feet or 20% of the lot depth, whichever is greater, with the exception that for lots abutting canals and other navigable bodies of water, the rear yard depth shall equal the average depths of all residential rear yards abutting the water on the same side of the canal or navigable body of water within 200 feet in either direction or 20 feet measured landwards of the average line of the bulkhead, whichever is greater, or, if no bulkhead exists, measured 20 feet landwards of the rear property line, whichever is greater.

(3) Side yards width: minimum five feet; the sum of the width of the two side yards shall, at minimum, equal 25% of the lot width.

B. No structure or building, other than a fence, landscape arbors and planters, entry stair/ stoop, may be erected in the side yard of a building, and any building other than a dwelling, or an accessory building serving the dwelling, or a detached garage serving the dwelling, or a breezeway serving the dwelling, shall have a side yard of not less than 40 feet measured to the side property lines.

C. Yards of the following depths or widths shall be provided for accessory buildings, detached garages, accessory structures, barbecue pits, and breezeways on the lot:

(1) Front yard: No accessory building, accessory structure, barbecue pit, detached garage or breezeway shall be erected in any front yard.

(2) Rear yard depth: minimum five feet, except for lots which abut canals or navigable waters, a minimum depth of 20 feet measured landwards of the average line of the bulkhead shall be provided; if no bulkhead exists, measured 20 feet landwards of the rear property line.

(3) Side yards width: No accessory building, accessory structure, barbecue pit, detached garage or breezeway shall be erected in any side yard.

(4) Separation from dwellings on adjacent lots: a minimum separation of 15 feet shall be provided from any existing dwellings on adjacent lots.

D. Decks extending less than 18 inches above the established grade in areas mapped outside the floodplain by FEMA FIRM maps or decks not extending above adjusted grade in areas mapped within the floodplain by FEMA FIRM maps shall comply with the following yard requirements:

(1) Front yard depth requirements shall be the same as front yard depth requirements for principal buildings.

(2) Side yards width: minimum 3 1/2 feet from side property lines.

(3) Rear yards depth: minimum 3 1/2 feet; except for lots abutting canals or navigable water, the deck may extend to the bulkhead.

E. Decks extending more than 18 inches above established grade in areas mapped outside the floodplain by FEMA FIRM maps or decks extending above adjusted grade in areas mapped within the floodplain by FEMA FIRM maps shall be considered to be accessory structures if freestanding and if attached to or separated by less than four feet from a building, shall be considered as a part of the principal building, accessory building or detached garage to which they are attached or adjacent and shall be regulated by the requirements for those buildings.

ARTICLE VI
Residence Apartment Districts

§ 210-44. Scope.

The following regulations shall apply to all Residence Apartment Districts.

§ 210-45. Permitted uses. [Amended 11-28-1966; 7-11-1967]

The following uses are permitted:

A. All uses permitted in Residence AA and Residence A Districts.

B. Apartments may be used as offices by persons practicing recognized professions such as medicine, dentistry, physiotherapy and the like. No more than 10% of the apartment units in any structure may be used for this purpose.

C. Professional buildings for the use of persons in the practice of such professions as medicine, dentistry, physiotherapeutics and like callings, within the generally accepted concept of the term.

D. Hotels, motels and boatels as defined in § 210-3, anything hereinafter contained to the contrary notwithstanding.

E. Clubs and lodges, except those whose chief activity is a service customarily carried on as a business or primarily for gain. Clubs and lodges may operate dining rooms provided that such operation is incidental to the activities of the organization.

§ 210-46. Prohibited uses. [Amended 2-28-1977 by L.L. No. 3-1977]

A. Any use not herein specifically permitted is prohibited.

B. Hospitals or sanatoriums for the treatment of human ailments are prohibited, except that hospitals or institutions treating liquor-habit patients, if existing at the time of the

enactment of this amendment, shall be permitted to exist as a lawful nonconforming use.

C. Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

§ 210-47. Building height. [Amended 11-28-1966]

A. Generally. All buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of more than 35 feet nor have more than three stories, and apartment houses shall not exceed 50 feet in height nor have more than four stories, including the basement. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Applicability. These provisions shall not apply to restrict the height of a church spire, tower or belfry or of a monument, flagpole, water tank, elevator, bulkhead or stage tower or any noncommercial television or radio aerial.

§ 210-48. Lot area; apartments. [Amended 11-28-1966]

No one-family dwelling shall be erected unless it conforms to all of the regulations contained in Article V, Residence A Districts; and no apartment house shall be erected on a lot whose area is less than 15,000 square feet or which provides less than 990 square feet of lot area per apartment unit.

§ 210-49. Lot coverage.

A. One-family dwellings. A one-family dwelling shall not occupy more than 30% of the area of the lot, plus an additional 10% for the erection of a garage as provided in the Residence A District.

B. Apartments. An apartment house shall not occupy more than 40% of the area of the lot, including accessory buildings or structures.

C. Open space. Open space, out-of-doors and uncovered, shall be provided at the ratio of at least one square foot of open space to each two square feet of residential floor area which excludes the basement or cellar. **[Added 11-28-1966]**

D. Open recreation space. Open recreation space, out-of-doors, shall be provided on the basis of 1/6 of the open space requirement in a single contiguous area other than the front yard. This requirement is a part of the open space requirement. Open recreation space shall use a portion of the open space required by Subsection C above. **[Added 11-28-1966]**

§ 210-50. Minimum floor area. [Amended 11-28-1966]

There shall be a minimum floor area of 600 square feet per apartment unit in apartment houses.

§ 210-51. Required yards.

Yards of the following minimum depth or width shall be provided:

A. Front yard depth: the average front yard depth of existing buildings on the same side of the street in the same block and within 200 feet of each side of the lot; if there are no existing buildings as aforesaid, the average front yard depth of existing buildings on the opposite side of the street in the same block and within 200 feet of the lines projected from each side of the lot; in no event, less than 25 feet;

B. Side yard width: 20 feet;

C. Rear yard depth: 20 feet:

provided, however, that the width of each side yard for any one-family dwelling in this district shall be the same as hereinbefore provided in the Residence A District.

§ 210-52. Parking space for apartment buildings. [Amended 11-9-1981 by L.L. No. 17-1981]

Parking space shall be provided as set forth in § 210-172.

§ 210-53. Basement or cellar use.

A. Uses prohibited. With the exception of one apartment in the basement of an apartment house, actually occupied by the building superintendent and his immediate family, no basement, cellar or half story in an apartment house shall be used for persons to live in or sleep or for professional or business purposes or for any purpose except housing the mechanical and heating apparatus to serve the structure and for storage as an accessory use by tenants.

B. Uses permitted. The basement and cellar may be used for lobbies, for recreational facilities, for parking tenants' vehicles, for machines to launder and dry linens and wearing apparel, utilizing only water as a liquid and as an accessory to the laundering and cleaning process, and if otherwise permitted by law, for coin vending machines for the use and convenience of the tenants of the apartment house only.

§ 210-54. Front yards of apartment buildings.

With the exception of the necessary driveways, walks and entrance areas, the front yard of any apartment house shall be fully graded, landscaped and continuously maintained in a neat and orderly fashion, and no portion of the said front yard shall be used for parking automobiles or other vehicles or storing articles of any kind.

§ 210-55. Lighting and ventilation of apartments.

Every room in an apartment house in which persons live, sleep, work or congregate, including kitchens, but excluding air shafts, elevator shafts, hallways and stairways, shall be adequately and naturally lighted and ventilated by at least on (1) window opening directly

upon a street, yard or court which is located on the same lot, and such yard or court shall have an unobstructed exit to the street.

§ 210-56. Interpretation.

Any ordinance or part of any ordinance inconsistent with the provisions of this article regulating apartment houses is hereby repealed; provided, however, that such repeal shall be effective only to the extent of such inconsistency, and that in all ether respects the provisions of this article shall be cumulative of other ordinances regulating and restricting apartment houses, and the more restrictive shall be effective.

ARTICLE VII
Business AA Districts

§ 210-57. Scope.

The following regulations shall apply in all Business AA Districts.

§ 210-58. Permitted uses.

The following uses are permitted:

A. All uses permitted in any Residence AA, Residence A, Residence Apartment Districts, except as otherwise specifically prohibited.

B. Offices and professional buildings, banks, nursing or convalescent homes, but excluding institutions for the insane, feebleminded, epileptic, drug-habit or liquor-habit patients; showrooms for the display of merchandise (all shipping, packing, crating, altering and repair thereof are specifically prohibited) and funeral homes.

C. All other uses which in the opinion of the Board of Appeals (upon application thereof as provided under Article II hereof) are of the same general character as though specifically permitted herein, it being the intent and the spirit of this chapter to encourage in this district buildings and structures having social, civic, cultural, religious, educational and fraternal use, together with office and professional buildings as distinguished from the retail sale of goods or the furnishing of services.

§ 210-59. Prohibited uses. [Amended 5-10-1971; 8-20-1973]

A. The following uses are prohibited:

(1) Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, peace, health, welfare or safety of the community, or that tends to create public disturbance or annoyance.

(2) No use permitted in § 210-58B shall be permitted in one-family dwellings and apartment houses.

(3) Stores and shops for conducting any of the following retail and service businesses: **[Amended 6-27-1977 by L.L. No. 12-1977]**

(a) Ice cream and confectionery, restaurants, retail sale of food and beverages for on- or off-premises consumption, bars and grills.

(b) Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that the above-described machines may be permitted in any established business as permitted in the district as follows: Each store or location with a square footage of 10,000 square feet or less shall be permitted two amusement devices, and one additional amusement device shall be allowed for each additional 10,000 square feet of store space. Notwithstanding the foregoing, liquor-dispensing establishments licensed by the New York State Liquor Authority shall be permitted one amusement device for each 500 square feet of store space. **[Amended 4-28-1980 by L.L. No. 4-1980; 8-11-1980 by L.L. No. 14-1980]**

(4) Gasoline service stations.

(5) Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

B. All other uses not herein specifically permitted are prohibited.

§ 210-60. Building height.

All buildings and structures shall be limited to 50 feet in height, except that one-family dwellings shall not exceed 35 feet nor have more than three stories.

§ 210-61. Lot area.

A. No one-family dwelling shall have less than 5,000 square feet of lot area.

B. No nonresidential building shall be erected on a lot whose area is less than 7,500 square feet.

§ 210-62. Lot coverage.

A. A one-family dwelling shall not occupy more than 30% of the area of the lot plus an additional 10% for the erection of a garage as provided for in the Residence A District.

B. No nonresidential building, together with appurtenant structures, shall occupy more than 60% of the area of the lot.

§ 210-63. Minimum floor area.

There shall be a minimum average floor area of 800 square feet per family in one-family houses.

§ 210-64. Required yards.

A. There shall be a minimum front yard depth of 20 feet.

B. The side yard width and rear yard depth for one-family dwellings shall be the same as that required in the Residence A District.

§ 210-65. Plots abutting more restricted districts.

For all nonresidential uses of plots that abut directly on a Residence Apartment District or more highly restricted district, there shall be provided a yard of at least 10 feet in depth along the line where it abuts on such more highly restricted district. Such yard shall not be used for vehicular access, vehicle storage or parking and shall remain open, unobstructed and unencumbered.

§ 210-66. Off-street parking; vehicular access; garbage area.

A. Every nonresidential building hereinafter erected shall provide off-street parking on the entire unused portion of the plot, exclusive of the sidewalk and setback area, and shall provide a driveway for ingress and egress to the same, and the surface thereof shall be maintained with cinders or other approved materials no less substantial in character.

B. Every nonresidential building hereinafter erected shall provide a means of vehicular access to the rear or side or into the building for loading and for unloading purposes.

C. Every nonresidential building hereinafter erected shall provide a suitable area for the accumulation of garbage and waste in the rear of the said premises and conform to §§ 120-3 and 120-4 and §§ 120-7 through 120-10 of Chapter 120, Garbage, Rubbish and Refuse, and any amendments thereof or regulations promulgated thereunder.

§ 210-67. Parking for customers and employees. [Amended 11-9-1981 by L.L. No. 18-1981]

Parking space shall be provided as set forth in § 210-172.

§ 210-68. (Reserved)[9]

ARTICLE VIII
Business A Districts

§ 210-69. Scope.

The following regulations shall apply in all Business A Districts.

9. Editor's Note: Former § 210-68, Apartment buildings in districts, was repealed 10-20-2014 by L.L. No. 8-2014.

§ 210-70. Permitted uses. [Amended 11-28-1966; 12-18-1967]

The following uses are permitted:

A. All uses permitted in any Residence AA, Residence A and Business AA Districts (except residential).

B. Stores and shops for conducting any of the following retail and service businesses: grocery, fruits and vegetables, delicatessen, barbershop, beauty parlor, shoe repair, liquor package store, hardware, meat market, drug, bakery, tobacco, newspapers and magazines, tailor, bank, offices, clubs and lodges, ice cream, confectionery, luncheonette and restaurants; subject, however, to the following conditions: **[Amended 4-24-1978 by L.L. No. 13-1978]**

(1) All goods or products manufactured or processed on the premises shall be sold at retail on the premises.

(2) Not more than 10 persons shall be employed in manufacturing or processing such goods or products at any one time. **[Amended 4-24-1978 by L.L. No. 13-1978]**

(3) Individual motors used in connection with such manufacturing or processing shall not have greater capacity than one horsepower per motor, and the aggregate capacity of the motors used for such purposes shall not exceed four horsepower. The limitations herein imposed do not apply to such motors as are used in the operation of duly approved apparatus in providing refrigeration and air conditioning.

(4) No merchandise shall be displayed or sold from any setback area or sidewalk.

(5) All nonresidential uses, with the exception of banks, offices, clubs or lodges, shall be limited to the first or ground floor of the building.

C. All other uses which in the opinion of the Board of Appeals (upon application of the Board of Appeals as provided in Article II hereof) are of the same general character as those specifically permitted herein.

§ 210-71. Prohibited uses. [Amended 12-18-1967; 2-19-1968; 8-20-1973]

A. The following uses are prohibited:

(1) Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, peace, health, welfare or safety of the community, or that tends to create public disturbance or annoyance.

(2) No use permitted in § 210-70B shall be permitted in one-family dwellings.

(3) Stores and shops for conducting any of the following retail and service businesses: **[Amended 6-27-1977 by L.L. No. 12-1977]**

(a) Bars and grills, discotheques, nightclubs, cabarets or any other commercial establishment which supplies entertainment and/or dancing to live or recorded music. **[Amended 4-24-1978 by L.L. No. 13-1978]**

(b) Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that the above-described machines may be permitted in any established business as permitted in the district as follows: Each store or location with a square footage of 10,000 square feet or less shall be permitted two amusement devices, and one additional amusement device shall be allowed for each additional 10,000 square feet of store space. Notwithstanding the foregoing, liquor-dispensing establishments licensed by the New York State Liquor Authority shall be permitted one amusement device for each 500 square feet of store space. **[Amended 4-28-1980 by L.L. No. 4-1980; 8-11-1980 by L.L. No. 14-1980]**

(4) Gasoline service stations.

(5) Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

B. All other uses not herein specifically permitted are prohibited.

§ 210-72. Building height.

A. All buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of more than 35 feet nor have more than three stories.

B. These provisions shall not apply to restrict the height of a church spire, tower or belfry or of a monument, flagpole, water tank, elevator, bulkhead or stage tower or any noncommercial television or radio aerial.

§ 210-73. Lot area.

No one-family dwelling shall be erected on a lot whose area is less than 5,000 square feet.

§ 210-74. Lot coverage.

No building, together with all other appurtenant structures, shall occupy more than 60% of the area of its lot, except that a one-family dwelling shall not occupy more than 35% of the lot plus an additional 10% for the erection of a garage as provided for in the Residence A District.

§ 210-75. Minimum floor area.

There shall be a minimum average floor area of 800 square feet per family in one-family houses.

§ 210-76. Required yards.

A. There shall be a minimum front yard depth of 20 feet.

B. The side yard width and rear yard depth for one-family dwellings shall be the same as that required in the Residence A District.

§ 210-77. Plots abutting more restricted districts.

For all nonresidential uses of plots that abut directly on a Residence Apartment District or more highly restricted district, there shall be provided a yard of at least 10 feet in depth along the line where it abuts on such more highly restricted district. Such yard shall not be used for vehicular access, vehicle storage or parking and shall remain open, unobstructed and unencumbered.

§ 210-78. Vehicular access for loading or unloading.

Every nonresidential building hereinafter erected on a lot the area of which is in excess of 5,000 square feet shall provide a means of vehicular access to the rear or side or into the building for loading and unloading purposes.

ARTICLE IX
Business B Districts

§ 210-79. Scope.

The following regulations shall apply to all Business B Districts.

§ 210-80. Permitted uses.

The following uses are permitted:

A. All uses permitted in Residence AA, Residence A, Business AA and Business A Districts (except residential). **[Amended 11-28-1966]**

B. Stores and shops for the conducting of any retail business; subject, however, to the following conditions:

(1) Manufacturing may be carried on or products may be processed when such activities are incidental to the conduct of the retail business on the same premises and when the goods made or the services rendered are dispensed on the same premises.

(2) Not more than 10 persons shall be employed at any one time in manufacturing or processing activities and the horsepower of industrial motors used in connection with such manufacturing or processing, exclusive of such horsepower as may be required for refrigeration and in air conditioning, shall not be greater than two horsepower per motor, and the aggregate horsepower of motors so used shall not be more than eight horsepower.

(3) The frontage of any individual store or shop shall be no less than 20 linear feet. Also, the minimum floor area of any individual store or shop shall be no less than 1,200 square feet. **[Added 4-28-1980 by L.L. No. 3-1980]**

C. Funeral parlors.

D. Buying, selling and dealing in new or used automobiles, motortrucks, motorless trailers or other vehicles if such business is carried on within an enclosed building having a floor area sufficient in size to house and display at least five average-size automobiles.

(1) If the aforesaid condition is complied with, an open-air sales lot shall be permitted as an accessory use, as provided in § 210-175, and further provided that such building is located on the same plot as that used as the open-air sales lot.

E. Public garages operated as such for hire or for the storage of trucks, buses or motorless trailers, upon compliance with the provisions of § 210-176 hereof.

F. Central telephone exchange.

G. Ice cream and confectionery, restaurants. **[Added 12-18-1967]**

§ 210-81. Prohibited uses.

A. The following uses are prohibited:

(1) Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, peace, health, welfare or safety of the community, or that tends to create public disturbance or annoyance.

(2) Open-air parking lots operated as such for more than five motor vehicles, unless a permit therefor shall be granted by the Board of Appeals as provided in Article II hereof.

(3) Motor vehicle repair shop, motor vehicle service shop, gasoline or diesel motor oil filling station; except that a motor vehicle repair shop and a motor vehicle service shop may be maintained as an accessory use to businesses permitted under § 210-80D. **[Amended 11-18-1968]**

(4) Stores and shops for conducting any of the following retail and service businesses: shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that two of the above-described machines may be permitted in any established business as permitted in the district, and, further, that if there are presently more than two of these machines, the number must be reduced to two machines within one year of the adoption of this section. **[Added 6-27-1977 by L.L. No. 12-1977]**

(5) Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

B. No use permitted in § 210-80B through F, inclusive, shall be permitted in one-family dwellings.

C. All other uses not herein specifically permitted are prohibited.

§ 210-82. Building height.

A. All buildings and structures shall be limited to a height of 50 feet, except that one foot may be added in addition to said limit of 50 feet for every foot any portion of the building in excess of 50 feet in height sets back from the front line or rear line of the building lot in addition to the required front or rear, and except that no dwelling house shall have a height of more than 35 feet nor have more than three stories.

B. These provisions shall not apply to restrict the height of a church spire, tower or belfry or of a monument, flagpole, water tank, elevator, bulkhead or stage tower or a non commercial broadcasting radio or television aerial.

§ 210-83. Lot area.

No one-family dwelling shall be erected on a lot whose area is less than 5,000 square feet.

§ 210-84. Lot coverage.

The entire lot may be covered by buildings, except within the mandatory open spaces hereinafter specified, and with the further exception that no one-family dwelling shall occupy more than 35% of the lot area, together with an additional 10% for the erection of a garage, as provided for in the Residence A District.

§ 210-85. Minimum floor area.

There shall be a minimum average floor area of 800 square feet per family in one-family houses.

§ 210-86. Required yards.

A. Front yards. Every building shall have a minimum front yard depth of five feet, except along streets where greater setbacks have been established.

B. Side and rear yards. The side and rear yards for one-family dwellings shall be the same as those required for such structures in Residence A District.

§ 210-87. Plots abutting more restricted districts.

For all nonresidential uses of plots that abut directly on a Residence Apartment District or more highly restricted district, there shall be provided a yard of at least 10 feet in depth along the line where it abuts on such more highly restricted district. Such yard shall not be used for vehicular access, vehicle storage or parking and shall remain open, unobstructed and unencumbered.

§ 210-88. Vehicular access for loading or unloading.

Every nonresidential building erected on a lot whose area exceeds 5,000 square feet must provide vehicular access to the rear, the side or into the building for loading and unloading purposes.

ARTICLE X
Service Business SB Districts
[Added 8-29-1977 by L.L. No. 15-1977]

§ 210-89. Scope.

The following regulations shall apply to all Service Business SB Districts.

§ 210-90. Permitted uses.

The following uses are permitted:

A. All uses permitted in Business A and Business B Districts (except residential, hotel, motel, clubs and lodges). **[Amended 11-14-1977 by L.L. No. 21-1977]**

B. Stores, shops and establishments for conducting retail or service businesses.

C. Gasoline sales and accessory automobile servicing limited to the same premises as the gasoline sales, car washes.

D. Warehousing and distribution facilities.

E. Assembly and manufacturing incidental to assembly, with such manufacturing involving not more than 10 persons using individual motors with no greater capacity than one horsepower per motor. **[Amended 12-30-1985 by L.L. No. 10-1985]**

F. Printing plants.

G. Data processing.

H. Nurseries, garden shops.

I. Freestanding restaurants selling food for consumption on or off the premises.[10]

J. All other uses which, in the opinion of the Zoning Board of Appeals, upon application thereto as provided under Article II herein, are of the same general character as the uses specifically permitted herein.

§ 210-91. Prohibited uses.

A. The following uses are prohibited:

10. Editor's Note: Former Subsection J, which listed institutional uses as permitted uses, was repealed 12-30-1985 by L.L. No. 10-1985. This local law also provided for the renumbering of former Subsection K as Subsection J.

(1) All uses prohibited in the industrial and manufacturing districts, unless specifically permitted herein.

(2) Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, welfare, peace, health or safety of the community, or that tends to create public disturbance or annoyance.

(3) Open-air parking lots operated as such for more than five motor vehicles, unless a permit therefor shall be granted by the Board of Zoning Appeals as provided in § 210-12M.

(4) Live poultry storage.

(5) Vehicle body repair, wrecking or painting.

(6) Social clubs and lodges. **[Added 11-14-1977 by L.L. No. 21-1977]**

(7) Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that the above-described machines may be permitted in any established business as permitted in the district as follows: Each store or location with a square footage of 10,000 square feet or less shall be permitted two amusement devices, and one additional amusement device shall be allowed for each additional 10,000 square feet of store space. Notwithstanding the foregoing, liquor-dispensing establishments licensed by the New York State Liquor Authority shall be permitted one amusement device for each 500 square feet of store space. **[Added 11-14-1977 by L.L. No. 21-1977, amended 4-28-1980 by L.L. No. 4-1980; 8-11-1980 by L.L. No. 14-1980]**

(8) Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

B. All uses not specifically permitted are prohibited. **[Added 10-31-1977 by L.L. No. 19-1977]**

§ 210-92. Building height.

A. All buildings and structures shall be limited to a height of 35 feet.

B. These provisions shall not apply to restrict the height of a church spire, tower or belfry or of a monument, flagpole, water tank, elevator, bulkhead or stage tower or a non commercial broadcasting radio or television aerial.

§ 210-93. Lot coverage.

The entire lot may be covered by buildings, except within the mandatory open spaces hereinafter specified.

§ 210-94. Required yards.

A. Front yards. Every building shall have a minimum front yard depth of 10 feet. All front yards shall be landscaped.

B. Side yards. No side yards are required except where the side yard adjoins a residential zone, in which case a side yard of 15 feet shall be provided.

C. Rear yards. Every building shall have a minimum rear yard depth of 25 feet.

§ 210-95. Buffer screening.

A. Any lot in a Service Business SB District which adjoins a residence zone shall provide buffer screening along the lot line which adjoins said residence zone. The buffer screening to be provided shall be 10 feet in width and contain:

(1) Evergreen shrubs and/or hedges spaced at close intervals so as to provide a visual screen of sufficient size to be six feet in height one year after the commencement of the building's use, or

(2) A continuous wall or fence at least six feet in height with accompanying landscaped area (including ground cover) to total the required width.

B. No such buffer screening need be provided between an SB lot and Residence A lot where the Residence A lot is being used to provide accessory parking for the nonresidential use on the SB lot.

§ 210-96. Required landscaping.

All open areas which are not paved shall be suitably landscaped and maintained. All parking and/or loading areas shall be suitably landscaped and maintained and shall be buffer-screened from the view of adjacent streets and residential properties by screening which shall be a minimum of five feet in width (10 feet if adjacent to a residential district) and contain:

A. Evergreen shrubs and/or hedges spaced at close intervals so as to provide a visual screen of sufficient size to be four feet in height for parking areas (six feet in height if adjacent to a residential district) and six feet in height for loading areas one year after the commencement of the building's use, or

B. A continuous wall or fence of substantial construction at least four feet in height for parking areas (six feet if adjacent to a residential district) and six feet in height for loading areas with accompanying landscaped area (including ground cover) to total the required width.

§ 210-97. Vehicular access for loading or unloading.

A. For every nonresidential building erected or altered on a lot in excess of 4,000 square feet, there shall be provided vehicular access to the rear or side or into the building for loading and unloading purposes.

B. For every nonresidential building erected or enlarged and every trade, industry or business conducted on any plot of land fronting on a street which is less than 50 feet in width, there shall be provided space and facilities for off-street loading and unloading purposes.

C. Rules as to space for the parking of motor vehicles with approved access thereto shall be governed by the provisions of §§ 210-166 through 210-181.

ARTICLE XI
Marine Residence Districts

§ 210-98. Scope.

The following regulations shall apply in all Marine Residence Districts.

§ 210-99. Permitted uses.

The following uses are permitted:

A. Dwellings for not more than one family.

B. Public parks and playgrounds and other municipal recreation uses.

C. Customary home occupations, such as the office of a physician, dentist, surgeon or other professional person, provided that such use is incidental to the primary residence use of such professional persons, and provided that such use shall be conducted in the principal building.

D. Other customary accessory buildings, structures and uses.

E. Home occupations, provided that such use shall be conducted in the principal building, does not use hired personnel, uses no visible advertising thereof except such signs as are permitted under § 210-205, and creates no traffic congestion, and further provided that a permit for such use shall be obtained from the Village Clerk in conformity with the provisions of §§ 138-1 through 138-11 of Chapter 138, Licensing of Businesses, of this Code prior to engaging upon such occupation.

F. Garage space or parking space as an accessory use to a one-family dwelling may be provided for not more than three automobiles, one of which may be a commercial vehicle with a rated capacity of not more than 1 1/2 tons, except that no vehicle or accessory thereto, other than a pleasure car, may be stored outdoors.

(1) Garage space for one automobile, but not including a commercial vehicle, may be rented to a person not residing on the same lot.

(2) No detached garage or other accessory buildings shall be projected into a side or rear yard as defined in this chapter. Nothing herein contained, however, shall prohibit the maintenance, repair, alteration or reconstruction of any existing detached garage or other accessory building now in use or existing; provided, however, that no such garage or other accessory building may be reconstructed or enlarged in violation of provisions appertaining to percentage of lot coverage or

in diminution of existing side yard requirements other than those already existing by virtue of such nonconforming use or structure.

G. Not more than one room may be rented for lodging or boarding purposes in any dwelling to a total of not more than two persons.

H. Boat mooring or docking.

(1) The mooring or docking of boats at property abutting upon any canal or waterway; provided, however, that all boats so docked shall comply with the terms and provisions of §§ 205-14 through 205-18 of Chapter 205, Waterfront Properties and Watercraft.

(2) Nothing contained herein shall be deemed to permit in a zoned residential district the docking or mooring of a commercial, charter, open party or similarly used boat or the loading or unloading of cargo or the embarking or disembarking of passengers, or to permit the sailing to or from property in such a district of a commercial, charter, open party or similarly used boat with its cargo, charter, party or passengers. For the purposes of this subsection, a "charter" or "open party" boat shall only be considered as such when embarking, disembarking or carrying passengers and/or when loading or unloading cargo or supplies.

I. Dock rental.

(1) The renting of dock space for boats, provided that the total number of boats for which such dock space is rented does not exceed the number of boats permitted to be docked within the provisions of §§ 205-14 through 205-18 of Chapter 205, Waterfront Properties and Watercraft, and further provided that in no event shall the number of boats for which dock space is rented exceed in number one boat to each 30 linear feet of said property abutting upon or running parallel to the bank of any canal or waterway when the provisions of §§ 205-14 through 205-18 require parallel docking or mooring to the bank of said canal or waterway.

(2) Nothing hereinabove contained shall be deemed to permit the renting or offering for rent of such dock space for boats on any unimproved property abutting upon any canal or waterway.

J. Open storage and sale of boats.

K. Parking fields for the parking of passenger vehicles only, for uses incidental to Marine Residence, Marine Business, Marine Industrial or Manufacturing Districts.

§ 210-100. Prohibited uses. [Amended 6-27-1977 by L.L. No. 12-1977]

A. The following uses are prohibited:

(1) Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that the above-described machines may be permitted in any established business as permitted in the district as follows: Each store or location with a square footage of 10,000 square feet or less shall be permitted two amusement devices, and one additional amusement

device shall be allowed for each additional 10,000 square feet of store space. Notwithstanding the foregoing, liquor-dispensing establishments licensed by the New York State Liquor Authority shall be permitted one amusement device for each 500 square feet of store space. **[Amended 4-28-1980 by L.L. No. 4-1980; 8-11-1980 by L.L. No. 14-1980]**

B. Any use not herein specifically permitted is prohibited.

C. Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

§ 210-101. Building height.

Three stories or 35 feet is the limit of height permitted for dwellings, and no structure of any kind shall be erected to a height in excess of 40 feet, except that this provision shall not apply to restrict the height of a monument, flagpole, water tank, elevator, bulkhead or stage tower, home television or radio receiving aerial.

§ 210-102. Lot area.

No building shall be erected on a lot whose area is less than 7,500 square feet nor on any lot which has a street frontage of less than 75 feet.

§ 210-103. Lot coverage.

The principal building on any lot shall not cover more than 25% of its area; and no more than an additional 10% of the total area of the lot may be used for the erection of accessory buildings or an attached garage.

§ 210-104. Minimum floor area.

Every dwelling shall provide a minimum of 1,000 square feet of residential floor area per family. Every dwelling more than one story in height shall provide a minimum of 800 square feet or residential floor area on the first floor designed for residential use.

§ 210-105. Required yards.

A. Yards of the following minimum depth or width shall be provided:

(1) Front yard depth: 20 feet;

(2) Side yard width, minimum: 10 feet;

(3) Rear yard depth, minimum: 20 feet;

provided, however, that in the case of side yards, the sum of the two widths of the two side yards shall not be less than 25% of the width of the lot, and further provided that the rear yard shall not be less than 20% of the depth of the lot.

B. No structure or building may be erected in the required side yard of a residential building, and any building other than a dwelling with an attached garage shall have a side yard of not less than 40 feet.

ARTICLE XII
Marine Business Districts

§ 210-106. Scope.

The following regulations shall apply in all Marine Business Districts.

§ 210-107. Permitted uses.

The following uses are permitted:

A. Offices, clubs, hotels, motels and boatels, as defined in § 210-3, anything hereinafter contained to the contrary notwithstanding, and restaurants with the customary accessory uses thereto.

B. Stationery and drugstores, marinas and establishments limited to the sale and display of new and used boats, marine supplies (including the retail sale of food), sporting and fishing equipment, electronic equipment and the accessories thereto when the display or sale is conducted within a totally enclosed building; subject, however, to the following conditions:

(1) The servicing and repair of merchandise sold on the premises when conducted as a use accessory to the sale and conducted within a totally enclosed building.

(2) Only one apartment may be erected or maintained in connection with any commercial or mercantile building, for the sole use and occupancy of the caretaker or the proprietor of the establishment. Such apartment shall have a minimum of 600 square feet of residential floor area and comply with all Village ordinances.

C. The rental of dock space, lockers, dressing and rest rooms as an accessory use to the rental of dock space and the rental of vessels either for private charter or for open party.

D. All uses shall provide off-street loading and unloading areas and off-street parking areas for employees' and customers' automobiles, based upon one space to every 500 square feet of lot area.

E. Parking fields for the transient parking of motor vehicles, provided said area is not that required under Subsection D hereunder.

F. The outside storage of boats, not for the purpose of display or sale to the general public, provided such storage is an accessory use to a business dealing in new or used boats within a totally enclosed building.

G. Any other uses which in the opinion of the Zoning Board of Appeals are of the same general character as or similar to the uses specifically permitted herein, upon application to the Board of Appeals as provided in Article II.

§ 210-108. Prohibited uses. [Amended 8-20-1973]

The following uses are prohibited:

A. Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, peace, health, welfare or safety of the community, or that tends to create public disturbance or annoyance.

B. Any other use not herein specifically permitted is prohibited, any provisions of this chapter to the contrary notwithstanding.

C. Anything herein to the contrary notwithstanding, all uses prohibited under § 210-127 and the manufacture of ammonia are hereby expressly prohibited.

D. Gasoline service stations.

E. Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that the above-described machines may be permitted in any established business as permitted in the district as follows: Each store or location with a square footage of 10,000 square feet or less shall be permitted two amusement devices, and one additional amusement device shall be allowed for each additional 10,000 square feet of store space. Notwithstanding the foregoing, liquor-dispensing establishments licensed by the New York State Liquor Authority shall be permitted one amusement device for each 500 square feet of store space. **[Added 6-27-1977 by L.L. No. 12-1977; amended 4-28-1980 by L.L. No. 4-1980; 8-11-1980 by L.L. No. 14-1980]**

§ 210-109. Building height.

No structure of any kind shall be erected to a height of more than 35 feet nor have more than three stories, except that this provision shall not apply to restrict the height of a flagpole, water tank, elevator or stair bulkhead, television or radio aerial antenna.

§ 210-110. Lot area.

No lot of less than 7,500 square feet in area shall be improved for any use permitted herein.

§ 210-111. Lot coverage.

No building, together with accessory structures, shall occupy more than 50% of the area of the lot.

§ 210-112. Required yards.

There shall be a minimum front yard depth of 10 feet for all structures except where the rear yard abuts on a canal or waterway and the lot has a depth of less than 60 feet, in which case the minimum front yard depth shall be five feet for all structures.

§ 210-113. Plots abutting more restricted districts.

For all nonresidential uses of plots that abut directly on a Residence Apartment District or more highly restricted district, there shall be provided a yard of at least 10 feet in depth along the line where it abuts on such more highly restricted district. Such yard shall not be used for vehicular access, vehicle storage or parking and shall remain open, unobstructed and unencumbered.

§ 210-114. Parking for customers and employees. [Amended 11-9-1981 by L.L. No. 19-1981]

Parking space shall be provided as set forth in § 210-172.

ARTICLE XIII
Marine Industries Districts

§ 210-115. Scope.

The following regulations shall apply in all Marine Industries Districts.

§ 210-116. Permitted uses. [Amended 10-20-1975 by L.L. No. 9-1975]

A building may be used, erected or altered and a lot may be used for any of the following purposes and no other:

A. Offices, clubs, hotels, motels and boatels, as defined in § 210-3, anything hereinafter contained to the contrary notwithstanding; the sale and display of new or used boats, marine supplies, the sale of engines, parts, marine electronic equipment, fishing supplies and sporting equipment for use with or in conjunction with boats.

B. The storage and dockage of boats both in and out of water, the retail sale of marine fuel and oils, provided the storage tanks for the same comply with §§ 115-33 through 115-50 of Chapter 115, Fire Prevention, and the sale of bait, ice and cooking fuels.

C. (Reserved)[11]

D. The manufacture, construction, repair and maintenance of boats in and out of water.

E. The assembly of marine-related equipment and the repair of boating engines and their accessories and electrical equipment, including machine shops predominantly devoted

11. Editor's Note: Subsection C, Manufacture and construction of articles to he sold herein, was repealed 11-10-86 by L.L. No. 11-1986.

to marine equipment, and incidental light manufacturing related to such activities, provided that all such activities are conducted in enclosed buildings. **[Amended 11-10-1986 by L.L. No. 12-1986]**

F. The sale of fish and shellfish either at retail or wholesale, the refrigerated storage of fish and the conducting of commercial fishing, including the docking, loading and unloading of fishing boats.

G. The storage of equipment for boats and the fishing industry in open lots.

H. Restaurants, bars and grills and assembly halls.

I. The sale of food.

J. The rental of docking space, lockers, dressing rooms and rest rooms as an accessory use to the rental of dock space and the renting of facilities for either private charter or open party.

K. Residential use.

(1) Residential use limited. One apartment may be erected or maintained in connection with any commercial or mercantile building, for the sole use and occupancy of the caretaker or the proprietor of the establishment. Such apartment shall have a minimum of 600 square feet of residential floor area and shall comply with all Village ordinances.

(2) Existing residence deemed conforming. Any residence building existing at the time of the adoption of this chapter shall be deemed a conforming use. It may thereafter be repaired, maintained or replaced if destroyed; provided, however, that such residence shall not be enlarged nor, except as a residence, may it or the premises upon which it is situated be used for any purpose other than such as is permitted hereunder.

L. All business, manufacturing and industrial uses heretofore in effect on the date of the adoption of this section shall be permitted in existing structures, and the structures housing such uses may be maintained, repaired, altered and extended within the property lines as now constituted and for such manufacturing and industrial uses. However, if such structure has deteriorated or been damaged beyond 75% of its replacement value, such building may not be repaired or rebuilt without conforming to the uses designated as permitted herein.

M. Upon the grant of a special use permit pursuant to Chapter 215, Special Use Permits, of the Code of the Village of Freeport, and provided that the use will not displace a water-dependent use, all businesses engaged in high technology, products, employee training and conference/seminar centers which are technology based and growth oriented such as: **[Added 11-8-1999 by L.L. No. 14-1999]**

(1) Optical.

(2) Computer software.

(3) Artificial prosthetics.

(4) Dental prosthetics.

(5) Computer training.

(6) Computer hardware.

(7) Physical therapy.

(8) Hearing-aid prosthetics and testing.

(9) Sleep disorders and diagnosis.

(10) Conference/seminar centers.

§ 210-117. Prohibited uses.

The following uses are prohibited:

A. Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, welfare, peace, health or safety of the community, or that tends to create a public disturbance or annoyance.

B. Any use not specifically permitted shall be prohibited.

C. Anything herein to the contrary notwithstanding, all uses prohibited under §§ 210-127 and 210-138 are hereby expressly prohibited.

D. Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that the above-described machines may be permitted in any established business as permitted in the district as follows: Each store or location with a square footage of 10,000 square feet or less shall be permitted two amusement devices, and one additional amusement device shall be allowed for each additional 10,000 square feet of store space. Notwithstanding the foregoing, liquor-dispensing establishments licensed by the New York State Liquor Authority shall be permitted one amusement device for each 500 square feet of store space. **[Added 6-27-1977 by L.L. No. 12-1977; amended 4-28-1980 by L.L. No. 4-1980; 8-11-1980 by L.L. No. 14-1980]**

§ 210-118. Building height. [Amended 11-10-1986 by L.L. No. 13-1986]

No building or structure shall exceed 40 feet in height or have more than three stories, except that such height restrictions shall not apply to a flagpole, a water tank, an elevator or stair bulkhead, an antenna for radio or television purposes or a crane or derrick used for marine purposes. Height shall be measured from the average level of the street curb grade to the highest point of the building.

§ 210-119. Required yards.

Every structure shall be so situated on its lot as to provide front and rear yards of not less than five feet in width and one side yard not less than 10 feet in width, except where such lot has a width of 40 feet or less, in which case no side yard is required, and except along streets

where greater setbacks have been established. No rear yard shall be required where the rear yard of the lot abuts on a canal or waterway and the said lot has a depth of less than 60 feet.

§ 210-120. Plots abutting more restricted districts.

For all nonresidential uses of plots that abut directly on a Residence Apartment District or more highly restricted district, there shall be provided a yard of at least 10 feet in depth along the line where it abuts on such more highly restricted district. Such yard shall not be used for vehicular access, vehicle storage or parking and shall remain open, unobstructed and unencumbered.

§ 210-121. Vehicular access for loading and unloading.

Every nonresidential building hereinafter erected on a lot whose area is in excess of 5,000 square feet shall provide a means of vehicular access to the rear or side or into the building for loading and unloading purposes.

§ 210-122. Parking for customers and employees. [Amended 11-9-1981 by L.L. No. 20-1981]

Parking space shall be provided as set forth in § 210-172.

§ 210-123. Bulkheads for certain plots. [Amended 10-5-1970]

A. No plot fronting on navigable water shall be used for any dwelling or business purposes, nor shall a permit be issued for the erection, addition, alteration or improvement of any structure until an approved bulkhead has been erected for the full width of the plot. All bulkheads erected under the foregoing provisions shall be maintained and kept in good state of repair at all times.

B. In case of legal or justified hardship due to weather conditions or otherwise, the superintendent of buildings shall have the power to accept a performance bond, of the type approved by the Village Counsel and in the amount set by him, or a cash bond in the amount set by him, for the installation of the approved bulkhead within a reasonable period of time not to exceed six months in any case.

§ 210-124. Sanitation requirements.

No business shall be conducted with the public on any plot or within any structure unless there shall have been provided legal refuse and garbage receptacles and adequate toilet and washing facilities for the use of the customers.

ARTICLE XIV
Manufacturing Districts

§ 210-125. Scope.

The following regulations shall apply in all Manufacturing Districts.

§ 210-126. Permitted uses. [Amended 2-19-1968]

The following uses are permitted:

A. All uses permitted in Residence AA, Residence A, Business AA, Business A, and Business B and Service Business SB Districts, except residential. **[Amended 8-29-1977 by L.L. No. 14-1977]**

B. All professions, businesses, trades, industry or manufacturing except those specifically prohibited herein.

§ 210-127. Prohibited uses. [Amended 12-10-1973]

The following uses are prohibited:

A. All uses prohibited in the Industrial District.

B. Bag cleaning establishments.

C. Blacksmith shops.

D. Coal yards.

E. Stone or monument works, including manufacture of concrete and cinder blocks, piles, columns and beams.

F. Storing, baling, sorting or selling of scrap paper or rags.

G. Power forges (riveting, hammering, punching, chipping, drawing, rolling, tumbling of iron, steel, brass or copper) except as a necessary incident of a manufacturing process in which these operations form a minor part and which are carried on without objectionable noise outside the plant.

H. Central mixing plants for cement, mortar, plaster or paving materials.

I. Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, welfare, peace, health or safety of the community, or that tends to create public disturbance or annoyance.

J. Open-air parking lots operated as such for more than five motor vehicles, unless a permit therefor shall be granted by the Board of Appeals as provided in § 210-12M hereof.

K. Live poultry storage.

L. Uses permitted in Residence AA and Residence A Districts, except professional offices, are prohibited in the same building with any other use permitted herein.

M. Gasoline service stations.

N. Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that the above-described machines may be permitted in any established business as permitted in the district as follows: Each store or location with a square footage of 10,000 square feet or less shall be permitted two amusement devices, and one additional amusement device shall be allowed for each additional 10,000 square feet of store space. Notwithstanding the foregoing, liquor-dispensing establishments licensed by the New York State Liquor Authority shall be permitted one amusement device for each 500 square feet of store space. **[Added 6-27-1977 by L.L. No. 12-1977; amended 4-28-1980 by L.L. No. 4-1980; 8-11-1980 by L.L. No. 14-1980]**

O. Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

§ 210-128. Building height.

A. All buildings and structures shall be limited to a height of 50 feet, except that one foot may be added in addition to said limit of 50 feet for every foot any portion of the building in excess of 50 feet in height sets back from the front line or rear of the building lot in addition to the required front or rear, and except that no dwelling house shall have a height of more than 35 feet nor have more than three stories.

B. These provisions shall not apply to restrict the height of a church spire, tower or belfry or a monument, flagpole, water tank, elevator, bulkhead or stage tower or a noncommercial broadcasting radio or television aerial.

§ 210-129. Lot area.

No one-family dwelling shall be erected on a lot whose area is less than 5,000 square feet.

§ 210-130. Lot coverage.

The entire lot may be covered by buildings, except within the mandatory open spaces hereinafter specified, and with the further exception that no one-family dwelling shall occupy more than 35% of the lot area, together with an additional 10% allowed for the erection of a garage, as provided for in the Residence A District.

§ 210-131. Minimum floor area.

There shall be a minimum average floor area of 800 square feet per family in one-family houses.

§ 210-132. Required yards. [Amended 7-13-1970]

A. Front yards. Every building shall have a minimum front yard depth of 25 feet; five feet shall be used for planting and landscaping and 20 feet shall be surfaced and may be used for off-street parking of pleasure cars only; except along streets where lesser setbacks have been established, provided that every building shall have a minimum front yard depth of five feet on such streets.

B. Side and rear yards.

(1) The side and rear yards for one-family dwellings shall be the same as those required for such structures in Residence A Districts.

(2) For nonresidential buildings, there shall be a rear yard depth (minimum) of 10 feet.

§ 210-133. Plots abutting more restricted districts.

On every lot that abuts directly on a Residence Apartment District or more highly restricted district, there shall be provided a yard of at least 10 feet in depth along the line where the lot abuts on such residence district. Such yard may be used for vehicular access but not for vehicle storage or parking and shall remain open, unobstructed and unencumbered.

§ 210-134. Vehicular access for loading and unloading.

A. For every nonresidential building erected or altered on a lot in excess of 4,000 square feet, there shall be provided vehicular access to the rear or side or into the building for loading and unloading purposes.

B. For every nonresidential building erected or enlarged and every trade, industry or business conducted on any plot of land fronting on a street which is less than 50 feet in width, there shall be provided space and facilities for off-street loading and unloading purposes. Rules as to space for the parking of motor vehicles with approved access thereto shall be governed by the supplementary regulations of this chapter, Article XVIII.

§ 210-135. Parking for customers and employees. [Amended 11-9-1981 by L.L. No. 21-1981]

Parking space shall be provided as set forth in § 210-172.

ARTICLE XV
Industrial Districts

§ 210-136. Scope.

The following regulations shall apply to all Industrial Districts.

§ 210-137. Permitted uses. [Amended 11-28-1966]

The following uses are permitted:

A. All uses permitted in any other district, except residential.

B. All other uses except those specifically prohibited herein.

§ 210-138. Prohibited uses.

The following uses are prohibited:

Alcohol manufacture, brewing or distillation or storage thereof
Ammonia, manufacture of
Asphalt, manufacture or refining of
Boiler or tank works
Breweries
Coal, distillation of
Cellulose manufacture
Crematories
Creosote, treatment or manufacture of
Explosives, gunpowder, manufacture or storage of
Fat rendering
Fertilizer manufacture
Garbage, reduction of garbage, offal, dead animals or refuse
Glue, size or gelatin manufacture
Junkyards of any kind
Lime, cement or plaster of paris manufacture
Motor vehicle wrecking or storage of junked motor vehicles or parts
Oilcloth or linoleum manufacture
Paint, oil, varnish or turpentine manufacture
Petroleum refining
Rubber manufacture from crude material
Slaughtering of animals
Smelting of metals
Starch, glucose or dextrin manufacture
Stockyards
Storage, curing or tanning of rawhides or skins
Sulfurous, sulfuric, nitric or hydrochloric acid manufacture
Tallow, grease or lard manufacture
Tar distillation or manufacture

Any trade, industry or use that is noxious or offensive y reason of the emission of odor, smoke, gas, vapor, dust or noise, or which causes, by reason of objectionable matter, pollution or contamination of land or any body of water

Open-air parking lots operated as such for the sale of more than five motor vehicles, unless a permit therefor shall be granted by the Board of Appeals as provided in § 210-12M hereof

The bulk storage of fuel oil, petroleum, crude oil or any product thereof, whether for storage or for subsequent sale. This prohibition does not apply to the storage for sale of motor fuel at retail as provided in §§ 115-33 through 115-50 of Chapter 115, Fire Prevention, nor does it apply to lubricating oils or greases, nor does it apply to fuel oil if the same is to be consumed on the property where it is stored. **[Amended 4-29-1968]**

Uses permitted in Residence AA and Residence A Districts, except professional offices, are prohibited in the same building with any other use permitted herein

Metal finishing, electroplating, metal cleaning, cleaning and etching or other processes which normally produce wastes containing metals and cyanide. Any trade or industry engaging in this use shall be allowed to continue the said use at any subsequent plant relocation, subject to all applicable laws and ordinances and the approval of the Sewer and Sanitation Commission and the Superintendent of Buildings. **[Added 2-26-1968; amended 7-15-1968]**

Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that the above-described machines may be permitted in any established business as permitted in the district as follows: Each store or location with a square footage of 10,000 square feet or less shall be permitted two amusement devices, and one additional amusement device shall be allowed for each additional 10,000 square feet of store space. Notwithstanding the foregoing, liquor-dispensing establishments licensed by the New York State Liquor Authority shall be permitted one amusement device for each 500 square feet of store space. **[Added 6-27-1977 by L.L. No. 12-1977; amended 4-28-1980 by L.L. No. 4-1980; 8-11-1980 by L.L. No. 14-1980]**

Tattoo parlors **[Added 5-23-1983 by L.L. No. 11-1983]**

§ 210-139. Building height.

A. All buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of more than 35 feet nor more than three stories.

B. These provisions shall not apply to restrict the height of a church spire, tower or belfry or of a monument, flagpole, water tank, elevator bulkhead or stage tower or any noncommercial television or radio aerial.

§ 210-140. Lot area.

No one-family dwelling shall be erected on a lot whose area is less than 5,000 square feet.

§ 210-141. Lot coverage.

The entire lot may be covered by buildings, except within the mandatory open spaces hereinafter specified, and with the further exception that no one-family dwelling shall occupy more than 35% of the lot area, together with an additional 10% allowed for the erection of a garage, as provided for in the Residence A District.

§ 210-142. Minimum floor area.

There shall be a minimum average floor area of 800 square feet per family in one-family houses.

§ 210-143. Required yards.

A. Front yards. Every building shall have a minimum front yard depth of 25 feet; five feet shall be used for planting and landscaping and 20 feet shall be surfaced and may be used for off-street parking of pleasure cars only, except along streets where lesser setbacks have been established. Notwithstanding the foregoing exception, every building shall have a minimum front yard depth of at least five feet. **[Amended 7-13-1970]**

B. Side and rear yards. The side and rear yards for one-family dwellings shall be the same as those required for such structures in Residence A Districts.

§ 210-144. Lots abutting more restricted districts.

On every lot that abuts directly on a Residence Apartment District or more highly restricted district, there shall be provided a yard of at least 10 feet in depth along the line where the lot abuts on such residence district. Such yard may be used for vehicular access but not for vehicle storage or parking and shall remain open, unobstructed and unencumbered.

§ 210-145. Vehicular access for loading and unloading.

A. For every nonresidential building erected or altered on a lot in excess of 4,000 square feet, there shall be provided vehicular access at the rear or side or into the building for loading or unloading purposes. Any dock, bay, platform and the like used in connection with providing vehicular access at the rear or side or into a building for loading or unloading purposes shall be set back a minimum distance of 60 feet from the street. **[Amended 6-23-1986 by L.L. No. 2-1986]**

B. For every nonresidential building erected or enlarged and every trade, industry or business conducted on any plot of land fronting on a street which is less than 50 feet in width, there shall be provided space and facilities for off-street loading and unloading purposes. Rules as to space for the parking of motor vehicles with approved access thereto shall be governed by the provisions of §§ 210-166 through 210-182 hereof.

ARTICLE XVI
Industrial B Districts

§ 210-146. Scope.

The following regulations shall apply in all Industrial B Districts.

§ 210-147. Permitted uses.

The following uses are permitted:

A. All industrial or manufacturing uses except those specifically prohibited herein.

§ 210-148. Prohibited uses.

The following uses are prohibited:

A. All uses prohibited in the Industrial District.

B. Bag cleaning establishments.

C. Blacksmith shops.

D. Coalyards.

E. Stone or monument works, including manufacture of concrete and cinder blocks, piles, columns and beams.

F. Storing, baling, sorting or selling of scrap paper or rags.

G. Power forges, riveting, hammering, punching, chipping, drawing, rolling, tumbling of iron, steel, brass or copper, except as a necessary incident of a manufacturing process in which these operations form a minor part and which are carried on without objectionable noise outside the plant.

H. Central mixing plants for cement, mortar, plaster or paving materials.

I. Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of the noise or other reason inimical to the comfort, welfare, peace, health or safety of the community, or that tends to create public disturbance or annoyance.

J. Open-air parking lots operated as such for more than five motor vehicles, unless a permit therefor shall be granted by the Board of Appeals as provided in § 210-12M hereof.

K. Live poultry storage.

L. Stores and shops for conducting any of the following retail and service businesses: shooting galleries, penny or picture arcades wherein coin-operated machines, such as pool tables, pong machines, pinball machines, are maintained, except that two of the above-described machines may be permitted in any established business as permitted in the district and, further, that if there are presently more than two of these machines, the

number must be reduced to two machines within one year of the adoption of this section. **[Added 6-27-1977 by L.L. No. 12-1977]**

§ 210-149. Building height. [Amended 8-5-2002 by L.L. No. 7-2002]

A. All buildings and structures shall be limited to a maximum height of 50 feet.

B. The provisions of § 210-149A shall not apply to restrict the height of a church spire, tower or belfry or a monument, flagpole, water cooling tank and/or tower, elevator, bulkhead, stage tower, or in the case of a power plant in an Industrial B Zoning District noise attenuation walls, or exhaust stacks, provided, nevertheless, that in all events, in the case of exhaust stacks the height shall be limited to 195 feet and, in the case of noise attenuation walls, the height shall be limited to 45 feet.

§ 210-150. Lot area.

No lot of less than 20,000 square feet shall be improved for any use permitted herein.

§ 210-151. Lot coverage.

Seventy-five percent of the lot may be covered by buildings, except that no building or any part thereof may be erected within the mandatory open spaces specified in this article.

§ 210-152. Required yards.

A. Front yard. Every building shall have a minimum front yard depth of 35 feet.

B. Rear yard. Every building shall have a minimum rear yard depth of five feet.

C. Side yards. Every building shall have one minimum side yard of five feet and one minimum side yard of 15 feet.

§ 210-153. Vehicular access for loading and unloading. [Amended 6-23-1986 by L.L. No. 3-1986]

For every building erected or altered, there shall be provided vehicular access at the rear or side or into the building for loading or unloading purposes. Any dock, bay, platform and the like used in connection with providing vehicular access at the rear or side or into a building for loading or unloading purposes shall be set back a minimum distance of 60 feet from the street.

ARTICLE XVII

Planned Unit Development District -- Medium Density
[Added 7-24-1972; amended 8-29-1977 by L.L. No. 13-1977]

§ 210-154. Scope.

The following regulations shall apply to the Planned Unit Development District - Primary Area and Secondary Area, as set forth in the Building Zone Map of the Village of Freeport.[12]

§ 210-155. Permitted uses in Primary Area.

The following uses are permitted in the Primary Area:

A. All uses permitted in Residence A District, except residential.

B. Offices used for business, professional or governmental purposes, studios, banks and financial institutions, research and development facilities.

C. Medical and dental clinics.

D. Hotels, motels and motor inns, along with dining and banquet facilities customarily appurtenant to such uses.

E. Neighborhood commercial establishments limited to retail department stores and shops, food stores, florists, gift and specialty shops, art, antique, dressmaking, drugs, hardware, apparel, tailor, fur, millinery, smoke shops, grocery, liquor stores, newsstands, barbershops, beauty parlors, shoe repair, funeral parlors, bakeries and eat-in type restaurants and similar uses.

F. Senior citizen housing development consisting of multifamily dwelling units designed especially for occupancy by senior citizens, to be developed by the Freeport Housing Authority or by a developer so designated by the Authority. In conjunction with the primary use, there shall be provided on site a community meeting area and other indoor recreation facilities at a ratio of at least 25 square feet per dwelling unit. Such community space shall be equipped with appropriate kitchen, meeting and club room facilities. There shall also be provided outdoor recreation facilities, on site within the required open space area, equipped with appropriate and adequate park and sitting areas, all properly landscaped.

G. Movie theaters.

H. Indoor commercial recreation facilities, such as but not limited to tennis courts, skating rinks, bowling, etc.

§ 210-156. Prohibited uses in Primary Area.

The following uses are specifically prohibited in the Primary Area:

A. Gasoline service stations.

12. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.

B. Motor vehicle dealers, motor vehicle repair shops or service centers.

C. Car wash establishments.

D. All other uses not herein specifically permitted.

E. Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that two of the above-described machines may be permitted in any established business as permitted in the district, and, further, that if there are presently more than two of these machines, the number must be reduced to two machines within one year of the adoption of this section. **[Added 11-14-1977 by L.L. No. 22-1977]**

F. Social clubs and lodges. **[Added 11-14-1977 by L.L. No. 22-1977]**

G. Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

§ 210-157. Permitted uses in Secondary Area.

The following uses are permitted in the Secondary Area:

A. All uses permitted in Residence A District.

§ 210-158. Extension of use from Primary Area to Secondary Area.

It is the intent of the Board of Trustees in rezoning North Main Street from the Long Island Railroad north to Lena Avenue and Washburn Avenue to encourage new construction and building directly along both sides of North Main Street. To effectively carry out this intent for the benefit of the people of the Village, any use or building permitted in the Planned Unit Development District — Primary Area may be extended by the Board of Trustees into the Planned Unit Development District — Secondary Area upon application to and approval of the Board of Trustees and upon such terms and conditions as said Board may deem fit to impose.

§ 210-159. Prohibited uses in Secondary Area.

The following uses are specifically prohibited in the Secondary Area:

A. Gasoline service stations.

B. Motor vehicle dealers, motor vehicle repair shops or service centers.

C. Car wash establishments.

D. All other uses not herein specifically permitted.

E. Shooting galleries, penny or picture arcades wherein coin-operated machines such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines are maintained, except that two of the above-described machines may be permitted in any established business as permitted in the district, and,

further, that if there are presently more than two of these machines, the number must be reduced to two machines within one year of the adoption of this section. **[Added 11-14-1977 by L.L. No. 22-1977]**

F. Social clubs and lodges. **[Added 11-14-1977 by L.L. No. 22-1977]**

G. Tattoo parlors. **[Added 5-23-1983 by L.L. No. 11-1983]**

§ 210-160. Development requirements.

A. Frontage restrictions. All nonresidential development on North Main Street shall be designed so that North Main Street is considered the front of the site.

B. Lot area. Development of a parcel of less than 30,000 square feet shall require the approval of the Board of Trustees.

§ 210-161. Building height.

A. Office buildings. The building height shall be limited to a maximum of 70 feet in height measured from the mean or average elevation along the North Main Street frontage.

B. All other permitted development not specified in Subsection A above. Except as otherwise set forth herein, the building height shall be limited to a maximum of 50 feet for all other permitted development.

§ 210-162. Yards and setbacks.

A. Yards of the following depths and widths shall be provided:

(1) Front yard depth: 15 feet minimum plus one foot for each foot by which the principal structure exceeds 25 feet in height, to a maximum depth of 25 feet.

(2) Side yard: none required, but where provided, shall be a minimum of 10 feet.

(3) Rear yard depth: 20 feet minimum.

B. Abutting areas. For all developments within the Planned Unit Development District which abut directly on a residence or more highly restrictive district, there shall be provided both rear and side yards of at least 20 feet. One-half or 10 feet of such setback area abutting the more restrictive district shall be utilized for screening purposes as set forth herein and not for vehicular or parking use.

C. With the exception of the necessary driveways, walks and entrance areas, the front yard shall be fully graded, landscaped and continuously maintained in a neat and orderly fashion, and no portion of the said front yard shall be used for the parking of automobiles or other vehicles or the storage of articles of any kind.

§ 210-163. Parking. [Amended 11-9-1981 by L.L. No. 22-1981]

A. Parking shall be provided as set forth in § 210-172.

B. Parking areas shall be located within or adjacent to the principal building on the site, behind the front building line.

C. Parking space may be provided on a separate site as long as the required number of spaces are provided and the parking area is located not further than 200 feet distant from the entrance of the use being served, as measured from the nearest point.

§ 210-164. Lighting of exterior areas.

All parking areas, drives, walkways, entrances and exits shall be provided with adequate lighting so arranged as to direct light away from the windows of any dwelling units on adjoining properties.

§ 210-165. Buffer areas.

Screening, where required herein, shall consist of a buffer area which shall be a minimum of five feet in width and contain evergreen shrubs and/or hedges spaced at close intervals so as to provide a visual screen of sufficient size to be six feet in height one year after the commencement of the building's use, or a continuous wall or fence at least six feet in height with accompanying landscaped area (including ground cover) to total the required width.

ARTICLE XVIII
General Supplementary Regulations

§ 210-166. Scope.

Application of the provisions of this chapter shall be subject to exceptions, additions and modifications as provided by the following supplementary regulations.

§ 210-167. Paved terraces on side yards.

Paved terraces on side yards shall not be considered in the determination of lot sizes or lot coverage; provided, however, that such terraces are not roofed or are such as have no walls, parapets or other form of enclosure; and provided further that the construction thereof is not above the finished grade elevation.

§ 210-168. Lot area.

A. Rear yard. Any lot in a Residence AA or Residence A District which is less than 100 feet in depth on the effective date hereof is subject to the following rule: The rear yard of every such lot may be decreased by one-fourth (1\4) of the distance that the depth of the lot is less than 100 feet; provided, however, that no rear yard shall be less than 15 feet in depth.

B. Transition. Any lot in a Residence AA or Residence A District, separately owned at the time of the adoption of this chapter (that is, not at that time part of a larger parcel under the same ownership), whose area is less than that specified for such purpose, may be used for the erection of a dwelling if the area of the plot is at least 75% of the area required for such purpose in such a district.

§ 210-169. Garage entrances and exits.

No public or private garage with a capacity for the storage of more than five motor vehicles shall have a motor vehicle entrance or exit within 15 feet of any residence district.

§ 210-170. Corner clearance. [Amended 4-29-1968; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

On corner lots in any Residence AA, Residence A or Residence Apartment District, no hedge or other structure or plant, other than shade trees, more than three feet in height above established grade, shall be erected, placed or maintained within a triangular area formed by the intersecting street lines and a straight line joining the street lines at points 20 feet distant from the point of intersection and measured along the street lines.

§ 210-171. Fences and enclosures. [Amended 4-29-1968; 10-30-1972; 5-12-2008 by L.L. No. 2-2008]

A. The following types of fencing and enclosures are hereby prohibited:

(1) Razor wire or barbed wire or similar products except in industrial districts for security purposes.

B. Fence and enclosure materials may consist of wood, metal, plastic and glass.

C. Bulkheads and retaining walls in areas mapped within the floodplain, as determined by FEMA and indicated on FIRM maps, used to raise the grade of a lot to prevent flooding shall be permitted in front, rear and side yards and shall not be considered as fences under this article so long as their height does not exceed the base flood elevation as determined by FEMA and indicated on FIRM maps; such bulkheads and retaining walls shall be able to be approved by the Superintendent of Buildings without the consideration of the Planning Board. Retaining walls may be constructed of timber, concrete and/or masonry. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

D. Fences in Residence A, Residence AA, Residence Apartment, Marine Residence, Marine Apartment-Boatel, Condominium and Cooperative Districts which meet the following criteria and subject to the approval of the Planning Board, where applicable, and without the consideration of the Freeport Zoning Board of Appeals, may be approved: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

(1) In primary front yards, an open fence not to exceed four feet in height. Such fences may be constructed of wood, plastic or metal.

(2) In the secondary front yard of a corner lot, an open or closed fence not to exceed six feet in height will be permitted. All fences in secondary front yards exceeding four feet in height shall be limited to half of the depth of the secondary front yard measured from the closest footprint of the structure to the property line abutting the sidewalk. Any fence closer to the sidewalk in a secondary front yard, including part of a rear fence, must be of an open design and of a height not exceeding four feet. Such fences may be constructed of wood, metal or plastic. **[Amended 10-30-2023 by L.L. No. 4-2023]**

(3) In required side yards and rear yards, an open or closed fence not to exceed six feet in height. For lots which abut on canals or navigable bodies of water, such fences in rear yards within 20 feet of the bulkhead or, if no bulkhead exists, within 20 feet of the rear property line must be of open design not exceeding four feet in height. Such fences may be constructed of wood, metal, plastic or glass.

E. Fences in all districts other than Residence A, Residence AA, Residence Apartment, Marine Residence, Marine Apartment-Boatel, Condominium and Cooperative Districts:

(1) Mapped outside of the floodplain as determined by FEMA and indicated on FIRM maps shall be limited in height not to exceed six feet; and,

(2) Mapped within the floodplain as determined by FEMA and indicated on FIRM maps shall be limited to an open-style fence not to exceed six feet.

F. Nothing in this § 210-171 shall supersede requirements made elsewhere in this chapter for landscaping, buffer screens and/or buffer areas between different adjoining zoning districts unless it has been determined by the Planning Board that such landscaping, buffer screens and/or buffer areas are not in keeping with the character of the neighborhood, in which case the requirements of this § 210-171 may be applied. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 210-172. Required parking spaces. [Amended 11-28-1966; 5-22-1967; 12-30-1968; 12-10-1973; 8-29-1977 by L.L. No. 14-1977; 4-28-1980 by L.L. No. 3-1980; 11-9-1981 by L.L. No. 23-1981]

A. The following number of parking spaces shall be provided and satisfactorily maintained for each building, lot or combination thereof which is hereafter lawfully erected, enlarged, altered, maintained and/or used for any of the following purposes: **[Amended 11-23-1992 by L.L. No. 9-1992]**

(1) Single-family dwellings: at least two off-street parking spaces per single-family dwelling unit. The parking area provided may be installed in a side yard.

(2) Apartment houses and multifamily residences.

(a) Apartment houses and multifamily residences: parking spaces accessible to all tenants shall be provided on the premises in accordance with the following schedule:

Type of Residence	Number of Spaces (per Dwelling Unit)
Efficiency	1.0
One-bedroom	1.5
Two or more bedrooms	2.0

(b) The portion of the parking area which abuts on a public street and/or adjacent property shall be protected by a chain link fence or fence of a similar permanent quality as may be approved by the Superintendent of Buildings, having a covering of English ivy or vines similar in nature.

(c) Said garage, garage spaces, carports and parking areas shall be reserved exclusively for the use of the tenants of each apartment house and their visitors. There shall be no separate charge to the tenants for the parking spaces. Any costs, fees and rents for said spaces shall be included in the rent paid for each apartment or dwelling unit.

(3) Places of public assembly, including churches, temples and religious auditoriums, but excluding restaurants, discotheques, cabarets and bars: at least one parking space for each three seats provided, based on maximum seating capacity.

(4) Restaurants, discotheques, cabarets and bars: at least one parking space for each three authorized occupants.

(5) Hotels, motels and boatels: at least one parking space per rentable room plus one parking space for each two employees.

(6) Marinas: at least one parking space for each boat slip.

(7) Hospitals, sanatoriums and nursing homes:

(a) Hospitals: at least one parking space per patient.

(b) Sanatoriums and nursing homes: at least one parking space per each two beds or per 1,100 square feet of floor area, whichever is greater.

(8) Funeral parlors: at least 12 parking spaces.

(9) Industrial and manufacturing establishments: at least one parking space for every four workers or for every 400 square feet of floor area, whichever requires the greatest number of spaces. The provisions of this subsection shall not apply to Industrial B District.

(10) Industrial and manufacturing establishments located in Industrial B District: at least one parking space for every 1,000 square feet of floor area.

(11) Charter boats.[13] **[Amended 10-27-1997 by L.L. No. 10-1997; 4-21-1999 by L.L. No. 1-1999]**

13. Editor's Note: For further regulations regarding charter boats, see also Ch. 86, Art. XXI, of this Code.

(a) "Charter boats" shall mean any watercraft capable of being used as a means of transportation on or in water, which is available to the public, whether or not for a fee, for rental, private or public parties or entertainment, for fishing trips, whether private or public, for scenic cruises or for cruises with or without a particular destination.

(b) Charter boats: at least one parking space for every three passengers based on the United States Coast Guard certification.

(c) In addition to all other parking requirements, all charter boats which have a capacity of one hundred passengers or more, based on the United States Coast Guard certification, shall provide parking for at least two busses, as the term "bus" is defined in § 104 of the Vehicle and Traffic Law.

(d) All bus parking spaces shall be located on the property as approved by the Superintendent of Buildings considering such factors as proximity to other zoning districts, other uses and traffic flow, both internal and external to the property, and the Planning Board acting under authority pursuant to Chapter 209, Site Plan Review, of the Code of the Incorporated Village of Freeport, New York. The Superintendent of Buildings and the Planning Board may approve the use of stack parking for busses, if appropriate, given the lot configuration.

(12) All nonresidential buildings in any zoning district except as otherwise required in this section: at least one parking space for each 400 square feet of the floor area of the building or structure plus parking space for two cars for each individual store, shop or business in the building or structure.

(13) Recreational facilities:

(a) Tennis courts: at least one parking space for every 700 square feet of playing area. In addition thereto, there shall be provided at least one parking space for every 300 square feet of floor area of the accessory building or area.

[1] The "playing area" shall be defined as the area actually used for the tennis courts.

[2] The "accessory building or area" shall be defined as the area used for accessory uses such as pro shop, snack bar, administration, steam baths, locker rooms and other similar type accessory uses.

B. All parking spaces provided pursuant to this section shall be on the same lot as the building unless a permit for their location elsewhere is granted by the Board of Appeals as provided in Article II hereof. All parking spaces shall be paved as provided for in § 210-173 hereof.

§ 210-173. Townhouse apartment developments.[14] [Added 9-23-2002 by L.L. No. 8-2002]

A. Applicability. The provisions of this section shall be applied in Residence Apartment Districts and Marine Apartment-Boatel, Condominium and Cooperative Districts.

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

TOWNHOUSE APARTMENT DEVELOPMENT — Multiple townhouse apartment buildings constructed on a single lot or on more than one contiguous lot where said lots are separated only by a public right-of-way.

TOWNHOUSE APARTMENT — A residence building arranged, intended or designed to be occupied by two or more families living independently of each other where the independent residences share a common vertical separation wall from grade to the roof. Each residence shall have an independent entry from grade. No portion of any residence shall be situated above or below any portion of any other residence other than common utility service rooms for mechanical equipment, or parking areas, which may be located in basement, cellar, or attic spaces.

C. Lot area. No townhouse apartment development shall be erected or constructed on any lot whose aggregate lot area is less than 43,560. The lots may be contiguous lots where said lots are separated by a street public right-of-way.

D. Building height.

(1) No townhouse, apartment, building shall be erected to a height of more than 35 feet nor shall it have more than three stories. On lots where the average grade is lower than 10 feet above mean sea level as established by NGVD 1929, and the lowest level of the structure has a floor elevation less than 10 feet above mean sea level, and said lowest level is used solely for entry to the building and/or parking noncommercial vehicles, said lowest level shall not be counted as a story.

(2) Measurement of building height. Building height shall be defined as the vertical distance measured, in the case of flat roofs, from the average level of the lawfully established grade of the street curb, or ten feet above mean sea level as established by NGVD 1929 (the higher of the two), to the level of the highest point of the parapet walls. In the case of pitched roofs with a slope equal to or less than five units of rise to 12 horizontal units, from said average curb level or 10 feet above mean sea level to the highest point of the building. In the case of pitched roofs with a slope greater than five units of rise to 12 horizontal units, from said average curb level or 10 feet above mean sea level to a point midway between the highest point of the building and the highest point of the highest floor of the building.

E. Lot coverage. The combined aggregate lot coverage of townhouse apartment buildings on a lot shall not occupy more than 40% of the area of the lot, including accessory buildings or structures. Multiple townhouse apartment buildings may be permitted on a

14. Editor's Note: Former § 210-173, Paved parking areas, as amended, was repealed 10-27-1997 by L.L. No. 12-1997. See now Ch. 180, Streets and Sidewalks, Art. IVA, Parking Surfaces.

single lot. No individual townhouse apartment building shall exceed 4,000 square feet of lot coverage.

F. Open space. Out-of-doors and uncovered, shall be provided at the ratio of at least one square foot of open space to each two square feet of residential floor area, which excludes the basement, cellar, or enclosed areas. Accessible attic space shall be included as residential floor space.

G. Open recreation space. Open recreation space, out-of-doors, shall be provided on the basis of 1/6 of the open space requirement in an area other than the front yard. No portion of the open recreation space shall be less than 400 square feet or include parking areas. This requirement is part of the open space requirement. Open recreation space may use a portion of the open space required by Subsection F above.

H. Minimum floor area. There shall be a minimum floor area of 1200 square feet per apartment unit in townhouse apartment buildings.

I. Required yards.

(1) Front yards. Every building shall have a minimum front yard depth of 10 feet except where a lot abuts Residence A and/or Residence AA Districts, in which case the minimum front yard depth shall be 25 feet.

(2) Side yards. There shall be a minimum side yard depth of 10 feet.

(3) Rear yard. There shall be a minimum rear yard depth of 10 feet, except where the rear yard abuts any Residence A or Residence AA Zoning District the minimum rear yard depth shall be 20 feet.

(4) Through lots and corner lots. All through lots shall have a principal front yard on both streets. On corner lots the depth required for a secondary front yard shall be a minimum of 2/3 the depth required for a principal front yard from the front line as shall be determined by Subsection I(1) above. Lots which can be defined as both a through lot and a corner lot shall meet the requirements for corner lots.

(5) Yards between buildings on the same lot. No townhouse apartment building shall be situated less than 10 feet from any other townhouse apartment building on the same lot.

J. Additional requirements. Except as specifically set forth above, townhouse apartment buildings and developments shall conform to the requirements of the zoning district in which they are situated.

§ 210-174. Use of federal lands.

Notwithstanding any of the provisions of this chapter, the Board of Trustees reserves to itself the power, after due notice and public hearing, to permit any land, buildings or structures owned by the United States of America to be used for any purpose whatsoever.

§ 210-175. Yards for through lots and corner lots.

All through lots and corner lots shall have a front yard on both frontages. On corner lots, the depth of each front yard from the side line as well as from the front line shall be determined by the regulations applicable to the district in which such line is located.

§ 210-176. Regulations for garages and service stations. [Amended 8-11-1978 by L.L. No. 7-1975]

A. The following regulations shall govern all permits for the construction and use of storage garages, garage repair shops, motor vehicle service stations and motor fuel filling stations:

(1) Fuel storage: full compliance with § 115-33 through 115-50 of Chapter 115, Fire Prevention, as to motor fuel storage.

(2) Curb cuts: full compliance with § 180-30 of Chapter 180, Streets and Sidewalks, as to curb cuts.

(3) Amount of parking space. Parking space shall be provided and the surface thereof maintained with cinders or other approved materials for customers and employees on the basis of one parking space for every 500 square feet of plot area. If there is on the plot a building with at least 7,500 square feet of floor area, then one parking space for every 400 square feet of such floor area shall be provided.

(4) Vehicle display. An open-air parking lot for the display of five or more vehicles for sale may be operated as an accessory use only upon compliance with the regulations of this article, as provided in § 210-177 hereof.

(5) Additional requirements. All motor vehicle repair shops, gasoline and diesel fuel filling stations shall be erected, operated and maintained in full compliance with §§ 115-33 through 115-50 of Chapter 115, Fire Prevention, and subject to the following additional regulations:

(a) All parts, equipment, tools and other materials shall be stored within a building.

(b) Major repairs shall not be made to any vehicle at a filling station and shall be made indoors at repair shops.

(c) No trucks or motorless trailers shall be stored or parked outside of a building at such establishments.

(d) Delivery of fuel at filling station is permissible only directly to the vehicle in which it is to be used or in retail sales not to exceed 10 gallons each for other purposes.

B. Self-service gasoline stations. **[Amended 8-6-1984 by L.L. No. 6-1984]**

(1) Except as authorized in Subsection B(3) herein, it shall be unlawful to conduct, maintain or operate a self-service gasoline station.

(2) Except as authorized in Subsection B(3) herein, it shall be unlawful to dispense gasoline, diesel fuel or any other type of motor fuel or fuel additive, or motor oil or antifreeze/engine coolant, into tanks, motor vehicles or other containers at a gasoline station, motor vehicle service station or other public dispensary except by the owner, operator, manager or regularly authorized employee thereof.

(3) Notwithstanding the prohibitions and restrictions contained in Subsection B(1) and (2) of this section, the owner, operator or manager of every gasoline station or motor vehicle service station is authorized to designate, operate and maintain one island, or a part thereof, for the self-service dispensing of gasoline, diesel fuel or any other type of motor fuel or fuel additive, or motor oil or antifreeze/engine coolant, to and for motor vehicles only.

(4) Notwithstanding the prohibitions and restrictions contained in Subsection B(1), (2) and (3) of this section, the owner, operator or manager of every gas station or motor vehicle service station may, between the hours of 10:00 p.m. and 6:00 a.m., designate, operate and maintain said gas station exclusively with one self-service island. **[Added 11-25-1985 by L.L No. 6-1985]**

(5) Subject to the provisions of this subsection, self-service gasoline stations or motor vehicle service stations shall be lawful in any Industrial or Industrial B Zoning District, notwithstanding the restrictions and prohibitions contained in Subsection B(1), (2), (3), and (4). Any self-service gasoline station or motor vehicle service station lawful under this subsection shall operate one full-service dispenser which shall dispense all grades of gasoline otherwise available at the gasoline station or motor vehicle service station. Such full-service dispenser shall be located closest to the attendant's booth or office. **[Added 2-11-2002 by L.L. No. 1-2002]**

§ 210-177. Sale and repair of vehicles; parking of commercial vehicles.

A. No vehicles shall be placed, parked or displayed for sale upon an open lot, and no motor vehicle repair shop, motor vehicle service shop, gasoline or diesel fuel filling station shall be erected, operated or maintained, except upon compliance with the following regulations:

(1) Open lot display. Open lot display is permissible only in conjunction with the operation of a vehicle sales enterprise conducted in an enclosed building and office, equipped with a showroom of sufficient floor area to accommodate at least five average-sized motor vehicles for display.

(2) Curb cuts: full compliance with § 180-30 of Chapter 180, Streets and Sidewalks, as to curb cuts.

(3) Amount of parking space. Parking space shall be provided and the surface thereof maintained with cinders or other approved materials for customers and employees on the basis of one parking space for every 500 square feet of plot area. If there is a building with at least 7,500 square feet of floor area on the plot, then one parking space for every 400 square feet of such floor area shall be provided.

B. Parking of commercial vehicles. **[Added 9-18-1978 by L.L. No. 18-1978]**

(1) It shall be unlawful to park a commercial vehicle or trailer on private property in any business or commercial zone unless said commercial vehicle or trailer is used in relation to the business or businesses at that location.

(2) It shall be unlawful to park a commercial vehicle or trailer in an empty lot within the Village of Freeport unless said lot is an improved private parking field pursuant to the Code of Ordinances of the Village of Freeport.

(3) For the purpose of this subsection, a "commercial vehicle" shall be defined as set forth in § 376-11(b) of the Vehicle and Traffic Law of the State of New York.

(4) The minimum fine for a violation of this subsection shall be $250. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 210-178. Internal-combustion engines generating power.

Power generated by internal-combustion engines to operate machines shall not be used in any district unless a permit thereof is granted by the Board of Appeals as hereinafter provided.

§ 210-179. (Reserved)[15]

§ 210-180. Plots abutting residential districts.

A. Required. On every plot hereafter to be improved in a lesser restricted district than a Residence Apartment District, which abuts upon any residential district, there shall be provided a yard of at least five feet in depth along the line where such plot abuts on such residential district, and every apartment house erected upon a plot which abuts upon a more highly restricted district than Residence Apartment shall conform to all the provisions hereinabove set forth.

B. Fences.

(1) There shall be erected a fence of chain link construction or fence of similar permanent quality as may be approved by the Superintendent of Buildings. Such fence shall be not less than six feet nor more than 10 feet in height and shall extend along the boundary separating the residence zone from the lesser restricted district. This fence shall have a covering of English ivy or vines similar in nature.

(2) Except as provided herein and for the purposes herein set forth, the provisions of this Subsection B shall not affect the application of any of the provisions regarding fences as contained in the Building Code.[16]

C. Shrubbery. The five-foot area adjacent to the fence in the lesser restricted district shall be planted with slow-growing evergreen shrubs spaced not more than 10 feet apart and grass or adequate ground cover as recommended or approved by the Superintendent of Buildings.

15. Editor's Note: Former § 210-179, Parking fields, amended 6-17-1974, was repealed 4-11-1983 by L.L. No. 5-1983.

16. Editor's Note: See Ch. 86, Building Construction.

D. Maintenance. It shall be the duty of the owner of such property to maintain this fence and landscaped area in a neat and orderly fashion and replace any shrubs, vines or ground covering which may die or be removed.

E. Use restricted. This buffer zone may not be used for vehicular access, parking or as a storage area, but must remain unencumbered.

F. Authority of Village. If the buffer zone is not properly maintained as herein provided, the Village is hereby empowered to replace dead plant material and maintain the area in a neat and orderly fashion, using its own employees or private contractor, and the charges shall be assessed against the property owner.

G. Compliance required. No certificate of occupancy will be issued until the aforementioned restrictions are complied with.

§ 210-181. Front yard alignment.

Whenever 50% of a block frontage is improved with buildings, the front yard shall extend to the alignment of the majority of such existing buildings in Residence AA and Residence A Districts.

§ 210-182. Residence property abutting waterways.

In any zoned residence district in which property abuts upon a canal or waterway which is 25 feet or less in width from property line to property line, notwithstanding higher lot area requirements for such zoned residence district, it shall be lawful to reduce a lot area to 4,500 square feet of land above water by dredging or otherwise and erecting a building thereon.

§ 210-183. Garage sales in residence districts. [Amended 7-31-1972; 1-15-1973; 6-17-1974; 2-26-1990 by L.L. No. 41-1990]

It is unlawful for any person, firm or corporation to conduct what is commonly called a "garage" or "yard" sale within the Residence AA and Residence A Zoning Districts of the Village of Freeport without first obtaining a permit therefor from the Village Clerk. Not more than three permits shall be issued for the location therein specified in any twelve-month period. Said permit shall be valid only for the day or days therein specified, but in no event shall a permit be issued for more than two consecutive days. The application for a permit shall be executed by the owner or bona fide tenant of the premises, who shall certify under oath that the merchandise or items offered for sale shall be the personal property of the owner or bona fide tenant and that no merchandise or items offered for sale shall be specially purchased or acquired for the sale. Each application for a permit shall be approved by the Village Clerk. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a garage sale permit. Nothing herein contained shall require the payment of any such permit fee by any charitable, religious or nonprofit corporation, association, society or organization.

ARTICLE XIX
Fallout Shelters

§ 210-184. Use of land authorized.

Notwithstanding the provisions of the Building Code of the Village,[17] this chapter or any other ordinance of the Village regulating the use of land or the erection of buildings and structures or the installation of sanitary, electrical, heating or other facilities therein, land may be used and buildings or structures may be erected, altered and used in any use district of the Village, as defined by this chapter, for the purpose of fallout shelters as provided in this article.

§ 210-185. Definitions.

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

FALLOUT SHELTER; SHELTER — Any building or structure or part thereof designed and used in accordance with this article for protection against atomic radiation resulting from nuclear explosions.

FAMILY SHELTER — Any fallout shelter built as an accessory to a single-family or two-family dwelling and designed for the protection of the occupants of such dwelling.

GROUP SHELTER — Every fallout shelter other than a family shelter.

NET AVAILABLE AREA — The floor area of a fallout shelter within the walls of the fallout shelter and available for fallout shelter purposes, such as for sleeping, eating, food preparation, toilets, storage of food, water, bunks and other supplies and material.

§ 210-186. Application for permit; issuance.

A. Execution; contents. Any person wishing to construct or install a fallout shelter under this article shall file an application therefor with the Building Department of the Village (on forms provided by said Department), which shall be verified by the applicant and shall contain the following information:

   (1) The name and residence address of the applicant.

   (2) The name and residence address of the owner of the premises on which said shelter is proposed to be constructed or erected.

   (3) The number of persons which said shelter is intended to accommodate.

   (4) A survey of the premises.

   (5) The location on the premises, according to such survey, of the proposed shelter.

B. Accompanying documents. Such application shall be accompanied by a copy of the latest available tax bill covering the premises, two sets of structural drawings and, if the floor of the shelter is lower than the lowest floor elevation of the building to which it is

17. Editor's Note: See Ch. 86, Building Construction.

accessory, the existing water table data for the location. The structural drawings shall be certified by a registered architect or professional engineer, under his seal, or shall conform to plans supplied by the Office of Civil and Defense Mobilization.

C. Authority of Superintendent of Building Department. If it appears from such application and accompanying documents that the proposed shelter will conform to this article, a permit shall be issued by the Superintendent of the Building Department for the construction thereof. The Superintendent of the Building Department shall have the same powers and duties with respect to the issuance of a permit hereunder as he has with respect to the issuance of a building permit under the Building Code of the Village,[18] except that there shall be no fee for the issuance of such permit.

§ 210-187. Certificate of occupancy.

No fallout shelter shall be occupied or used until a certificate of occupancy shall have been issued by the Superintendent of the Building Department certifying that it complies with this article.

§ 210-188. Construction standards.

A. Conformity to rules required. All fallout shelters constructed or installed pursuant hereto shall conform to regulations promulgated from time to time by the Superintendent of Buildings upon the prior written certification of the Civilian Defense Director of the Village that such regulations are substantially in accordance with directives and specifications issued for such shelters by the Office of Civilian Defense. All such regulations shall become effective upon being filed in the Building Department with such certification attached, and a copy thereof shall be forwarded forthwith to the Board of Trustees.

B. Minimum standards. In the event no such regulations shall be promulgated by the Superintendent of Buildings, all fallout shelters constructed or installed pursuant hereto shall conform to the following regulations:

(1) Every such fallout shelter shall be constructed of such materials and in such manner as to provide an attenuation factor of 100 or more; that is, the ratio of the amount of atomic radiation resulting from nuclear explosions that would be received by a radiation detector within such shelter, compared to the amount it would receive if it were unprotected, shall be a maximum of 1:100 as determined by the Superintendent of the Building Department, based on data supplied by the Office of Civil and Defense Mobilization.

(2) Family fallout shelters for 10 persons or less shall have a minimum of 10 square feet of net available area and 40 cubic feet of net available volume for each person.

(3) Family fallout shelters for more than 10 persons shall require a minimum of 10 square feet of net available area and 55 cubic feet of net available volume for

18. Editor's Note: See Ch. 86, Building Construction.

each person and a minimum height of five feet six inches for 50% of the net available area.

(4) Group fallout shelters for 15 persons or less shall have a minimum of 12 square feet of net available area and 65 cubic feet of net available volume for each person and a minimum height of six feet for 50% of the net available area.

(5) Group fallout shelters for 16 persons or more shall have 180 square feet of net available area, plus not less than 10 square feet of net available area for each person over 15 persons, and 65 cubic feet of net available volume for each person, with a minimum height of six feet for 50% of the fallout shelter net available area.

(6) No such shelter shall contain any windows.

(7) The entrance to every such shelter shall have not less than one right-angle turn constructed so as to prevent the entrance of radiation in a straight line.

(8) Every shelter shall be provided with facilities for sanitary waste disposal. In family shelters such facilities may be provided by a water closet, either flush or chemical type, or by disposable waste receptacle. In group shelters there shall be one toilet for each 50 persons, with a minimum of two toilets.

§ 210-189. Ventilation requirements.

Every fallout shelter detached from the main building on the premises and having an entrance which is not through such main building shall be supplied with ventilation pursuant to this section:

A. Rate of air intake generally. All such shelters shall provide for a fresh-air intake of three cubic feet per minute for each intended occupant.

B. Family shelters. Family shelters may provide ventilation by means of hand-operated blowers with a hooded intake and hooded exhaust sufficient to exclude fallout particles.

C. Group shelters. Group shelters must provide power-driven ventilation systems with filters sufficient to exclude fallout particles.

§ 210-190. Electrical requirements.

Every group shelter shall be provided with electric current sufficient to operate all required facilities which may be operated by power and to furnish adequate light, with an emergency auxiliary power source.

§ 210-191. Location and waterproofing requirements.

No fallout shelter shall be constructed beneath any building and no shelter shall be constructed outside of any building any part of which is below the highest level of the groundwater table for such location, as determined from the records of the Nassau County

Department of Public Works, unless the plans for waterproofing such fallout shelter have been approved by the Superintendent of Buildings.

§ 210-192. Compliance with setback regulations.

No fallout shelter shall be constructed beneath any building accessory to the main building on the same plot and no such shelter shall be constructed outside any building any part of which is above the grade of the immediately surrounding land unless it shall comply with the setback regulations of this chapter for the use district in which the premises are located.

§ 210-193. Additional regulations.

No fallout shelter shall be constructed outside of any building except in conformity with the following regulations in addition to the regulations relating to such shelter hereinbefore provided:

A. Restricted to rear yard. No such shelter, any part of which is above the grade of the immediately surrounding land, shall be constructed or maintained except in a rear yard.

B. Effect of setback regulations. Each such shelter shall comply with the side and rear yard setback regulations of this chapter for the use district designated by said ordinance in which the premises are located.

C. Use restricted. No such shelter shall be used for any purpose except during a period when there is actual or anticipated and imminent danger from atomic radiation or during a drill or practice exercise authorized or conducted by the Nassau County Office of Civil Defense, except that a family shelter may be used at other times for occasional recreational purposes.

D. Purpose to be accessory to main building. No such shelter shall be constructed or used except as an accessory to a main building on the same plot.

§ 210-194. Granting of variances.

The Village Board of Zoning Appeals may permit the construction on any premises of a fallout shelter not conforming to the location or setback requirements of this article or of this chapter if it shall find that compliance with such requirements shall cause practical difficulties in the construction of an adequate shelter upon such premises and, in granting such permission, may impose such conditions for the protection of persons and property affected by the proposed construction as it may deem reasonable and in the public interest. Such permit shall be granted after application and hearing in the manner provided by the Village Law and this chapter for granting by said Board of variances from the regulations of said ordinance.

ARTICLE XX

Hotels, Motels and Boatels

§ 210-195. Scope.

For purposes of this article there shall be no difference between hotel, motel or boatel, except that a boatel shall provide waterfront bulkheaded space for the dockage of boats.

§ 210-196. Lot area required.

No hotel, motel or boatel shall be erected on a lot whose area is less than 15,000 square feet.

§ 210-197. Required yards.

Yards shall be provided as follows:

A. Front yard depth: 20 feet;

B. Two side yards: 10 feet each;

C. Rear yard depth: 20 feet;

provided, however, that where the property line abuts on any district other than Residence AA or Residence A or Residence Apartment, the rear yards so abutting may be used for parking automobiles.

§ 210-198. Required parking.

Parking facilities shall be provided to accommodate one automobile for each sleeping room and, in addition, one automobile for each 300 square feet of restaurant and public room floor area.

§ 210-199. Building height.

The building height limit shall be 25 feet or two stories, whichever is greater, except that this provision shall not operate to restrict the height of a flagpole, water tank, elevator roof, bulkheading or a television or radio antenna.

§ 210-200. Area of sleeping rooms.

Each sleeping room shall contain at least 132 square feet of floor area with a ceiling height of eight feet.

§ 210-201. Light and ventilation.

Light and ventilation shall comply with the Building Code.[19]

19. Editor's Note: See Ch. 86, Building Construction.

§ 210-202. Number of occupants.

Maximum number of occupants shall be governed by § 128-20 of Chapter 128, Housing Standards.

ARTICLE XXI
Signs
[Amended 10-3-1977 by L.L. No. 18-1977]

§ 210-203. Legislative intent.

The purpose of this article is to regulate existing and proposed signs in order to:

A. Protect property values.

B. Create a more attractive economic business climate.

C. Enhance and protect Freeport's physical appearance and environment.

D. Preserve the scenic and natural beauty of the Village.

E. Provide a more enjoyable and pleasing community.

F. Reduce sign or advertising distractions and obstructions that may contribute to traffic accidents.

G. Reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way.

§ 210-204. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ACCESSORY SIGN — Any sign related to a residence, business or profession conducted, or to a commodity or service sold or offered, lawfully existing upon the premises where such sign is located.

FRONT FACE — The outer surface of a building which is visible from any public street or walkway. A building may have more than one "front face."

GROUND SIGN — A sign supported by uprights or braces in or upon the ground surface and not attached to any part of a building. A "ground sign" may have a sign on each of two separate faces.

HANGING SIGN — A sign which is attached to a building or canopy but which is not parallel to the wall of a building.

INTERIOR SIGN — Any sign, except address numbers, that is affixed to or painted on the interior of a window or glass, or any sign located within six inches of the inside face of the window or a door, which sign is designed to be visible from the exterior of the window or door.

MARQUEE SIGN — A sign which is part of, attached to or hung from a marquee, canopy, awning or other covered structure projecting from and supported or partially supported by a building or otherwise designed to form part of the building facade.

NONACCESSORY SIGNS — Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

PAINTED SIGN — Any sign which is painted or otherwise inscribed on any exterior surface of a building or structure.

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

ROOF SIGN — A sign which is erected, constructed or maintained on, partly above or as part of the roof of any building.

SIGN — Any structure or part thereof, or any device attached to a building or painted or represented thereon, which shall display or include any letter, word, model, banner, pennant, logo, insignia, device, trade flag, symbol or representation which is in the nature of or which is used as an announcement, direction or advertisement for commercial purposes or otherwise. A "sign" includes any message and any billboard, neon tube, string of lights or similar device placed upon, outlining, hung, painted upon or attached to part of a building or lot, but does not include the flag or insignia of any nation or group of nations, or of any governmental agency, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event. (Also see "accessory sign," "ground sign," "interior sign," "marquee sign," "nonaccessory sign," "painted sign," "hanging sign," "roof sign," "temporary sign," and "wall sign.")

SIGN AREA — Sign area shall be measured as follows:

A. When such sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included.

B. When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, or a fascia panel integrated into the design of the building, canopy, marquee or other covered structure, the total area of such sign shall be deemed the area of the smallest triangle, rectangle or circle within which all of the matter of which such sign consists may be inscribed.

TEMPORARY SIGN — A sign which is designed to advertise or announce a particular event or series of events, to solicit political support or to announce the availability for sale of any type of property. Such temporary signs may be maintained for a period of no greater than 60 calendar days. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

WALL SIGN — Any sign which is attached directly to or painted on the building wall and is parallel to the building wall. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 210-205. Permit required; procedure. [Amended 4-23-1984 by L.L. No. 4-1984; 2-26-1990 by L.L. No. 42-1990; 1-24-2005 by L.L. No. 2-2005]

A. Except as otherwise provided in this chapter, signs shall not hereafter be erected, structurally altered, enlarged or relocated within the Village unless a permit is obtained from the Building Department following approval by the Building Department in accordance with the requirement stated below and payment of a fee. Such permits must be renewed every three years. At such renewal time the Building Department shall determine that no modifications have been made in the previously approved sign and that said sign is properly maintained and in safe condition. The Board of Trustees, by resolution, shall adopt and from time to time may amend a schedule of fees payable by an applicant for a permit for the erection, maintenance, structural alteration, enlargement or relocation of signs for which a permit is required pursuant to this article and for any renewals thereof.

B. Application for a sign permit shall be made on a form provided by the Building Department, which application shall include necessary sketches and supporting information indicating location of sign, size, colors, type of lettering or other graphic representation and materials to be used.

C. Building Department review.

(1) The Building Department shall review the proposed sign with respect to all quantitative factors. The Building Department shall act to approve, disapprove or approve with conditions within 15 days, or as practicable, after receipt of the application.

(2) The Building Department may approve signs which differ from the standards set forth in this article, provided written findings of fact are made that said sign or signs conform to the general design principles outlined in § 210-206 hereof, and provided further that no sign may violate the sign prohibitions and general restrictions listed in § 210-209 hereof.

D. After approval or approval with conditions by the Building Department, said Department shall immediately issue a permit in accordance therewith. Every sign so approved shall bear the sign permit number printed in block letters and numbers at least one inch high in the lower right-hand corner of the sign.

§ 210-206. Design review. [Amended 1-24-2005 by L.L. No. 2-2005]

A. General design principles. The Building Department shall be guided by the following general design principles in reviewing signs:

(1) Signs should be a subordinate part of the streetscape.

(2) Signs should be as small as possible.

(3) Signs should be as close to the ground as possible, consistent with required safety and legibility.

(4) Signs should be of a regular shape.

(5) A sign should have an appropriate size relationship to the building upon which it is placed.

(6) Signs should be sized according to the speed of the intended observer, smaller for pedestrians, larger for people passing in cars.

(7) Signs should have a minimum of information in order to avoid clutter and confusion.

(8) Signs which can be combined into one should be, in order to avoid clutter.

(9) A sign should not impair the visual effectiveness of neighboring signs.

(10) Garish colors and materials should be avoided.

(11) Signs which have dark background colors and light letters are preferred in order to minimize the apparent size of signs within the streetscape.

(12) Signs on the same building should be within the same horizontal band and be of a similar height.

(13) Except in carefully designed circumstances, signs should be integrated with fences, walls or buildings and not freestanding.

(14) The material of all signs shall be no thinner than 1/4-inch thick, shall be made of solid plastic, metal, or wood, and shall not be of flexible banner-type material. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Design regulations and examples. The Board of Trustees may from time to time pass regulations, in writing or as picture examples, which. in addition to the standards as set forth above, shall be consulted by the Building Department in its review process.

§ 210-207. Appeal from denial of permit. [Amended 4-27-1981 by L.L. No. 9-1981; 2-26-1990 by L.L. No. 43-1990; 1-24-2005 by L.L. No. 2-2005; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person feeling himself aggrieved by the decision of the Building Department upon any application for a permit for any sign as provided in § 210-205 may appeal solely to the Planning Board from any such ruling or decision, and the Planning Board may affirm, reverse or modify such ruling or decision of the Building Department. The Board of Zoning Appeals shall not hear or determine appeals from decisions of the Building Department pertaining to this sign article. The Board of Trustees, by resolution, shall adopt and from time to time may amend a schedule of fees payable by said applicant for the processing of said appeal.

§ 210-208. Exemptions from permit requirement.

The following signs do not require a permit:

A. Signs of duly constituted governmental bodies, including traffic or similar regulatory devices and legal notices.

B. Flags or emblems of political, civic, philanthropic, educational or religious organizations.

C. Bulletin boards or signs not over 16 square feet in area for public, charitable or religious institutions where the signs are located on the premises of said institution.

D. Memorial plaques, cornerstones, historical tablets and the like.

E. Signs not visible off the lot upon which they are situated.

F. Up to two professional nameplates which do not individually exceed one square foot in area.

G. Identification signs posted in conjunction with doorbells or mailboxes, not exceeding a total of 30 square inches in surface area.

H. Signs required to be maintained or posted by law or governmental order, rule or regulation.

I. Address signs. Not more than one address sign shall be permitted for each street frontage. No nonpermit address sign shall exceed two square feet in surface area. Address signs shall show only the numerical address designations (in numbers or script) of the premises upon which they are situated, except that residential address signs may include the name of the family resident therein.

J. One sign advertising the sale, lease or rental of the nonresidential premises upon which said sign is located, which sign shall not exceed 16 square feet in area and be located no closer than 10 feet to any street or lot line.

K. Cautionary signs which are less than one foot square in size, such as but not limited to "danger," "no trespassing," etc.

L. Private traffic signs, including directional, regulatory, warning or informational signs of a noncommercial nature which are in the public interest, such as but not limited to "exit," "entrance," "parking," "one-way," etc. Each such sign shall not exceed two square feet in area.

§ 210-209. Sign prohibitions and restrictions.

The following prohibitions and general restrictions shall apply in all building zones:

A. Only accessory signs shall be permitted. Nonaccessory signs shall be prohibited.

B. Billboards shall be prohibited.

C. Roof signs shall be prohibited.

D. Standard, approved methods of constant illumination shall be permitted on ground signs, wall signs and hanging signs; provided, however, that they shall concentrate the illumination upon the area of the sign so as to prevent direct glare upon the street or adjacent property.

E. Flashing signs are prohibited.

F. Except for clocks and customary time and temperature devices, no sign shall contain intermittent or moving illumination. Signs with visible moving, revolving or rotating parts are prohibited.

G. Except for holiday seasons, grand openings or designated special events as approved by the Building Department, no sign or part thereof shall consist of pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. No such special event shall exceed a period of 60 days, and such event shall not be repeated for at least a sixty-day interval thereafter. **[Amended 11-8-1982 by L.L. No. 15-1982; 1-24-2005 by L.L. No. 2-2005]**

H. (Reserved)[20]

I. No sign shall project above the parapet of a building.

J. No sign shall be erected in such a manner as to obstruct free and clear vision for drivers, nor at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device by making use of the word "stop," "look," "danger" or any other word, phrase, symbol or character, or red, green or amber illumination or reflection in such a manner as to interfere with, mislead or confuse traffic.

K. No portable or temporary sign shall be placed on the front face of any building or otherwise upon any property (improved or unimproved) or public ways adjacent thereto, except as provided in § 210-217 herein.

L. Signs painted directly upon the surface material of a building or other structure are prohibited. **[Added 4-23-1984 by L.L. No. 4-1984]**

M. Notwithstanding any other provision of this article, any sign authorized in this article is allowed to contain noncommercial copy in lieu of any other copy. **[Added 1-22-1990 by L.L. No. 2-1990]**

§ 210-210. Illuminated signs.

A. A sign illuminated by electricity or equipped in any way with electric devices or appliances shall conform, with respect to wiring and appliances, to the regulations of the New York Board of Fire Underwriters and shall bear the stamp of said Board.

B. Signs self-illuminated from within. All wiring shall be self-enclosed in metal raceways.

§ 210-211. Limitation of sign content or copy.

Information displayed on signs shall be limited to the name, address and nature of the business and products available or activity for which the building or premises is used.

20. Editor's Note: Former Subsection H, which stated that signs noting that a property has been sold are prohibited, was repealed 8-18-1986, by L.L. No. 7-1986.

§ 210-212. Ground signs.

Except as provided herein and for necessary cautionary or traffic control signs, only one ground sign shall be permitted for each frontage of a property on a public street or way. In addition, however, directory-type signs are permitted in business, industrial and manufacturing districts as determined to be necessary by the Architectural Review Board. Such signs are limited to either pole signs, with no guy wires, or signs permanently affixed to a fence or other wall separate from the principal building. All ground signs shall be set back at least five feet from the property line, and such signs shall not overhang the property line. The location and design of such signs shall be chosen so as not to present a hazard to pedestrian or vehicular traffic. Ground signs shall be limited as follows:

Zoning District	Maximum Height (feet)	Maximum Size (square feet)
Manufacturing and industrial	15	70
Mall (on parking lot frontage only)	12	15
Business	15	70
Residence	6	4
Apartment	6	6

§ 210-213. Interior signs.

Interior signs are permitted in all zoning districts except residence and apartment districts. An interior sign or combination of signs shall not cover more than 10% of the total plus area upon which or in which it is affixed, displayed or painted.

§ 210-214. Marquee signs.

Marquee signs are permitted in all zoning districts except residence districts. Signs shall not be permitted on any marquee, other than signs built into and forming a part of the marquee itself. Marquee signs shall not extend beyond the edge of the marquee. Such signs shall not exceed a height of three feet or a total area of 24 square feet on any one side of the marquee. In business or industrial zoning districts, the area allocated to marquee signs shall be counted as part of the area permitted in wall signs.

§ 210-215. Wall signs. [Amended 4-23-1984 by L.L. No. 4-1984]

Wall signs shall not extend or project more than 12 inches from the wall to which they are affixed, and where such signs shall front on a public walkway, the lower edge of said signs shall not be less than seven feet in height above the level of the public walkway.

A. Within any business zoning district, such signs shall not exceed a height of three feet and shall not extend higher than the top of the parapet in the case of one-story buildings. In the case of buildings taller than one story, such signs shall not extend above the bottom of the sill of the windows of the second story nor extend or be placed

more than 15 feet above the outside grade. No wall sign or combination of signs on any single property frontage in a business district, including interior signs, shall exceed an area in square feet equivalent to 1 1/2 times the linear length in feet of the structure on such frontage.

B. Where an establishment for which signs are permitted has a rear entrance on a public way or frontage on two or more streets or multiple frontages within or adjacent to a parking lot, signs shall be permitted on each frontage, up to the maximum permitted for that frontage.

C. Within an industrial zoning district, one wall sign not exceeding 70 square feet is permitted for each street frontage from which access is provided to the lot. No sign shall project above the roof line or beyond the wall to which it is affixed.

D. Within an apartment zoning district, one wall sign not exceeding 12 square feet in size shall be permitted for each frontage from which access is provided to the lot. No such sign shall be higher than 15 feet from the adjoining ground level.

E. In all districts, a wall sign shall not cover wholly or partially any wall opening, including doors, fire escapes and windows, nor project beyond the ends of the wall to which it is attached. All such signs must be safely and adequately attached to said building wall by means satisfactory to the Building Department.

§ 210-216. Hanging signs. [Amended 1-24-2005 by L.L. No. 2-2005]

Hanging signs are permitted within all zoning districts with the exception of Residence A and Residence AA. Each establishment shall be permitted one hanging sign for each frontage on a public street or public way. Such signs shall not exceed 10 square feet in area. The construction and method of securing such signs to the structure or canopy shall be approved by the Building Department. The bottom of such sign shall be at least seven feet six inches or a maximum of 13 feet above the sidewalk, and such signs shall not extend into any area which is accessible to service or emergency vehicles.

§ 210-217. Temporary signs.

The erection, installation or maintenance of temporary signs, as defined in § 210-204, is hereby prohibited, except that the Building Department may grant special permission for the maintenance of the following signs:

A. A temporary sign not exceeding 32 square feet in area which is erected by a municipal, charitable, political or nonprofit organization is permitted for a period not to exceed 60 days.

B. A single temporary sign not exceeding 32 square feet in area which announces anticipated occupancy of a site or building or identifies contractors, architects, engineers, etc., on a building under construction, shall be permitted for a period not to exceed six months.

C. Temporary interior signs announcing special sales or events shall be permitted in a business district. Such signs shall cover no more than 25% of the window area to which they are affixed and shall be removed within 20 days.

§ 210-218. Unsafe and unlawful signs. [Amended 5-14-2018 by L.L. No. 1-2018]

If the Building Department shall find that any sign regulated herein is unsafe or is a menace to the public or has been erected in violation of the provisions of this chapter, it shall give written notice to the permittee thereof. If the permittee fails to move or alter the sign so as to comply with the standards herein set forth, such sign may be removed or altered so as to comply by the Building Department at the expense of the permittee or owner of the property on which it is located. The Building Department shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Department may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

§ 210-219. Abandoned signs.

Any sign which advertises, identifies or pertains to an activity no longer in existence shall be removed by the owner of the property within 30 days from the time the activity ceases existence. However, this provision shall not apply to seasonal activities during the regular periods in which they are closed. If the owner fails to remove or cause to be removed such sign within 30 days after written notice, the Building Department shall remove such sign and assess the cost of such removal to the property owner.

§ 210-220. Existing signs.

A. Any existing sign that was in place prior to the date of adoption of this article shall be subject to the following requirements: **[Amended 1-24-2005 by L.L. No. 2-2005]**

(1) The owner of the property shall be required to apply for a new permit or the sign at the time the present permit expires.

(2) The Building Department shall review each application for a permit for such existing sign and determine whether the sign conforms to the requirements of this article.

(3) The application for a permit for any sign shall be referred to the Building Department, and a permit shall be issued by said department once approved and shall be subject to any conditions. If the Building Department does not approve or conditionally approves the application, a permit shall not be issued.

B. A sign for which a permit is not issued shall be removed or made to conform within three years or at the present renewal date, whichever is later, of the date of adoption of this article. If the owner falls to remove or cause to be removed such sign within 30 days after written notice served following expiration of the cited three-year period, the Building Department shall remove such sign and assess the cost thereof to the property owner.

C. An existing nonconforming sign shall not be structurally repaired or enlarged. The relettering, painting or decorating of such signs shall be permitted, but any such sign once removed for purposes other than relettering, painting or decorating shall be deemed permanently removed and may be replaced only in accordance with the provisions of this chapter.

§ 210-221. Display of street numerals and business name. [Added 1-23-1978 by L.L. No. 2-1978; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Any provision of this Code to the contrary notwithstanding, all structures situate within the Village of Freeport shall prominently display the numerals of the street address of said premises. Such numbers are to be clearly visible from the street adjacent thereto.

B. Any provision of this Code to the contrary notwithstanding, all businesses occupying a streetfront within the Village of Freeport shall have a code-compliant sign prominently displaying the business name of said business.

C. Any provision of this Code to the contrary notwithstanding, all businesses within the Village of Freeport containing a rear door shall have the business name and/or address displayed on said rear door.

ARTICLE XXII
Swimming Pools

§ 210-222. Installation as accessory to dwelling.

Swimming pools may be installed in Residence AA, Residence A and Residence Apartment Districts only as an accessory to the dwelling or apartment house for the private use of the owners or occupants of such dwelling or apartment house and their families and guests.

§ 210-223. Location; fencing; water supply. [Amended 4-13-1970]

No such swimming pool shall be installed in said districts unless:

A. Location. Such pool is installed in the rear or side yard of the premises. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Fence required. There shall be erected and maintained a fence approved by the Superintendent of Buildings not less than four feet in height, with posts embedded in concrete sunk in the ground to a depth of not less than four feet at intervals of not more than eight feet, enclosing the entire portion of the premises upon which such pool shall be installed and entirely surrounding the area in which such pool is located, except if the sides of the pool are at least six feet in height and entrance can be gained only by use of a removable ladder or a ladder capable of being retracted so that the bottom of the ladder, when retracted, is at least six feet above the ground.

C. Fence gates, openings. Every gate or other opening in the fence enclosing such pool, except an opening through the dwelling or other main building of the premises, shall be kept securely closed and locked and all ladders or other items of access shall be

removed or retracted and placed in an area not readily accessible to children at all times when the owner or occupant of the premises is not present at such pool.

D. Distance from lot lines. Such pool shall not be erected closer than five feet to the rear and side property lines of the premises, or in the case of a corner lot, closer than 10 feet to any property line along an abutting street.

E. Percentage of yard coverage. Such pool does not occupy more than 40% of the area of the rear yard, excluding all garages or other accessory structures located in such area.

F. Water from private well. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.

G. Water from public supply. If the water for such pool is supplied from the public water supply system, the inlet shall be above the overflow level of the pool.

H. Bacterial standards. Such pool shall be chemically treated in a manner sufficient to maintain the bacterial standards established by the provisions of the New York State Sanitary Code relating to public swimming pools.

§ 210-224. Approval of plans; drainage.

No permission shall be granted for the installation of any swimming pool unless the plans therefor meet the minimum Village of Freeport Building Department construction requirements nor until the owner of the premises has filed with the Building Department a certification, approved by a professional engineer licensed by the State of New York, that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public highways.

§ 210-225. Restriction of loudspeakers and lighting.

No loudspeaker device which can be heard beyond the property lines of the premises on which any swimming pool has been installed may be operated in connection with such pool, nor may any lighting be installed in connection therewith which shall throw any rays beyond such property lines.

ARTICLE XXIII
Marine Apartment-Boatel, Condominium and Cooperative District
[Added 9-17-1979 by L.L. No. 12-1979]

§ 210-226. Scope. [Amended 2-14-1983 by L.L. No. 4-1983]

The following regulations shall apply in all Marine Apartment-Boatel, Condominium and Cooperative Districts.

§ 210-227. Permitted and prohibited uses.

A. A building may be used, erected or altered and the lot may be used for any of the following purposes and no other:

(1) Apartment houses, condominiums, townhouses and cooperatives. For purposes of this article, the terms "apartment house" and "apartment" shall be used interchangeably with and be deemed to include the terms "condominium," "townhouse" and "cooperative." Apartments may be used as offices by persons practicing recognized professions, such as medicine, dentistry, physiotherapy and the like. No more than 10% of the apartment units in any structure may be used for this purpose. **[Amended 2-14-1083 by L.L. No. 4-1983; 6-23-1986 by L.L. No. 4-1986]**

(2) Hotels, motels and boatels as defined in § 210-3, anything hereinafter contained to the contrary notwithstanding, and restaurants, bars and grills and assembly halls as an ordinary accessory use thereto.

(3) The rental of dock space, lockers, dressing and rest rooms as an accessory use to the rental of dock space and the rental of vessels either for private charter or for open party.

(4) The outside storage of boats, not for the purpose of display or sale to the general public, provided that such storage is an accessory use to a permitted use in this district. **[Amended 11-10-1986 by L.L. No. 14-1986]**

(5) (Reserved)[21]

(6) Catering establishments. **[Added 11-26-1979 by L.L. No. 15-1979]**

(7) Swimming pools, provided that they are accessory to the foregoing uses. **[Added 2-14-1983 by L.L. No. 4-1983]**

(8) Dwellings for not more than one family. **[Added 6-23-1986 by L.L. No. 6-1986]**

B. The following uses are prohibited:

(1) Any use not herein specifically permitted is prohibited.

(2) Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, peace, health, welfare or safety of the community, or that tends to create public disturbance or annoyance.

§ 210-228. Building height.

A. All buildings and structures shall be limited to 35 feet in height and shall have no more than 2 1/2 stories, including the basement, except commercial buildings, which shall be limited to 30 feet in height and shall have no more than two stories, including the

21. Editor's Note: Former Subsection A(5), regarding uses similar to those specified herein, was repealed 6-23-1986 by L.L. No. 5-1986.

basement. Height shall be measured from the average level of the street curb grade to the highest point of the building. **[Amended 11-10-1986 by L.L. No. 15-1986]**

B. Applicability. These provisions shall not apply to restrict the height of a church spire, tower or belfry or of a monument, flagpole, water tank, elevator, bulkhead or stage tower or any noncommercial television or radio aerial.

§ 210-229. Lot area. [Amended 11-10-1986 by L.L. No. 16-1986]

A. One-family dwellings. No one-family dwelling shall be erected on a lot whose area is less than 5,000 square feet or on any lot which has a street frontage of less than 50 feet.

B. Apartments. No apartment house shall be erected on a lot whose area is less than 15,000 square feet or provides less than 1,452 square feet of lot area per apartment unit.

§ 210-230. Lot coverage. [Amended 11-10-1986 by L.L. No. 17-1986]

A. One-family dwelling. A one-family dwelling shall not occupy more than 30% of the area of the lot, and no more than an additional 10% of the total area of the lot may be used for the erection of accessory buildings or an attached garage.

B. Apartments. An apartment house shall not occupy more than 40% of the area of the lot, including accessory buildings or structures.

C. Open space. Open space, out of doors and uncovered, shall be provided at the ratio of at least one square foot of open space to each two square feet of residential floor area, which excludes the basement.

D. Open recreation space. Open recreation space, out of doors, shall be provided on the basis of 1/6 of the open space requirement in a single contiguous area other than the front yard. This requirement is a part of the open space requirement. Open recreation space shall use a portion of the open space required by Subsection C above.

E. View corridors providing a clear and unobstructed view of abutting waterways shall be established as part of any site plan for apartment development permitted in this article. The number and location of such view corridors shall be determined by the Village Planning Board prior to the issuance of a building permit for said development.

§ 210-231. Minimum floor area. [Amended 11-10-1986 by L.L. No. 18-1986]

A. One-family dwellings. Every one-family dwelling shall provide a minimum of 800 square feet of floor area.

B. Apartments. There shall be a minimum floor area of 600 square feet per apartment unit in apartment houses.

§ 210-232. Required yards. [Amended 11-10-1986 by L.L. No. 19-1986]

A. One-family dwellings.

(1) Yards of the following minimum depths or widths shall be provided; provided, however, that, in the case of side yards, the sum of the two widths of the two side yards shall not be less than 25% of the width of the lot, and further provided that the rear yard, except for an accessory building hereafter erected, shall not be less than 20% of the depth of the lot:

(a) Front yard depth: 20 feet.

(b) Side yard width, minimum: five feet.

(c) Rear yard depth, minimum: 20 feet.

(2) No structure or building may be erected in the required side yard of a residential building.

B. For apartment houses and all other permitted uses, yards of the following minimum depths or widths shall be provided, except as otherwise authorized:

(1) Front yard depth equals the average front yard depth of existing buildings on the same side of the street in the same block and within 200 feet of each side of the lot; if there are no existing buildings as aforesaid, the average front yard depth of existing buildings on the opposite side of the street in the same block and within 200 feet of the lines projected from each side of the lot; in no event less than 25 feet. The front yard of a building shall be considered the street upon which the front entrance to the building is located.

(2) Side yard width: 20 feet.

(3) Rear yard depth: 20 feet.

§ 210-233. Parking space for apartment buildings. [Amended 10-28-1985 by L.L. No. 4-1985]

In every apartment building, parking space shall be provided as set forth in § 210-172A(2).

§ 210-234. Basement or cellar use.

A. Uses prohibited. With the exception of one apartment in the basement of an apartment house, actually occupied by the building superintendent and his immediate family, no basement, cellar or half story in an apartment house shall be used for persons to live in or sleep or for professional or business purposes or for any purpose except housing the mechanical and heating apparatus to serve the structure and for storage as an accessory use by tenants.

B. Uses permitted. The basement and cellar may be used for lobbies, for recreational facilities, for parking tenants' vehicles, for machines to launder and dry linens and wearing apparel, which utilize only water as a liquid and as an accessory to the laundering and cleaning process and, if otherwise permitted by law, for coin vending machines for the use and convenience of the tenants of the apartment house only.

§ 210-235. Front yards of apartment buildings.

With the exception of the necessary driveways, walks and entrance areas, the front yard of any apartment house shall be fully graded, landscaped and continuously maintained in a neat and orderly fashion, and no portion of said front yard shall be used for parking automobiles or other vehicles or storing articles of any kind.

ARTICLE XXIV
Marine Commerce District
[Added 11-24-1986 by L.L. No. 20-1986]

§ 210-236. Scope.

The following regulations shall apply in all Marine Commerce Districts.

§ 210-237. Permitted uses.

A building may be used, erected or altered and a lot may be used for any of the following purposes and no other:

A. Offices, clubs, hotels, motels and boatels, as defined in § 210-3, anything hereinafter contained to the contrary notwithstanding; the sale and display of new or used boats, marine supplies; and the sale of engines, parts, marine electronic equipment, fishing supplies and sporting equipment for use with or in conjunction with boats.

B. The storage and dockage of boats both in and out of water; the retail sale of marine fuel and oils, provided that the storage tanks for the same comply with §§ 115-33 through 115-50 of Chapter 115, Fire Prevention; and the sale of bait, ice and cooking fuels.

C. Assembly of marine-related equipment and incidental light manufacturing related to such activities.

D. The manufacture, construction, repair and maintenance of boats in and out of water.

E. The repair of engines and their accessories and electrical equipment, including machine shops, predominantly devoted to marine equipment and conducted in enclosed buildings.

F. The sale of fish and shellfish, either at retail or wholesale, the refrigerated storage of fish and the conducting of commercial fishing, including the docking, loading and unloading of fishing boats.

G. The storage of equipment for boats and the fishing industry in open lots.

H. Restaurants, bars and grills and assembly halls.

I. The sale of food.

J. The rental of docking space, lockers, dressing rooms and rest rooms as an accessory use to the rental of dock space and the renting of facilities for either private charter or open party.

K. Residential use.

(1) Residential use limited. One apartment may be erected or maintained in connection with any commercial or mercantile building, for the sole use and occupancy of the caretaker or the proprietor of the establishment. Such apartment shall have a minimum of 600 square feet of residential floor area and shall comply with all Village ordinances.

(2) Existing residences deemed conforming. Any residence building existing at the time of the adoption of this article shall be deemed a conforming use. It may thereafter be repaired, maintained or replaced if destroyed; provided, however, that such residence shall not be enlarged nor, except as a residence, may it or the premises upon which it is situated be used for any purpose other than such as is permitted hereunder.

L. All business, manufacturing and industrial uses heretofore in effect on the date of the adoption of this section shall be permitted in existing structures, and the structures housing such uses may be maintained, repaired, altered and extended within the property lines as now constituted and for such manufacturing and industrial uses. However, if such structure has deteriorated or been damaged beyond 75% of its replacement value, such building may not be repaired or rebuilt without conforming to the uses designated as permitted herein.

M. Stores and shops for conducting retail and service businesses, where such uses are of the same general character as other uses permitted herein or are appropriate or complementary to the marine commerce character of the area, including but not limited to gift and souvenir shops, boutiques, hardware, liquor and confectionary stores, delicatessens, ice cream parlors and newspaper stores.

N. The outside display or sale of merchandise, provided that such display or sale is accessory to a principal use on the premises, and further provided that such outdoor display or sale is not situated on the public right-of-way and does not impede pedestrian or vehicular traffic or parking. Such outdoor display or storage shall be of a temporary and portable nature.

O. The outside storage of boats for display or sale to the general public, provided that such storage is an accessory use to a business dealing in new or used boats within a totally enclosed building.

P. Any other use which, in the opinion of the Zoning Board of Appeals, are of the same general character as or are similar to the uses specifically permitted herein, upon application to the Zoning Board of Appeals as provided in Article II.

§ 210-238. Prohibited uses.

The following uses are prohibited:

A. Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, welfare, peace, health or safety of the community, or that tends to create a public disturbance or annoyance.

B. Any use not specifically permitted shall be prohibited.

C. Anything herein to the contrary notwithstanding, all uses prohibited under §§ 210-127 and 210-138 are hereby expressly prohibited.

D. Shooting galleries and penny or picture arcades wherein coin-operated machines, such as pool tables, pong machines, pinball machines or other similar coin-operated and amusement game machines, are maintained, except that the above-described machines may be permitted in any established business as permitted in the district as follows: Each store or location with a square footage of 10,000 square feet or less shall be permitted two amusement devices, and one additional amusement device shall be allowed for each additional 10,000 square feet of store space. Notwithstanding the foregoing, liquor-dispensing establishments licensed by the New York State Liquor Authority shall be permitted one amusement device for each 500 square feet of store space.

§ 210-239. Building height.

No building or structure shall exceed 40 feet in height or have more than three stories, except that such height restrictions shall not apply to a flagpole, a water tank, an elevator or stair bulkhead, an antenna for radio or television purposes or a crane or derrick used for marine purposes. Height shall be measured from the average level of the street curb grade to the highest point of the building.

§ 210-240. Required yards.

Every structure shall be so situated on its lot as to provide front and rear yards of not less than five feet in width and one side yard of not less than 10 feet in width, except where such lot has a width of 40 feet or less, in which case no side yard is required, and except along streets where greater setbacks have been established. No rear yard shall be required where the rear yard of the lot abuts on a canal or waterway and said lot has a depth of less than 60 feet.

§ 210-241. Plots abutting or directly across a street from single-family residence districts.

For all nonresidential uses of plots that abut or are directly across a street from a Residence A District or a more highly restricted district, there shall be provided a buffer area of at least 20 feet in depth along the line where said nonresidential use abuts or is directly across a street from a Residence A or a more highly restricted district. Said buffer area shall not be used for buildings, loading, storage or other accessory uses, except that said buffer may be used for the storage of boats on grade only and off-street parking lots. Except when used for on-grade boat storage or parking, said buffer area shall be landscaped. In addition, an evergreen planting strip or suitably designed fence shall be provided along the property line abutting or directly across from the single-family residence district to further buffer the area from residential uses.

§ 210-242. Vehicular access for loading and unloading.

Every nonresidential building hereinafter erected shall provide a means of vehicular access to the rear or side or into the building for loading and unloading purposes.

§ 210-243. Parking for customers and employees.

Parking space shall be provided as set forth in § 210-172.

§ 210-244. Bulkheads for certain plots.

A. No plot fronting on navigable water shall be used for any purpose, nor shall a permit be issued for the erection, addition, alteration or improvement of any structure, until an approved bulkhead has been erected for the full width of the plot. All bulkheads erected under the foregoing provisions shall be maintained and kept in a good state of repair at all times.

B. In case of legal or justified hardship due to weather conditions or otherwise, the Superintendent of Buildings shall have the power to accept a performance bond, of the type approved by the Village Counsel and in the amount set by him, or a cash bond in the amount set by him, for the installation of the approved bulkhead within a reasonable period of time, not to exceed six months in any case.

§ 210-245. Sanitation requirements.

No business shall be conducted with the public on any plot or within any structure unless there shall have been provided legal refuse and garbage receptacles and adequate toilet and washing facilities for the use of the customers.

ARTICLE XXV
Historical Preservation District
[Added 8-31-1987 by L.L. No. 6-1987]

§ 210-246. Scope.

The following regulations shall apply in the Historical Preservation District and, except as otherwise noted, shall supersede the other provisions of this chapter.

§ 210-247. Qualifications for placement in district.

No lot, plot or parcel of land shall be placed in a Historical Preservation District unless the buildings and structures thereon shall have been designated as a landmark by the Village of Freeport.

§ 210-248. Structural alterations.

A building or structure may be altered in accordance with the provisions of this article, except that any existing building or structure designated a landmark by the Village of Freeport shall only be altered in accordance with the requirements of the Village's Landmarks Preservation Law contained in Chapter 134, Landmarks Preservation, of this Code.

§ 210-249. Permitted and prohibited uses.

A. A building may be used, erected or altered and the lot may be used for any of the following purposes and no other:

(1) Apartment houses, condominiums and cooperatives. Apartments or dwelling units in such apartment houses, condominiums and cooperatives may be used for residential purposes to the same extent as in any residential district or as offices by persons practicing recognized professions, such as medicine, law, dentistry, physiotherapy and the like, provided that no more than 15% of the apartments or dwelling units in any structure may be used for such office purpose.

(2) Assembly halls as an ordinary accessory use thereto.

(3) Swimming pools, provided that they are accessory to the foregoing uses.

(4) Elementary public schools, parochial schools, private schools and high schools and institutions for higher learning.

(5) Public libraries, museums and cultural and fine arts centers.

(6) Public parks and playgrounds and other municipal recreation uses.

(7) Offices and professional buildings and banks.

(8) Hospitals, sanatoriums and nursing homes. **[Added 11-15-1993 by L.L. No. 4-1993]**

(9) All other uses which, in the opinion of the Board of Appeals, upon application thereto as provided under Article II hereof, are of the same general character as though specifically permitted herein, it being the intent and the spirit of this chapter to encourage in this district buildings and structures having residential, social, civic, cultural, religious, educational and fraternal use, together with office and professional buildings, as distinguished from the retail sale of goods or the furnishing of services other than those of recognized professions. **[Amended 11-15-1993 by L.L. No. 4-1993]**

B. The following uses are prohibited.

(1) Any use not herein specifically permitted is prohibited.

(2) Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of noise or other reason inimical to the comfort, peace, health, welfare or safety of the community, or that tends to create public disturbance or annoyance.

§ 210-250. Building height restrictions.

A. All buildings and structures shall be limited to 72 feet in height and shall have no more than five stories. **[Amended 11-15-1993 by L.L. No. 4-1993]**

B. Applicability. These provisions shall not apply to restrict the height of a church spire, tower or belfry or of a monument, flagpole, water tank, elevator, bulkhead, stage tower or any noncommercial television or radio aerial or satellite dish.

§ 210-251. Lot area for apartments and dwelling units.

No apartment house, condominium or cooperative shall be used as herein provided on a lot whose area is less than 15,000 square feet or which provides less than 1,452 square feet of lot area per apartment or dwelling unit.

§ 210-252. Lot coverage.

A. Apartments, condominiums or cooperatives. An apartment house, condominium or cooperative building or structure shall not occupy more than 30% of the area of the lot, including accessory buildings or structures.

B. Open space. Open space, out of doors and uncovered except for the open-air parking of motor vehicles at grade level, shall be provided at the ratio of at least one square foot of open space to each one square foot of residential floor area, excluding the basement.

C. Open recreation space. Open recreation space, out of doors, shall be provided on the basis of 1/6 of the open space requirement in a single contiguous area other than the front yard. This requirement is a part of the open-space requirement. Open recreation space shall constitute a portion of the open space required by Subsection B above.

§ 210-253. Minimum floor area.

There shall be a minimum floor area of 600 square feet per apartment or dwelling unit in such apartment houses, condominiums or cooperatives.

§ 210-254. Required yards.

A. Any building or structure designated a landmark or as part of a landmark site by the Village of Freeport shall have no minimum yard depth or width; however, the depth or width of such existing yards shall not be subsequently diminished from that which existed at the time of designation as a landmark or landmark site.

B. Any new building or structure situated on a landmark site or any additions to a building or structure designated as a landmark or as part of a landmark site shall provide yards of the following minimum depth or width:

(1) Front yard depth equals the average front yard depth of existing buildings on the same side of the street in the same block and within 200 feet of each side of the lot; if there are no existing buildings as aforesaid, the average front yard depth of

existing buildings on the opposite side of the street in the same block and within 200 feet of the lines projected from each side of the lot; in no event, less than 25 feet.

(2) (Reserved) [22]

(3) Rear yard depth: 20 feet.

C. For purposes of this article, the prohibitions against the use of a front yard for the open-air parking or storage of motor vehicles contained in § 210-6D shall not apply, provided that said parking or storage area is at grade level, excludes commercial vehicles and is needed in order to meet the applicable parking requirements contained in § 210-172. Furthermore, for purposes of this article, the requirement of § 210-6G with respect to keeping all front, side and rear yards open and unobstructed shall not prohibit such parking or storage of motor vehicles under the conditions hereinabove stated.

§ 210-255. Required parking.

Required parking spaces shall be provided as set forth in § 210-172.

§ 210-256. Basement or cellar use.

A. Uses prohibited. With the exception of one apartment in the basement of an apartment house, condominium or cooperative, actually occupied by the building superintendent and his immediate family, no basement, cellar or half story in an apartment house, condominium or cooperative shall be used for persons to live in or sleep in or for professional or business purposes or for any purpose, except housing mechanical and heating apparatus or to serve the structure for storage as an accessory use by tenants or for a use as hereafter permitted.

B. Uses permitted. The basement and cellar may be used for lobbies; for recreational facilities; for parking tenants' vehicles; for machines to launder and dry linens and wearing apparel, which utilize only water as a liquid and as an accessory to the laundering and cleaning process; and, if otherwise permitted by law, for coin vending machines for the use and convenience of the tenants of the apartment house, condominium or cooperative only.

§ 210-257. Front yard maintenance for residential and cooperative buildings.

With the exception of the necessary driveways, parking areas, walks and entrance areas, the front yard of any apartment house, condominium or cooperative shall be fully graded, landscaped and continuously maintained in a neat and orderly fashion.

22. Editor's Note: Editor's Note: Former Subsection B(2), Side yard width, was repealed 11-15-1993 by L.L. No. 4-1993.

ARTICLE XXVI

Adult Uses

[Added 7-11-1994 by L.L. No. 6-1994]

§ 210-258. Legislative intent.

A. In the execution of this article, it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses within the Incorporated Village of Freeport.

B. It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Mayor, Board of Trustees and residents of the Incorporated Village of Freeport.

C. These special regulations are itemized in this article to accomplish the primary purposes of preventing a concentration of these uses in any one area and restricting their accessibility to minors.

§ 210-259. Definitions.

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

ADULT BOOKSTORE — A commercial establishment which, as its principal business purpose, offers for sale or rental for any form of consideration books, magazines, other periodicals, films, slides, videotapes, games, novelties or other material which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT ENTERTAINMENT CABARET — A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers or other similar entertainments which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT MOTEL — A motel which is not open to the public generally but excludes minors by reason of age or which makes available to its patrons, via closed-circuit television, films, slide shows, videotapes or cable television, programming which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas and which, if presented in a public movie theater, would not be open to the public generally but would exclude any minor by reason of age.

ADULT THEATER — A theater or drive-in theater that customarily presents motion pictures, films, videotapes or slide shows distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas and which are not open to the public generally but excludes any minor by reason of age.

MASSAGE ESTABLISHMENT — Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquet ball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

PEEP SHOWS — A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to sexual conduct or specified anatomical areas and for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

§ 210-260. Restrictions.

Notwithstanding any provision of this article to the contrary, the adult uses defined above shall be restricted as to location in the following manner in addition to any other requirements of this Chapter 210, Zoning, of the Code of the Village of Freeport:

A. Any of the of the above uses shall not be located within a one-thousand-foot radius of any Residence A District, Residence AA District, Residence Apartment District, Marine Residence District and Marine Apartment-Boatel Condominium and Cooperative District. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Any of the above uses shall not be located within a one-thousand-foot radius of another such use.

C. Any of the above uses shall not be located within a one-thousand-foot radius of any school, church or other place of religious worship, park, playground or playing field.

D. Not more than one of the above uses shall be located on any lot.

E. For purposes of this article, any such use in whatever district it shall be located shall conform to the standards for building height, lot size, lot coverage, floor area, required yards, parking restrictions, vehicular access and garbage area of the particular district in which said use is situated.

F. Signs erected, posted and maintained for such uses shall conform to the requirements for signs as provided in Article XXI of this Chapter 210, Zoning, of the Code of the Incorporated Village of Freeport.

ARTICLE XXVII

Artist/Professional Live/Work Overlay District
[Added 10-22-2001 by L.L. No. 4-2001]

§ 210-261. Scope.

The following regulations shall apply to those properties situated in the following described area:

Beginning at a point where the southerly side of West Sunrise Highway intersects with the easterly side of Church Street; running thence south along the easterly side of Church Street to its intersection with the northerly side of West Merrick Road; running thence east along the northerly side of West Merrick Road continuing to East Merrick Road, to its intersection with the westerly side of Henry Street; running thence north along the westerly side of Henry Street to its intersection with East Sunrise Highway; running thence west along the southerly side of East Sunrise Highway continuing to West Sunrise Highway to the point of beginning.

§ 210-262. Use by special permit.

In addition to the uses permitted in a Business B District, the Board of Trustees may authorize by special permit, after a public hearing, the construction, renovation and use of the buildings located within the overlay district described in § 210-261 of this article for retail or commercial space on the ground floor and professional live/work space upon upper floors. The parking requirements for such uses shall be as provided for in § 210-172 of the Code of the Village of Freeport unless waived or reduced by the Board of Trustees pursuant to § 210-265 of this article.

§ 210-263. Definitions.

A. For purposes of this article, "professional live/work space" shall be defined as a distinct section or unit of a building in which an artist or professional work studio or office is located with ancillary living space for the occupant of the work space not to exceed 33% of the floor area of the section or unit.

B. For the purposes of this article, the "rear portion" of the building shall not comprise more than 35% of the total floor area of the ground floor, and the front portion of the building shall be that portion of the building that has public access opening onto Main Street. The rear portion of the building shall be that portion of the building that fronts either Church Street, or Henry Street, or a municipal parking lot.

§ 210-264. Ground-floor uses governed by district regulations.

Unless otherwise set forth herein, ground-floor uses of any building shall be governed by the use regulations applicable to the underlying district, except that the Board of Trustees may authorize the use of the rear portion of any building, as defined hereinabove at § 210-263 of this article, for the base floor of a live/work duplex unit, provided the work portion of such unit is located on the ground floor.

§ 210-265. Lot coverage and parking.

The Board of Trustees shall be authorized to permit construction upon an entire lot without respect to front, rear and side yard setbacks which would otherwise be applicable. Additionally, in the event that the Board of Trustees finds that there are sufficient public or private spaces available to serve the building, the Board may waive or reduce the number of parking spaces required for the building from the parking under the requirements of § 210-172. In all such cases, however, said public and/or private parking shall be located within 200 feet of the applicant's building.

§ 210-266. Superintendent unit.

In the event that the floor area of the entire building exceeds 5,000 square feet and contains at least five live/work units, a superintendent apartment may be permitted on the ground floor in order to service the building. In such event, such apartment shall be located in the rear portion of the building and shall be included in the calculation of 35% of floor area provided for in § 210-263 of this article.

§ 210-267. Requirements for approval.

Before the approval of the permit application shall be given, the Board of Trustees shall determine that:

A. The use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.

B. The use will not 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. The safety, the health, the welfare, the comfort, the convenience or the order of the Village will not be adversely affected by the proposed use and its location.

D. The use will be in harmony with and promote the general purposes and intent of this chapter.

§ 210-268. Factors of consideration.

In making such determination pursuant to this chapter, the Board of Trustees shall give due consideration to the following factors:

A. The conservation of property values and the encouragement of the most appropriate uses of land.

B. The effect that the location of the proposed use may have upon the creation or undue increase of vehicular traffic congestion on public streets or highways.

C. The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent, whether liquid, solid, gaseous or otherwise, that may be caused or created by or as a result of the use.

D. Whether the use or materials incidental thereto or produced thereby may give off obnoxious gases, odors, smoke or soot.

E. Whether the use or equipment, tools or supplies associated therewith will cause disturbing emission of electrical discharges, dust, light, vibration or noise.

F. Whether the operations in pursuance of the 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 other competent governmental agency.

G. Whether a hazard to life, limb or property, because of fire, flood, erosion or panic, may be created by reason or as a result of the 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 such plot or in the public ways adjacent thereto.

H. Whether the use or the structures to be used therefor will cause an overcrowding or over-intensification of use of land or undue concentration of population.

I. Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.

§ 210-269. Conditions and safeguards; revocation of permit.

The Board of Trustees shall, in granting such special use permits, impose such conditions and safeguards as it may deem appropriate, necessary or desirable to preserve and protect the spirit and objectives of this chapter. Such safeguards may, in each case, include biannual inspections of the subject premises by the Superintendent of Buildings to ensure compliance with such conditions, safeguards imposed and provisions of this article. Upon a finding made not less than 10 days after due, written notice to the interested parties and an opportunity to be heard, that any such condition or safeguard imposed or provision of this article has been violated, the Board of Trustees may, by resolution, revoke said special use permit.

§ 210-270. Causes for revocation.

A special use permit issued hereunder shall be deemed to authorize only the particular use or uses specified in the permit and shall be revoked if actual use violates the term of the permit or the provisions of this article, or said use or uses shall cease for more than 12 months for any reason, unless prior to that time an extension has been granted by the Board of Trustees, or if all required improvements arc not completed within 12 months from the date of issue of said special use permit, unless prior to that time an extension has been granted by the Board of Trustees.

§ 210-271. Filing an application.

The Village Clerk shall make appropriate rules as to the content and manner of filing of the applications to the Board of Trustees for special use permits provided for hereunder.

§ 210-272. Fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Trustees by resolution shall adopt and from time to time and may amend a schedule of fees payable by an applicant for a special use permit for an Artist/Professional Live/Work Overlay District and for the annual compliance inspection provided for in § 210-270 of this chapter.

§ 210-273. Appeals.

Any person aggrieved by the decision of the Board of Trustees upon any application for a special use permit as provided in this chapter may seek redress in accordance with the provisions of Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 210-274. Severability.

If any provision of this chapter is held to be unconstitutional or invalid by any court, the remaining provisions of this chapter shall not be invalidated.

ARTICLE XXVIII
Golden Age Zone
[Added 11-21-2005 by L.L. No. 3-2005]

§ 210-275. Purpose and intent.

A. These provisions are enacted to provide for proper affordable housing ownership opportunities for the Village's senior citizens. It is hereby recognized that the Village has a high proportion of senior citizens who are confronting adverse economic conditions, limited fixed incomes, physical restrictions and rapidly accelerating costs of maintaining detached single-family dwellings. The Village Board deems it necessary and beneficial to the community to provide for alternate affordable housing ownership opportunities for senior citizens, as defined herein, within the Village.

B. Pursuant to the public purpose of providing specialized housing facilities for senior citizens to meet the special housing, health care, social and recreational needs of this segment of the population, the Village Board establishes a Golden Age Zone, as a floating zone that permits the development of senior citizen housing in such zones as more specifically provided herein.

§ 210-276. General site criteria.

A. The Village Board may establish the Golden Age Floating Zone in Apartment, Business AA, Business A, Business B and Industrial Zoning Zones subject to the following standards and requirements. Such zone, upon Village Board approval, shall be affixed to the official Village Zoning Map where such zone is proposed.

B. The site shall be located within a convenient distance from a central business zone or hamlet which provides shopping opportunities, public transportation and other community-based facilities.

C. Due consideration shall be given to the character of the existing neighborhood and historic buildings or sites, if any, on or near the site.

D. The site shall be of sufficient size and shape so as to provide for buffer areas, where appropriate, to screen the development from adjacent properties.

E. The site shall be well drained and have soils capable of handling on-site stormwater without endangering adjacent properties or the water supply and shall, in all events, be designed to comply with all Nassau County codes, rules and regulations relative to the drainage. All sewage shall be connected to the Village sanitary sewer system.

F. Site topography shall not exceed five-percent slope, except for natural buffer areas or artificially created buffer areas.

G. The site shall have not less than 150 feet frontage on an improved, existing state, county, town or Village road so as to permit vehicular ingress and egress from the site.

H. Public water supply shall be sufficient and available to serve the development.

I. Underground electric service shall be provided to the site.

J. Sites lying wholly within a floodplain shall not be considered.

K. Subject structure should provide for rooftop green space for not less than 1/2 the available space on said roof.

§ 210-277. Occupancy restrictions.

The Golden Age Zone shall be limited to occupancy by:

A. Persons who are 55 years of age or over.

B. A husband or wife under the age of 55 years who is residing with his or her spouse who is 55 years of age or over.

C. Children and grandchildren residing with their parents or grandparents where one of said parents or grandparents with whom the child or grandchild is residing is 55 years of age or older, providing that said child or grandchildren are over the age of 19 years and provided further that there is sufficient air space for all occupants as required by the New York State Building Code.

D. Adults under 55 years of age may be admitted as permanent residents if it is established that the presence of such persons is essential for the physical care or economic support of eligible older persons.

§ 210-278. Use of basements and cellars.

No basement or cellar shall be occupied as living or sleeping quarters, except that management and/or custodial employees' offices and/or living quarters may be provided in the basement area. Not more than one such apartment shall be permitted per residential development.

§ 210-279. Height.

No building shall be greater than five stories and 50 feet in height, inclusive of parking garage, except that the height limitation shall not apply to rooftop bulkheads, mechanical equipment, elevator rooms, equipment rooms, similar installations, parapets, roof fences or skylights over rooftop pools.

§ 210-280. Building area.

The building area shall not exceed 40% of the lot area, exclusive of accessory buildings and/or structures.

§ 210-281. Front yards.

A. The required front yard depth shall be a minimum of 25 feet.

B. In the case of a corner lot, a front yard shall be required on each street.

C. The Village Board may modify the requirements of Subsections A and/or B if in the judgment of the Board sufficient landscaping is provided to screen the building and parking areas from the street and adjoining properties.

§ 210-282. Side yards.

A. There shall be two side yards, one on each side of the main building, each having a minimum width of at least 20 feet, except that where there are two or more main buildings upon the plot, the minimum side yard requirement of 20 feet shall apply only along the side property lines of the entire plot.

B. The Village Board may modify this requirement if in the judgment of the Board sufficient landscaping is included to screen the building and parking areas from the street and adjoining properties.

§ 210-283. Rear yards.

A. There shall be a rear yard, the depth of which shall be at least 25 feet.

B. The Village Board may modify this requirement if in the judgment of the Board sufficient landscaping is included to screen the building and parking areas from the street and adjoining properties.

§ 210-284. Minimum lot.

The minimum lot area shall be not less than 25,000 square feet.

§ 210-285. Permitted encroachments.

Vestibules, chimneys, cornices, eaves, gutters, stoops or bay windows projecting not more than 60 inches are hereby permitted as encroachments into yard areas.

§ 210-286. Accessory buildings, structures and uses.

The aggregate floor area of all accessory buildings on the site may be up to 40% of the total area of the rear yard but not more than 15% of the total lot area; accessory buildings may not exceed 12 feet in height. The yard area occupied by such accessory buildings shall be included in computing the maximum percentage of the lot area which may be built upon.

§ 210-287. Separation of buildings.

A. The minimum open space between the exterior walls of residential buildings on the site shall be equivalent to the maximum height of the taller building but, in no case shall the distance between buildings be less than 20 feet.

B. The Village Board may modify this requirement if in the judgment of the Board sufficient landscaping is included to screen the building and parking areas from the street and adjoining properties.

§ 210-288. Floor area.

The minimum floor area for a dwelling unit in a Golden Age Zone shall be 600 square feet.

§ 210-289. (Reserved)

§ 210-290. Parking and garage facilities.

A. There shall be provided off-street on-premises parking sufficient to accommodate five automobiles for each four apartments.

B. All open parking facilities provided pursuant to the requirements of this article shall be paved or surfaced in accordance with sound engineering and construction practices, and each parking space shall be no less than 8.5 feet in width by 18 feet in depth and shall be individually identified by pavement marking.

C. The parking provided shall include parking for the handicapped as may be required by the New York State Building Code.

§ 210-291. Population density.

No multiple-family dwelling authorized hereby shall be erected or altered to accommodate or make provision for more than 50 dwelling units per acre; for the purpose of this section, a dwelling unit shall be such combination of rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family. In the case of fractional acreage the density shall be prorated.

§ 210-292. Sewage disposal.

No multiple-family dwelling authorized by this article shall be erected, altered or used unless provided with municipal sewage disposal facilities.

§ 210-293. Recreational facilities.

A. There shall be provided not less than 25 square feet of usable outdoor recreation area per dwelling unit exclusive of walks, driveways, and parking areas, unless the Village Board determines that there are sufficient public recreation facilities within the surrounding area. Upon such determination the Village Board may waive or reduce this requirement.

B. There shall be provided not less than 10 square feet of usable interior recreation area per dwelling to be used as a card room, party room, meeting room or similar all-purpose room for use by the residents of the building.

§ 210-294. Supplemental development standards.

A. The determination of screening buffers and fencing shall be made by the Village Board, based on the characteristics of the site and the nature of adjacent lands.

B. Parking areas shall be paved in accordance with Village requirements and provide for on-site drainage. Sidewalks shall be provided along all internal and external street frontages. Internal roadways shall have a minimum width of 25 feet and be curbed.

C. Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling, and handrails and ample places for rest shall be provided. Gradients of walks shall not exceed 5%, and single-rider grade changes in walks shall not be permitted. All outdoor areas available to the residents shall permit such residents to move about without danger and with minimum effort.

D. The design and location of all site improvements and all buildings must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for senior citizens.

E. Adequate facilities shall be provided for the removal of snow, trash and garbage and for the general maintenance of the development. When the method of disposing of trash and other solid wastes is by means of industrial-type receptacles (dumpsters), all such receptacles shall be suitably enclosed on all four sides by aesthetic opaque screening, and no receptacle enclosure shall be within 50 feet of any window of any habitable dwelling unit.

F. Lighting of the grounds shall provide illuminations sufficient for the convenience and safety of the residents. However, such outdoor lighting shall not project light onto, nor shall light sources be visible from, adjacent properties. No outdoor light source shall be more than 12 feet above the ground level underneath it.

G. At least one smoke-detector device, one carbon monoxide detector and one emergency alarm device shall be provided in each dwelling unit; the premises shall contain a fire sprinkler system designed in accordance with requirements of the Village of Freeport and Nassau County.

H. Where full-time, twenty-four-hour superintendence services are not provided, there shall be posted within each dwelling unit a twenty-four-hour emergency phone number at which either managerial or maintenance personnel may be contacted. In addition, the owner shall be required to make application for at least one public telephone to be conveniently located within the development.

I. The Village Board shall have the right to require that the applicant or owner execute such agreements and covenants as it may deem to be required. Said agreements or covenants shall be recorded in the County Clerk's office and constitute a covenant running with the land. Such covenant or agreement may be modified or released only as set forth in said covenant or agreement or by the Village Board.

J. The dwelling units may contain up to, but not more than, two bedrooms per unit. Rooms designated as dens, libraries and/or family rooms shall be deemed to be bedrooms.

K. The building shall contain a laundry room with washing machines, dryers and a washbasin for use by residents of said building.

L. The dwelling units will be offered "for sale" only.

§ 210-295. Application procedure.

A. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a petition for a Golden Age Zone Classification. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

B. Plans shall be submitted with the application as follows:

(1) An overall development plan for the entire tract covered by the application, drawn to scale, prepared by competent professionals, licensed by the State of New York to do such work. Indicated thereon shall be shown:

(a) Property lines and names of adjoining owners.

(b) Topography, showing existing contours and elevations, areas with existing growth, watercourses and water areas based upon an actual field survey. The plan shall further indicate the certification by a licensed land surveyor or professional engineer that the topography shown resulted from an actual survey and the date of that survey.

(c) Street and road alignment and proposed parking areas.

(d) Location of structures with elevations.

(e) Areas to be dedicated to the Village for open space use.

C. The Village Board shall refer all applications for Golden Age zoning designation to the Planning Board for review, report, and recommendation, including but not limited to a parkland set aside as contained in § 209-7B, of the Code of the Incorporated Village of Freeport.

D. Upon the approval of the petition by the Village Board, final site plans shall be submitted to the Village Clerk in accordance with applicable site plan review requirements. Said plans shall show any additional data or requirements deemed necessary by the Village Board in its approval.

§ 210-296. Severability.

In the event any part or portion of this article shall be adjudged or determined to be invalid for any reason, such adjudication or determination shall not affect the validity of any other part or portion of this chapter. In the event that any provision of this chapter shall conflict or be inconsistent with any other provision of law, the more restrictive such provision shall be deemed to prevail to the extent inconsistent.

ARTICLE XXIX
Stormwater Runoff
[Added 12-17-2007 by L.L. No. 6-2007]

§ 210-297. 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 habitat;

D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing streambank erosion and sedimentation;

E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;

F. Substantial economic losses 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.

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.

§ 210-298. Purpose.

The purpose of this article 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 § 210-297 hereof. This article seeks to meet those purposes by achieving the following objectives:

A. 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;

B. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

C. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;

D. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and

E. 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.

§ 210-299. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Village of Freeport has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Village of Freeport and for the protection and enhancement of its physical environment. The 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.

§ 210-300. Applicability.

A. This article shall be applicable to all land development activities as defined in this within this section and in § 210-3 and shall apply to all Zoning Districts within the Village of Freeport.

B. The Superintendent of Buildings, his duly authorized representative, or the Superintendent of Public Works, or his duly authorized representative, are hereby appointed the Stormwater Management Officer, and to that end shall accept and review all stormwater pollution prevention plans and forward such plans to any municipal board, department or agency for review. The Stormwater Management Officer may:

(1) Review the plans;

(2) Upon approval by the Board of Trustees of the Village of Freeport, engage the services of a registered professional engineer to review the plans, specifications and related documents; or

(3) Accept the certification of a licensed professional that the plans conform to the requirements of this article.

C. All land development activities subject to review and approval by the Department of Buildings, Freeport Zoning Board of Appeals and Freeport Planning Board, under the Zoning Code, subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained herein. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

D. All land development activities not subject to review as stated in § 210-300C hereof 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 article.

§ 210-301. Exemptions.

The following activities shall be exempt from review under this article:

A. Agricultural activity as defined in this article.

B. Silvicultural activity, except that landing areas and log haul roads are subject to this article.

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 a 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 Freeport, on or before the effective date of this article.

F. Land development activities for which a building permit has been approved on or before the effective date of this article.

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, vegetable and other plants primarily for use by that person and his or her family.

K. Landscaping and horticultural activities in connection with an existing structure.

§ 210-302. 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 article.

B. Contents of stormwater pollution prevention plans.

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

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

(b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s). Site map should be at a scale no smaller than one inch equals 100 feet (e.g., one inch equals 500 feet is smaller than one inch equals 100 feet);

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

(d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;

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

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

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

(h) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

(j) Temporary practices that will be converted to permanent control measures;

(k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

(l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(m) Name(s) of the receiving water(s);

(n) Delineation of SWPPP implementation responsibilities for each part of the site;

(o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

(p) Any existing data that describes the stormwater runoff at the site.

C. Land development activities as defined in this article and meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection D below as applicable:

(1) 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.

(2) Condition B: stormwater runoff from land development activities disturbing five or more acres.

(3) Condition C: stormwater runoff from land development activity disturbing between one 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.

D. SWPPP requirements for Conditions A, B and C:

(1) All information in § 210-302B of this article;

(2) Description of each postconstruction stormwater management practice;

(3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;

(4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;

(5) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions;

(6) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;

(7) Maintenance schedule to ensure continuous and effective operations of each postconstruction stormwater management practice;

(8) 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;

(9) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measure in accordance with this article;

(10) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this article.

§ 210-303. Other environmental permits.

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

§ 210-304. Contractor certification.

A. 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."

B. 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.

C. The certification statement(s) shall become part of the SWPPP for the land development activity.

D. 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.

§ 210-305. Performance and design criteria.

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

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

(1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual");

(2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in § 210-302B 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.

§ 210-306. Maintenance, inspection and repair of stormwater facilities; maintenance and inspection during construction.

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

B. For land development activities as defined in this article and meeting Condition A, B or C in § 210-302C, the applicant shall have a qualified professional conduct site

inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site logbook.

§ 210-307. 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 Freeport to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article. The easement shall be recorded, by the grantor, in the office of the County Clerk after approval by the Village Attorney.

§ 210-308. Maintenance after construction.

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

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

B. Written procedures for operation and maintenance and training new maintenance personnel.

C. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with this article.

§ 210-309. Maintenance agreements.

The Village of Freeport shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this article entitled "Sample Stormwater Control Facility Maintenance Agreement."[23] The Village of Freeport, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

23. Editor's Note: Said Schedule is included as an attachment to this article.

§ 210-310. Construction inspection.

A. Erosion and sediment control inspection.

(1) The Village of Freeport Stormwater Management Officer may require such inspections as necessary to determine compliance with this article and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this article and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify, in writing, the Village of Freeport enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

(a) Start of construction;

(b) Installation of sediment and erosion control measures;

(c) Completion of site clearing;

(d) Completion of rough grading;

(e) Completion of final grading;

(f) Close of the construction season;

(g) Completion of final landscaping;

(h) Successful establishment of landscaping 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 Freeport Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and

material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

D. Submission of reports. The Village of Freeport Stormwater Management Officer may require monitoring and reporting from entities subject to this article as are necessary to determine compliance with this article.

E. Right-of entry for inspection. When any 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 Freeport the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified within this section.

§ 210-311. Performance guarantee; maintenance guarantee; recordkeeping.

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 Freeport in its approval of the stormwater pollution prevention plan, the Village of Freeport 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 Freeport as the beneficiary. The security shall be in an amount to be determined by the Village of Freeport 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 of Freeport, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) 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 Freeport. 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 Freeport with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Freeport may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping. The Village of Freeport may require entities subject to this article to maintain records demonstrating compliance with this article.

§ 210-312. Enforcement; penalties for offenses.

A. Notice of violation. When the Village of Freeport or the Stormwater Officer determines that a land development activity is not being carried out in accordance with the requirements of this article, 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 article and a time schedule for the completion of such remedial action;

(5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

(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 Freeport may issue a stop-work order for violations of this article. 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 Freeport 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 article.

C. Violations. Any land development activity that is commenced or is conducted contrary to this article, 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 article 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 article 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 article, 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 Freeport may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 210-313. Subdivision regulations.

The subdivision regulations of the Village of Freeport are hereby amended by adding the following to the information requirements:

A. Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with the requirements of this article shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards set forth in this article. The approved preliminary subdivision plat shall be consistent with the provisions of this article.

B. Stormwater pollution prevention plan. A stormwater pollution prevention plan consistent with the requirements of this article 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 this article. The approved final subdivision plat shall be consistent with the provisions of this article.

§ 210-314. Stormwater management practices acceptable for water quality; sample stormwater control facility maintenance agreement.[24]

§ 210-315. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

ARTICLE XXX
Gasoline Service Station Overlay District
[Added 10-5-2009 by L.L. No. 6-2009]

§ 210-316. Definitions.

For the purpose of interpreting, construing and applying the provisions of this article, the following definitions shall be observed:

24. Editor's Note: Schedule A and Schedule B, which comprise these provisions, are included as attachments to this chapter.

GASOLINE SERVICE STATION — An establishment in which the principal activity is the retail sale of gasoline and storage of said gasoline for retail sale at the subject premises, together with the ancillary sale and/or use of oil, grease, and other petroleum products related to the servicing of motor vehicles at the subject premises.

§ 210-317. Permitted uses.

The following uses are hereby permitted in a Gasoline Service Station Overlay District only upon permission given by the Board of Trustees and a duly noticed public hearing:

A. Gasoline service station and appurtenances such as gasoline pumps, underground storage tanks, and appropriate storage tanks for waste oils, lubricants, and/or other fuels.

B. Major repairs when performed wholly within the principal building.

C. Minor repairs that apply to the furnishing of the services of maintenance, supply, installation, and minor adjustment customarily furnished at a gasoline service station.

D. Gasoline service station convenience stores which are conducted within the same principal building.

E. Instruments capable of inflating automobile tires at no charge to the user thereof and available to motorists at all times the gasoline station is open, provided the compressor is housed wholly within the principal building.

F. Exterior instruments for vacuuming of the interior of vehicles.

G. The storage of trash must be maintained in those areas designated on an approved site plan.

H. Car washes, as an ancillary use only, to the gasoline service station shall be permitted upon approval of the Board of Trustees, and only upon a duly noticed and published public hearing.

I. Self-service pump operation shall be permitted upon approval of the Board of Trustees and only upon a duly noticed and published public hearing. However, one full-service island shall be available to a handicapped motorist for the hours of operation of said station.

§ 210-318. Prohibited uses.

The following uses are hereby prohibited in a Gasoline Service Station Overlay District:

A. Major repairs, except those performed exclusively within the principal building.

B. Outdoor portable or stationary lifts and pits.

C. Vending machines, excluding air pressure and vacuum machines, unless within the principal building.

D. Sale, lease, rental, storage or display of new and used motor vehicles.

E. Commercial parking of motor vehicles, trailers, boats, and other water-based craft.

F. Outside storage of motor vehicles for a period in excess of 12 hours, unless they are enclosed in the principal building.

G. The storage of vehicles incapable of self-propulsion out-of-doors at any time.

H. Displays of merchandise outside the principal building except for small displays at the pump islands of lubricating oils, additives, waxes, polishes, windshield wiper blades, and other similar small items for retail sale.

I. Body and fender repair, collision work or painting, storage of automobile parts, dismantled vehicles or similar items stored in the open.

§ 210-319. Location.

A. A gasoline service station, for the purposes of this article, that is proposed to be erected or operated hereafter must be located on either:

(1) East Sunrise Highway;

(2) West Sunrise Highway;

(3) East Merrick Road; or

(4) West Merrick Road.

B. In no event can new uses be located in a Business A or more highly restrictive zoning district.

§ 210-320. Bulk requirements.

A. Lot area: cannot be located on a lot less than 15,000 square feet.

B. Street frontage: must have a minimum of 125 feet; in the case of corner lots, a minimum of 125 feet on one street and 100 feet on the other.

C. Lot coverage: not to exceed 30%.

D. Height: no building, structure, pump or other equipment, except an approved sign, shall exceed 18 feet.

§ 210-321. Setbacks.

A. Front yard. All buildings or structures except gas pumps, signage, canopies, and below-ground storage tanks shall be set back 40 feet from all street property lines.

B. Side and rear yards: a minimum twenty-foot setback on all buildings and structures abutting any residential district. There shall be a minimum setback of all buildings and structures of five feet from any side and rear property lines abutting property in any Business District or other less restrictive district.

§ 210-322. Location of pumps; canopies.

All gasoline pumps, islands, and canopies covering gasoline pumps shall be set back at least 25 feet from any street property line and at least 25 feet from any side or rear property line. All canopies are to be kept in good condition.

§ 210-323. Buffer zones.

All buffer zones, unless explicitly changed and/or modified under this article, shall be in conformity with the provisions of the Village Code.

§ 210-324. Loading and unloading area.

Any loading and/or unloading area must be a dedicated area on a site plan.

§ 210-325. Parking.

In the case of a gasoline service station, the existing parking regulations in the current Village Code shall apply. In the event of a proposed gasoline filling station/convenience store, parking shall be calculated on the basis of one parking space per 400 square feet of the floor area of the principal building or structure plus two for each tenant of the building or structure.

§ 210-326. Landscaping of site. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Landscaping of the site shall be as per the Planning Board and must be maintained at all times.

§ 210-327. Severability.

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.

ZONING

210 Attachment 1

Village of Freeport

Schedule A

Stormwater Management Practices Acceptable for Water Quality (*From: New York State Stormwater Management Design Manual, Table 5.1*)		
Group	**Practice**	**Description**
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.

FREEPORT CODE

Group	Practice	Description
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

ZONING

210 Attachment 2

Village of Freeport

Schedule B

SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Whereas, the Village of _____ ("Municipality") and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.

2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.

3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five-year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.

6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

FREEPORT CODE

7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).

8. This agreement shall be recorded in the Office of the County Clerk, County of _____ together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.

9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

10. This agreement is effective _____.

_____ _____

Chapter 212

STORM SEWERS

ARTICLE I

Illicit Discharges, Activities and Connections

§ 212-1. Purpose; intent.

§ 212-2. Definitions.

§ 212-3. Applicability.

§ 212-4. Responsibility for administration.

§ 212-5. Severability.

§ 212-6. Discharge prohibitions; exceptions.

§ 212-7. Activities contaminating stormwater prohibited.

§ 212-8. Prevention, control and reduction of stormwater pollutants by use of best management practices.

§ 212-9. Illicit discharges in emergency situations.

§ 212-10. Industrial or construction activity discharges.

§ 212-11. Applicability; access to facilities; monitoring of discharges.

§ 212-12. Notification of spills.

§ 212-13. Enforcement; penalties for offenses.

§ 212-14. Appeal of notice of violation.

§ 212-15. Corrective measures after appeal.

§ 212-16. Injunctive relief.

§ 212-17. Alternative remedies.

§ 212-18. Violations deemed a public nuisance.

§ 212-19. Remedies not exclusive.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Illicit Discharges, Activities and Connections
[Adopted 1-8-2008 by L.L. No. 1-2008]

§ 212-1. Purpose; intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Village of Freeport 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 article 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 article are:

A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, or as amended or revised;

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 article; and

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.

§ 212-2. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will have 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.

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.

ILLICIT CONNECTIONS — 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.

ILLICIT DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted within this article.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES Permit for Discharges From Industrial Activities Except Construction, GP-98-03, as amended or revised.

MS4 — Municipal separate storm sewer system.

MUNICIPALITY — The Village of Freeport.

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 or operated by the Village of Freeport;

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 — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater

management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges: Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — An employee, the municipal engineer or other public official(s) designated by the Village of Freeport to enforce this article. The SMO may also be 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.

303(d) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL — Total maximum daily load.

TOTAL MAXIMUM DAILY LOAD — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water allocated among the sources of that pollutant.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§ 212-3. Applicability.

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 212-4. Responsibility for administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 212-5. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

§ 212-6. Discharge prohibitions; exceptions.

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

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

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

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

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

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

B. Prohibition of illicit connections.

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

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

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

§ 212-7. Activities contaminating stormwater prohibited.

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

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

(2) Cause or contribute to the municipality being subject to the special conditions as defined in § 212-2, Definitions, of this article.

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

§ 212-8. Prevention, control and reduction of stormwater pollutants by use of best management practices.

A. Best management practices. Where the SMO has identified illicit discharges as defined in § 212-2 or activities contaminating stormwater under this article, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

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

(2) Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge as defined in § 212-2 or an activity contaminating stormwater as defined in § 212-8, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

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

§ 212-9. Illicit discharges in emergency situations.

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

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

§ 212-10. Industrial or construction activity discharges.

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

§ 212-11. Applicability; access to facilities; monitoring of discharges.

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

B. Access to facilities:

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

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

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

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

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

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

§ 212-12. 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 the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 212-13. Enforcement; penalties for offenses.

A. Notice of violation.

(1) When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

(a) The elimination of illicit connections or discharges;

(b) That violating discharges, practices, or operations shall cease and desist;

(c) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(d) The performance of monitoring, analyses, and reporting;

(e) Payment of a fine; and

(f) The implementation of source control or treatment BMPs.

(2) 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.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article 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 article 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.

§ 212-14. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Village Board of Trustees within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

§ 212-15. Corrective measures after appeal.

A. 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 five business days of the

decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 212-16. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO 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.

§ 212-17. Alternative remedies.

A. Where a person has violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Village Attorney and concurrence of the Authorized Municipal Code Enforcement Officer, where:

(1) The violation was unintentional.

(2) The violator has no history of previous violations of this article.

(3) Environmental damage was minimal.

(4) The violator acted quickly to remedy violation.

(5) The violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

(1) Attendance at compliance workshops.

(2) Storm drain stenciling or storm drain marking.

(3) River, stream or creek cleanup activities.

§ 212-18. Violations deemed a 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 article 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.

§ 212-19. Remedies not exclusive.

The remedies listed in this article 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 215

SPECIAL USE PERMITS

§ 215-1. Permitted special uses.
§ 215-2. Requirements for approval.
§ 215-3. Factors of consideration.
§ 215-4. Conditions and safeguards; revocation of permit.
§ 215-5. Causes for revocation.
§ 215-6. Filing of applications.
§ 215-7. Fees.
§ 215-8. Appeals.
§ 215-9. Severability.

[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 9-12-1994 by L.L. No. 8-1994. Amendments noted where applicable.]

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§ 215-1. Permitted special uses. [Amended 11-8-1999 by L.L. No. 15-1999]

The Board of Trustees may, after public notice and hearing, permit the following uses in Business B Districts, as defined in §§ 210-79 through 210-88 of Chapter 210, Zoning; Service Business SB Districts, as defined in §§ 210-89 through 210-97 of Chapter 210, Zoning; Marine Commerce Districts, as defined in §§ 210-236 through 210-245 of Chapter 210, Zoning; Marine Business Districts, as defined in §§ 210-106 through 210-114 of Chapter 210, Zoning; Manufacturing Districts, as defined in §§ 210-125 through 210-135 of Chapter 210, Zoning; Marine Industries Districts, as defined by §§ 210-115 through 210-124 of Chapter 210, Zoning; only:

A. Places of amusement such as interactive video arcades, virtual reality centers, indoor or outdoor carousels and amusement or recreation centers and the like.

B. Billiard parlors or pool halls.

C. Indoor or outdoor mini-golf courses.

D. Indoor or outdoor putting and driving ranges.

E. Indoor or outdoor batting cages.

F. Bowling alleys.

G. Indoor or outdoor flea markets.

H. All businesses engaged in high technology, products, employee training and conference/seminar centers which are technology based and growth oriented such as:

   (1) Optical.

   (2) Computer software.

   (3) Artificial prosthetics.

   (4) Dental prosthetics.

(5) Computer training.

(6) Computer hardware.

(7) Physical therapy.

(8) Hearing-aid prosthetics and testing.

(9) Sleep disorders and diagnosis.

(10) Conference/seminar centers.

§ 215-2. Requirements for approval.

Before such approval shall be given, the Board of Trustees shall determine that:

A. The use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.

B. The use will not 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. The safety, the health, the welfare, the comfort, the convenience or the order of the Village will not be adversely affected by the proposed use and its location.

D. The use will be in harmony with and promote the general purposes and intent of this chapter and Chapter 210, Zoning.

§ 215-3. Factors of consideration.

In making such determination pursuant to § 215-2 of this chapter, the Board of Trustees shall give due consideration, inter alia, to:

A. 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 special use or uses.

B. The conservation of property values and the encouragement of the most appropriate uses of land.

C. The effect that the location of the proposed use may have upon the creation or undue increase of vehicular traffic congestion on public streets or highways.

D. The availability of adequate and proper public or private facilities for the treatment, removal or discharge of sewage, refuse or other effluent, whether liquid, solid, gaseous or otherwise, that may be caused or created by or as a result of the use.

E. Whether the use or materials incidental thereto or produced thereby may give off obnoxious gases, odors, smoke or soot.

F. Whether the use will cause disturbing emission of electrical discharges, dust, light, vibration or noise.

G. Whether the operations in pursuance of the 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 other competent governmental agency.

H. The necessity for hard-surfaced paved areas for the purposes of off-street parking of vehicles incidental to the use and whether such areas are 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 use shall be had. In making said determination, the provisions of § 210-172 of Chapter 210, Zoning, shall apply.

I. Whether a hazard to life, limb or property, because of fire, flood, erosion or panic, may be created by reason or as a result of the 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 such plot.

J. Whether the use or the structures to be used therefor will cause an overcrowding of land or undue concentration of population.

K. Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.

L. Whether the use to be operated is unreasonably near to a house of worship, school, theater, recreational area or other place of public assembly or other special use, provided that in no event shall any such use be located within five hundred (500) feet of a house of worship or school or other special use.

M. Whether the use abuts any residential district and, if so, whether adequate buffer zones have been provided. In making said determination, the provisions of § 210-180 of Chapter 210, Zoning, shall apply.

N. Whether the use is in conformity with any duly adopted Comprehensive Plan for the Village.

§ 215-4. Conditions and safeguards; revocation of permit.

The Board of Trustees shall, in granting such special use permits, impose such conditions and safeguards as it may deem appropriate, necessary or desirable to preserve and protect the spirit and objectives of this chapter and Chapter 210, Zoning. Such safeguards shall in each case require, inter alia, annual inspections by the Building Department to ensure compliance with such conditions and safeguards imposed. Upon a finding, after due notice and opportunity to be heard, that any such condition or safeguard imposed has been violated, the Board of Trustees may, by resolution, revoke said special use permit.

§ 215-5. Causes for revocation.

A special use permit shall be deemed to authorize only the particular use or uses specified in the permit and shall be revoked if said use or uses shall cease for more than twelve (12) months for any reason, unless prior to that time an extension has been granted by the Board of Trustees, or if all required improvements are not completed within twenty-four (24)

months from the date of issue of said special use permit, unless prior to that time an extension has been granted by the Board of Trustees.

§ 215-6. Filing of applications.

The Board of Trustees shall make rules as to the manner of filing applications for special use permits.

§ 215-7. Fees.

The Board of Trustees, by resolution, shall adopt and from time to time may amend a schedule of fees payable by an applicant upon making application to the Board of Trustees for a special use permit and for the annual compliance inspection provided for in § 215-4 of this chapter.

§ 215-8. Appeals.

Any person aggrieved by the decision of the Board of Trustees upon any application for a special use permit as provided in this chapter may seek redress in accordance with the provisions of Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 215-9. Severability.

If any provision of this chapter is held to be unconstitutional or invalid by any court, the remaining provisions of this chapter shall not be invalidated.

VEHICLE AND TRAFFIC REGULATIONS

Chapter VTR

VEHICLE AND TRAFFIC REGULATIONS

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Sec. 46. No stopping or standing at any time unless otherwise indicated.

Sec. 46.1. No stopping or standing at any time, except buses.

Sec. 46.2. No stopping, standing or parking of commercial vehicles.

Sec. 46.3. No stopping or standing at any time, except for motorcycles.

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Sec. 47.1. Four-hour parking at all times unless otherwise indicated.

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ARTICLE I

In General

Sec. 1. Definitions.

The definitions given in the Vehicle and Traffic Law shall be applied to the words therein defined whenever they are used in this chapter.

Editor's Note: The definitions referred to will be found at § 100 et seq. of the Vehicle and Traffic Law.

Sec. 2. Extraordinary traffic conditions; vehicles to be removed from streets.

No owner or operator of a motor vehicle shall allow the same to remain on any affected street during an emergency due to snowfall, flood, fire or other extraordinary condition affecting the normal flow of traffic.

Sec. 3. Disabled, unattended vehicles obstructing traffic; removal required.

No vehicle shall be parked or allowed to remain upon any street or Village parking field, Village park or other Village-owned property in any of the following circumstances:

(a) When it is in a disabled condition so as to be incapable of operation; or

(b) When its position on the street or Village parking field, Village park or other Village-owned property is at such an hour or in such a location as to constitute a potential hazard or obstruction to the normal flow of traffic; or

(c) When it has been left unattended for a period of more than 48 hours, after the owner or operator has been notified to remove it; or for a period of more than 48 hours after efforts to notify the owner or operator have proved futile.

Sec. 4. Removal of vehicle at owner's expense. (Res. of 3-27-2000)

(a) **Authority.** Any vehicle parked in violation of Section 2, 3, 49, 67 or 67.1 hereof shall be removed at the direction of the Police Chief or his designee. **(Res. of 1-27-2003)**

(b) **Storage charges.** After such removal, the Police Chief may store the vehicle in a suitable place at the expense of the owner. Such owner, or person in charge of the vehicle, may redeem the same upon payment to the Village Clerk of the amount of all expenses actually and necessarily incurred in effecting such removal; such charges shall not exceed $75 for passenger vehicle towing; for medium-duty commercial vehicles (18,000 pounds GVW or under) charges shall not exceed $150 per hour; for heavy-duty commercial vehicles (over 18,000 pounds GVW) charges shall not exceed $300 per hour. Storage for passenger vehicles shall be $25 per day or fraction thereof. Storage for medium-duty commercial vehicles (18,000 pounds GVW or under) shall be $75 per day or fraction thereof. Storage for heavy-duty commercial vehicles (over 18,000 pounds GVW) shall be $75 per day or fraction thereof. **(Res. of 4-23-2001)**

(c) **Notification of owner.** The Police Chief shall ascertain the owner of such vehicle, or person having charge of same, and notify him of the disposition of such vehicle and of the amount which will be required to redeem same.

Sec. 5. Extension of traffic controls. (Res. of 1-12-1987; Res. of 12-16-1996)

Upon due adoption of such provisions in conformity with the law, the Police Chief is authorized to designate safety zones, parking areas, bus stops or taxi stands in public streets other than those provided herein, and to erect signs or adopt such other measures as will, within the purview of such provisions, limit or prohibit unauthorized uses of such places.

Sec. 6. Fines for offenses. (Res. of 1-12-1981; Res. of 10-5-1992; Res. of 3-27-2000; Res. of 1-27-2003; Res. of 2-23-2004; Res. of 8-4-2008; Res. of 11-8-2010; Res. of 12-6-2010)

The following penalties are hereby established for the following offenses:

	VIOLATION	SECTION REFERENCE	FINE
(1)	Extraordinary traffic conditions	2	$15
(2)	Disabled vehicle — inoperable	3(a)	$15
(3)	Disabled vehicle — obstruction to normal traffic flow	3(b)	$50
(4)	Disabled vehicle — failure to remove	3(c)	$100
(5)	Standing or parking during snow emergency	27(2)(b)	$15
(6)	Operating vehicle on snow emergency streets without appropriate snow equipment	27(2)(c)	$15

	VIOLATION	SECTION REFERENCE	FINE
(7)	Abandonment of vehicle on snow emergency road	27(3)	$15
(8)	Parallel parking on Sunrise Highway	35	$50
(9)	Unauthorized parking, commuter parking areas	36(a)	$30
(10)	"Head-in only" parking in commuter parking areas	36(b)	$30
(11)	Unauthorized display of commuter parking tag or license	37(b)	$100
(12)	Authorized parking of coach, trailer or similar vehicle	39	$50
(13)	No parking, bus stop	40(b)	$40
(14)	Unauthorized parking, north side of Freeport Plaza West	40(c)	$30
(15)	Unauthorized parking of automobiles, etc., for sale and display of goods	40(d)	$75
(16)	Unauthorized parking, taxi zone	40(e)	$50
(17)	Unauthorized parking in standing area only zone	40(f)	$30
(18)	Unauthorized parking in designated areas	41	$40
(19)	Two-hour parking zones	42	$30
(20)	One-hour parking zones	43	$30
(21)	Thirty-minute parking zones	44	$30
(22)	Fifteen-minute parking zones	45	$30
(23)	No stopping or standing zones	46	$40
(24)	No stopping or standing zones, except buses	46.1	$40
(25)	Three-hour parking zones	47	$30
(26)	Four-hour parking zones	47.1	$30
(27)	Twelve-hour parking zones	48	$30
(28)	Tow-away zones	49	$100
(29)	Unauthorized parking, municipal employee parking areas	51(a)	$30

	VIOLATION	SECTION REFERENCE	FINE
(30)	Police vehicle/Mayor parking areas	51(c)	$40
(31)	Unauthorized parking, commercial vehicle, private property	52(a)(1)	$100
(32)	Unauthorized parking, commercial vehicle, empty lot	52(a)(2)	$100
(33)	Unauthorized parking, commercial vehicle, public streets	52(a)(3)	$100
(34)	Loading zones	53	$50
(35)	Unauthorized parking, Fire Department parking areas	56	$50
(36)	Illegal parking, unmarked stalls	59(a)	$30
(37)	Illegal parking, marked stalls	59(b)	$30
(38)	Unauthorized parking, no parking areas	60	$100
(39)	Parking time limits, municipal parking fields	61(a)	$30
(40)	Parking time limits, municipal employee parking field	61(a)(1)	$30
(41)	Parking limitations for commercial vehicles, municipal parking fields	61(b)(1)	$50
(42)	Weight limitations for commercial truck parking, municipal parking fields	61(b)(2)	$100
(43)	Commercial parking restrictions for twenty-five-foot or more trucks, municipal parking fields	61(b)(3)	$100
(44)	Lights on vehicles in municipal parking fields	62	$15
(45)	Prohibition of vehicle repair work in municipal parking fields	63	$125
(46)	Violation of traffic regulations promulgated by Chief of Police	64	$50
(47)	Unlicensed private parking field or space	65(a)	$50
(48)	Consumption of alcoholic beverages on municipal parking fields	66	$25
(49)	Parking at meter outside designated space	77(a)	$25

	VIOLATION	SECTION REFERENCE	FINE
(50)	Parking in metered space without deposit of coin or token	79(a)	$30
(51)	Parking in metered space beyond time limitation	79(a)	$30
(52)	Parking time limits	81(a)	$30
(53)	Overtime parking	84(a)	$30
(54)	Failure to remove vehicle from metered parking space	84(b)	$25
(55)	Improper parking in metered parking space	84(c)	$25
(56)	Tampering with meter	84(d)	$100
(57)	Depositing slugs in meter	84(e)	$100
(58)	Overtime parking and improper parking	86(b)	$30
(59)	Failure to pay traffic ticket or appear in court	86(c)	$75
(60)	Expired or altered or fictitious commuter permit	37(b)	$100
(61)	Expired or no inspection certificate	VTL306(b)[1]	
(62)	Plate: only unsecured, obstructed	VTL 402-1	$30
(63)	Improper plates	VTL 402-4	$30
(64)	Expired or no registration certificate	VTL 402-6	$30
(65)	Registration tag or sticker not affixed	VTL 403	$30
(66)	Vehicle parked or stopped within 15 feet of fire hydrant	VTL 1202	$75
(67)	Vehicle parked or stopped in the wrong direction; vehicle parked or stopped at the left side to curb, except on a one-way street; vehicle double parked or stopped at any time	VTL 1203(b)	$30
(68)	Vehicle parked in space reserved for handicapped	VTL 1203-c	$225
	Second within 24 months		$450

1. **Editor's Note: "VTL" refers to the New York State Vehicle and Traffic Law.**

	VIOLATION	SECTION REFERENCE	FINE
	Third within the same 24 months		$600
(69)	Vehicle parked, stopped fire zone	VTL 1670	$50
(70)	Unregistered vehicle	VTL 401-1	$25
(71)	Inspection expired over six months	VTL 306(b)	$75
(72)	Registration expired over six months	VTL 402-6	$75
(73)	Vehicle double parked in crosswalk, left side to curb	VTL 1202(a)-1	$50
(74)	Unauthorized entry, stopping, standing, or parking of a commercial vehicle in a designated municipal parking field	67	$100
	Impounds		$100

Sec. 7. through Sec. 13. (Reserved)

ARTICLE II
Operation of Vehicles

Sec. 14. U-turns prohibited within blocks designated.

No person shall operate a vehicle so as to make a complete turn within any block between street intersections upon the following designated public highways in the Village:

Broadway, from Harding Place to Main Street, north.
Brooklyn Avenue from Main Street, north to Ocean Avenue, north.
Church Street from Freeport Plaza West to Smith Street.
Freeport Plaza West from Church Street to Grove Street.
Guy Lombardo Avenue from Brooklyn Avenue to Smith Street.
Main Street, South, from Brooklyn Avenue to Smith Street.
Merrick Road for its entire length.
Mill Road from St. John's Place to Maple Place. **(Res. of 2-24-1997)**
Ocean Avenue, North, between Randall Avenue and Brooklyn Avenue.
Pine Street from Church Street to Ocean Avenue.
Sunrise Highway for its entire length.

Sec. 15. U-turns prohibited at intersections designated.

No person operating a vehicle shall make a U-turn at or within the street intersections wherever a stop sign or traffic signal is maintained or at any of the following public intersections:

Broadway with Main Street.

Brooklyn Avenue with Main Street.

Church Street with Pine Street.

Henry Street with Broadway.

Main Street with Broadway.

Main Street with Brooklyn Avenue.

Main Street with Smith Street.

Sec. 16. One-way traffic: East. (Res. of 6-20-1977; Res. of 11-16-1987)

No person shall operate a vehicle or motorcycle except to pass in an easterly direction, in the following designated highways in the Village:

Dean Street, between North Columbus Avenue and Rutland Road, on school days between 7:30 a.m. and 4:00 p.m.

Freeport Plaza, West, between North Grove Street and North Main Street. **(Res. of 1-27-1975)**

Newton Boulevard, from South Main Street to Sunrise Highway. **(Res. of 11-16-1987)**

Parkway and its entrances and exits thereto as laid out between the south line of Brooklyn Avenue and the property of the Long Island Rail Road Company from Ocean Avenue to the end thereof.

Richmond Street between Miller Avenue and South Ocean Avenue. **(Res. of 4-20-2015)**

Russell Place between Pennsylvania Avenue and North Long Beach Avenue.

Sec. 17. One-way traffic: North. (Res. of 12-16-1996; Res. of 5-12-1997)

No person shall operate a vehicle or motorcycle except to pass in a northerly direction, in the following designated highways in the Village:

Hudson Avenue, between Layton Street and Jefferson Street. **(Res. of 1-31-2005)**

Nassau Avenue, between Suffolk Street and Front Street. **(Res. of 12-1-2014)**

South Ocean Avenue, between Richmond Street and Front Street. **(Res. of 12-1-2014)**

Sec. 18. One-way traffic: South.

No person shall operate a vehicle or motorcycle except to pass in a southerly direction, in the following designated highways in the Village:

Miller Avenue, between Richmond Street and Front Street. **(Res. of 12-1-2014)**

Rutland Road, between Dean Street and Grand Avenue, on school days between 7:30 a.m. and 4:00 p.m.

Sec. 19. One-way traffic: West.

No person shall operate a vehicle or motorcycle except to pass in a westerly direction, in the following designated highways in the Village:

Franklyn Square between South Main Street and Bedell Street.

Jefferson Street between Hudson Avenue and Guy Lombardo Avenue. **(Res. of 5-6-1991)**

Morris Street between South Bay Avenue and South Bayview Avenue. **(Res. of 5-24-1976)**

Parking Field No. 22, northwest exit, at its intersection with Buffalo Avenue. **(Res. of 6-30-2014)**

Raynor Street between Bedell Street and Church Street. **(Res. of 12-16-2002)**

Raynor Street between South Main Street and Bedell Street. **(Res. of 9-24-1970)**

Smith Street Spur, between Miller Avenue and Smith Street, south of center median. **(Res. of 1-31-2005)**

Sec. 20. Through traffic prohibited. (Res. of 12-16-1996)

(a) **8:00 to 9:00 a.m.; 11:00 a.m. to 1:00 p.m.; 3:00 to 4:00 p.m. (Res. of 12-22-1986)**

No person shall operate a vehicle for through traffic between 8:00 and 9:00 a.m., between 11:00 a.m. and 1:00 p.m. and between 3:00 and 4:00 p.m. on the following streets:

(Reserved)

(b) **8:00 a.m. to 4:00 p.m.**

No person shall operate a vehicle for through traffic on any school day between the hours of 8:00 a.m. and 4:00 p.m. on the following streets:

Miller Avenue between Cedar Street and Front Street.

Rutland Road between East Dean Street and Grand Avenue.

Washington Street between Smith Street and Merrick Road.

(c) 7:30 a.m. to 4:00 p.m.

No person shall operate a vehicle for through traffic on any school day between the hours of 7:30 a.m. and 4:00 p.m. on the following streets: **(Res. of 1-23-1989)**

Pine Street between South Ocean Avenue and Church Street **(Res. of 1-23-1989)**

Sec. 21. Through truck traffic. (Res. of 4-27-1987)

(a) **Prohibited; exception.** Truck traffic in excess of 8,000 pounds gross weight is hereby prohibited on all streets in the Village where indicated by signs except on county and state highways.

(b) **Scope of provisions.** By "truck traffic" is meant any conveyance of goods by truck, van or other mercantile type of vehicle, whenever articles being conveyed are not destined for delivery on the restricted street. The term shall also include the passage of trucks, vans or similar vehicles even though carrying no goods. **(Res. of 7-16-1973)**

(c) Notwithstanding the provisions of Subsections (a) and (b) contained hereinabove, where the Department of Transportation of the State of New York has, pursuant to Subdivision 15 of § 385 of the Vehicle and Traffic Law of the State of New York, issued a permit to operate or move a vehicle or combination of vehicles, the weights and dimensions of which exceed the limitations provided for in Subdivisions 1 through 14 of said section, said permit and the restrictions contained therein shall and hereby are deemed to be effective on all streets and highways under the jurisdiction of the Incorporated Village of Freeport. **(Res. of 7-14-1986; Res. of 4-27-1987)**

(d) Notwithstanding the restrictions and limitations referred to in Subsection (c) hereinabove, or any permit issued by the Department of Transportation of the State of New York pursuant to Subdivision 15 of § 385 of the Vehicle and Traffic Law, every vehicle or combination of vehicles, the weights and dimensions of which exceed the limitations provided for in Subdivisions 1 through 14 of § 385 of the Vehicle and Traffic Law, and whose point of delivery, destination or origin is at any property abutting any portion of, or any point along the entire length of, Gordon Place, including its southerly terminus, or Sportsmans Avenue from its intersection with the southerly side of Atlantic Avenue south to and including its southerly terminus, shall be subject to the following additional restrictions and limitations:

(1) No vehicle or combination of vehicles shall exceed 11 feet, eight inches in width or 13 feet, six inches in height.

(2) All truck-trailer, tractor-trailer, tractor-semitrailer and tractor-trailer-semitrailer deliveries shall be limited to between the hours of 9:00 a.m. and 5:00 p.m., Mondays through Fridays, and no such deliveries shall be permitted on Saturdays, Sundays or legal holidays.

Sec. 22. Maximum speed limit; designated, exceptions. (Res. of 5-11-1998)

No person driving or operating a motor vehicle or motorcycle upon any of the streets, highways or public places of the Village shall drive or operate the same at a rate of speed in excess of 30 miles an hour except as otherwise indicated in the following designated areas. This provision shall not apply to ambulances, fire vehicles or police vehicles while on an emergency trip; nor shall it apply to a member of the Fire Department actually on his way to a fire; provided, however, that an identifying mark shall be carried on each such person's car, or that it shall be equipped with some special light or sound signal to minimize the danger to the public:

Atlantic Avenue, between Milburn Creek and South Main Street, 35 miles an hour. **(Res. of 5-24-1971)**

Sunrise Highway, eastbound **(Res. of 8-25-1980)**

Between the Village line and Bayview Avenue, 40 miles per hour.

Between Bayview Avenue and Henry Street, 30 miles per hour.

Between Henry Street and Liberty Avenue, 40 miles per hour.

Between Liberty Avenue and the Village line, 55 miles per hour.

Sunrise Highway, westbound **(Res. of 8-25-1980)**

Between the Village line and Liberty Avenue, 45 miles per hour. **(Res. of 5-11-1998)**

Between Liberty Avenue and Henry Street, 40 miles per hour.

Between Henry Street and Bayview Avenue, 30 miles per hour.

Between Bayview Avenue and the Village line, 55 miles per hour.

Sec. 23. Stop streets at main arteries of travel. (Res. of 7-21-1986; Res. of 12-15-1986; Res. of 8-4-1997)

The streets set out in the left-hand column, Main Arteries, are hereby designated as main arteries of travel, and all vehicles approaching said main arteries of travel from the streets intersecting therewith, set out in the right-hand column, Intersecting Streets, shall, before entering said main artery, come to a full stop unless otherwise directed by a peace officer or signal:

MAIN ARTERIES		**INTERSECTING STREETS**	
(1)	Adams Street	(1)	Roosevelt Avenue
		(2)	South Long Beach Avenue **(Res. of 7-7-2008)**
		(3)	Miller Avenue **(Res. of 11-25-1974)**
		(4)	South Ocean Avenue **(Res. of 4-11-1977)**
(1.1)	Albany Avenue **(Res. of 1-22-1996)**	(1)	Niagara Avenue
(2)	Archer Street	(1)	Miller Avenue
		(2)	Roosevelt Avenue
		(3)	Elliot Place
		(4)	East Avenue **(Res. of 11-1-1976)**
		(5)	South Brookside Avenue
		(6)	Park Avenue **(Res. of 10-22-2007)**

MAIN ARTERIES		INTERSECTING STREETS	
(3)	Atlantic Avenue	(1)	Main Street
		(2)	Bedell Street
		(3)	Gordon Place
		(4)	Hayes Street
		(5)	East Avenue
		(6)	Sportsmans Avenue
		(7)	Grove Street
		(8)	Ocean Avenue
		(9)	Miller Avenue
		(10)	Nassau Avenue
		(11)	Long Beach Avenue
		(12)	Roosevelt Avenue
		(13)	South Bay Avenue
		(14)	Westside Avenue
		(15)	St. Marks Avenue
		(16)	Bayview Avenue
		(17)	Locust Place
		(18)	Forbes Place
		(19)	Westend Avenue
(4)	Babylon Turnpike	(1)	Grand Avenue
		(2)	Hillside Avenue
		(3)	Seaman Avenue
		(4)	(Reserved)
		(5)	Independence Avenue
		(6)	(Reserved)
		(7)	(Reserved)
(5)	Bayview Avenue South **(Res. of 3-24-1986)**	(1)	(Reserved)
		(2)	Meister Boulevard
		(3)	(Reserved)

MAIN ARTERIES		INTERSECTING STREETS	
		(4)	(Reserved)
		(5)	Lewis Street
		(6)	(Reserved)
		(7)	(Reserved)
		(8)	Casino Street (westbound)
		(9)	(Reserved)
		(10)	(Reserved)
		(11)	(Reserved)
		(12)	(Reserved)
		(13)	Ray Street
		(14)	Branch Avenue
		(15)	Atlantic Avenue
		(16)	(Reserved)
		(17)	(Reserved)
		(18)	Archer Street
		(19)	Whaley Street
		(20)	Rose Street
		(21)	Smith Street
		(22)	Merrick Road
		(23)	Porterfield Place
		(24)	Pine Street
		(25)	Lexington Avenue
(5.1)	Bayview Avenue North **(Res. of 7-23-2001)**	(1)	Pennsylvania Avenue
(6)	Bedell Street	(1)	South Main Street at East Bedell Street
		(2)	President Street
		(3)	Ray Street
		(4)	Atlantic Avenue
		(5)	(Reserved)

MAIN ARTERIES		INTERSECTING STREETS	
		(6)	Southside Avenue
		(7)	Archer Street
		(8)	Franklyn Square
		(9)	(Reserved)
		(10)	Raynor Street (westbound) **(Res. of 12-16-2002)**
		(11)	Smith Street
		(12)	President Street **(Res. of 2-24-1975)**
(7)	Benson Place	(1)	Bennington Avenue
(7.1)	Bergen Place	(1)	Pine Street
(7.2)	Bergen Place, North **(Res. of 1-6-1997)**	(1)	Randall Avenue
(8)	Broadway	(1)	Henry Street
		(2)	Exit Parking Field No. 4
		(3)	Harding Place
		(4)	Commercial Street
		(5)	(Reserved)
		(6)	Mount Avenue
		(7)	Rosedale Avenue
		(8)	North Columbus Avenue
(9)	Brookside Avenue North	(1)	Forest Avenue
		(2)	Prince Avenue
		(3)	California Avenue
		(4)	Seaman Avenue
		(5)	High Scholl Drive **(Res. of 8-19-1996)**
		(6)	Maxson Avenue
		(7)	Moore Avenue **(Res. of 6-21-2004)**
		(8)	(Reserved)

MAIN ARTERIES		INTERSECTING STREETS	
		(9)	Bayview Avenue
		(10)	(Reserved)
		(11)	(Reserved)
		(12)	(Reserved)
		(13)	(Reserved)
(10)	Brookside Avenue, South **(Res. of 5-18-1987)**	(1)	Archer Street (westbound only)
		(2)	Pine Street **(Res. of 8-4-1997)**
		(3)	Lexington Avenue **(Res. of 8-4-1997)**
(10.1)	Byrant Street	(1)	Branch Avenue
		(2)	Westside Avenue **(Res. of 2-26-1996)**
		(3)	St. Marks Avenue **(Res. of 11-3-1997)**
(11)	Buffalo Avenue	(1)	Mill Road
		(2)	Merrick Road
		(3)	Exit Parking Field No. 22 **(Res. of 7-12-2004)**
(12)	California Avenue	(1)	Brookside Avenue
		(2)	(Reserved)
		(3)	(Reserved)
		(4)	Delaware Avenue
		(5)	Pennsylvania Avenue
		(6)	New York Avenue
		(7)	(Reserved)
(12.1)	(Reserved)		
(13)	Cedar Street	(1)	Guy Lombardo Avenue
		(2)	South Ocean Avenue
		(3)	Miller Avenue

MAIN ARTERIES		INTERSECTING STREETS	
		(4)	Nassau Avenue
		(5)	South Long Beach Avenue
		(6)	Roosevelt Avenue
		(7)	South Bay Avenue
		(8)	Westside Avenue
		(9)	St. Marks Avenue
		(10)	Branch Avenue
(14)	Colonial Avenue	(1)	(Reserved)
		(2)	North Columbus Avenue
		(3)	Union Street
		(4)	Powell Street **(Res. of 11-24-1986)**
(15)	Columbus Ave. North	(1)	(Reserved)
		(2)	Parsons Avenue
		(3)	Broadway
		(4)	Grand Avenue
		(5)	(Reserved)
		(6)	(Reserved)
		(7)	Dean Street
		(8)	(Reserved)
		(9)	(Reserved)
		(10)	(Reserved)
		(11)	Seaman Avenue
		(12)	Bedford Avenue **(Res. of 8-16-1999)**
		(13)	Independence Avenue
		(14)	Colonial Avenue
		(15)	Woodside Avenue
		(16)	Milton Street East **(Res. of 5-23-2016)**
(16)	East Avenue	(1)	(Reserved)

MAIN ARTERIES		INTERSECTING STREETS	
		(2)	Archer Street
		(3)	Southside Avenue
		(4)	(Reserved)
(17)	Evans Avenue	(1)	(Reserved)
		(2)	Long Beach Avenue
		(3)	Wallace Street
		(4)	(Reserved)
		(5)	Agnes Street
		(6)	(Reserved)
		(7)	(Reserved)
(18)	Grand Avenue	(1)	Babylon Turnpike
		(2)	Lakeview Avenue
		(3)	Weberfield Avenue
		(4)	(Reserved)
		(5)	(Reserved)
		(6)	(Reserved)
		(7)	(Reserved)
		(8)	Rutland Road
		(9)	North Columbus Avenue
		(10)	(Reserved)
		(11)	(Reserved)
		(12)	(Reserved)
		(13)	(Reserved)
		(14)	(Reserved)
		(15)	Main Street
(19)	Grove Street North	(1)	(Reserved)
		(2)	Randall Avenue
		(3)	Brooklyn Avenue
		(4)	(Reserved)

MAIN ARTERIES		INTERSECTING STREETS	
(20)	Guy Lombardo Avenue **(Res. of 12-15-1986)**	(1)	Archer Street
		(2)	Atlantic Avenue
		(3)	Cedar Street (eastbound)
		(4)	East Avenue (northbound)
		(5)	Front Street (eastbound)
		(6)	Jefferson Street (westbound)
		(7)	Merrick Road
		(8)	Pine Street
		(9)	Ray Street
		(10)	Smith Street
		(11)	Southside Avenue
		(12)	Tyler Street (westbound)
		(13)	Wilshire Court (westbound)
		(14)	Whaley Street (eastbound) **(Res. of 9-11-2006)**
		(15)	Rose Street (eastbound) **(Res. of 9-11-2006)**
		(16)	Century Court (westbound) **(Res. of 9-11-2006)**
(20.1)	Hamilton Street	(1)	Woodcleft Avenue
		(2)	South Ocean Avenue
		(3)	Miller Avenue **(Res. of 11-3-1997)**
		(4)	Nassau Avenue
		(5)	(Reserved)
(21)	Henry Street	(1)	Merrick Road
		(2)	Exit Parking Field No. 3
		(3)	(Reserved)
		(4)	Broadway
(22)	Independence Avenue	(1)	(Reserved)
		(2)	(Reserved)

MAIN ARTERIES		INTERSECTING STREETS	
		(3)	(Reserved)
		(4)	(Reserved)
		(5)	Union Street **(Res. of 7-10-2006)**
		(6)	North Columbus Ave.
		(7)	Rutland Road
		(8)	(Reserved)
		(9)	(Reserved)
		(10)	(Reserved)
(23)	Jay Street	(1)	(Reserved)
		(2)	(Reserved)
		(3)	Washburn Avenue
		(4)	Dean Street
		(5)	Milton Street
		(6)	(Reserved)
		(7)	(Reserved)
		(8)	(Reserved)
(23.1)	Laurette Lane	(1)	South Main Street
(23.2)	Lewis Street	(1)	St Marks Avenue
		(2)	(Reserved)
(24)	Locust Avenue	(1)	Archer Street
(25)	Long Beach Avenue North	(1)	Prince Avenue
		(2)	Mt. Joy Avenue
		(3)	Moore Avenue
		(4)	Evans Avenue
		(5)	(Reserved)
		(6)	Seaman Avenue
		(7)	(Reserved)
		(8)	Lena Avenue

MAIN ARTERIES		INTERSECTING STREETS	
		(9)	Wilson Avenue
		(10)	Randall Avenue
		(11)	(Reserved)
		(12)	(Reserved)
		(13)	Brooklyn Avenue
		(14)	(Reserved)
(26)	Long Beach Avenue South	(1)	(Reserved)
		(2)	Pine Street
		(3)	Porterfield Place
		(4)	Merrick Read
		(5)	Smith Street
		(6)	Rose Street
		(7)	Whaley Street
		(8)	Archer Street
		(9)	Southside Avenue
		(10)	Atlantic Avenue
		(11)	Ray Street
		(12)	Cedar Street
		(13)	Casino Street
		(14)	Front Street
		(15)	Adams Street
		(16)	Roosevelt Avenue
		(17)	Hamilton Street
		(18)	Suffolk Street **(Res. of 8-1-1994)**
(26.1)	Madison Avenue	(1)	Porterfield Place
(27)	Main Street North	(1)	Davis Street
		(2)	Holloway Street
		(3)	Prince Avenue
		(4)	Forest Avenue

MAIN ARTERIES		INTERSECTING STREETS	
		(5)	(Reserved)
		(6)	(Reserved)
		(7)	(Reserved)
		(8)	(Reserved)
		(9)	Stevens Street
		(10)	Craig Avenue
		(11)	Independence Avenue
		(12)	Claurome Place
		(13)	Leonard Avenue
		(14)	(Reserved)
		(15)	Seaman Avenue
		(16)	(Reserved)
		(17)	(Reserved)
		(18)	(Reserved)
		(19)	Washburn Avenue
		(20)	Lena Avenue
		(21)	Grand Avenue
		(22)	Randall Avenue
		(23)	Broadway
		(24)	Brooklyn Avenue
(28)	Main Street South	(1)	Church Street
		(2)	Freeport Plaza West
		(3)	(Reserved)
		(4)	Merrick Road
		(5)	Smith Street
		(6)	Bedell Street
		(7)	Mill Road
		(8)	(Reserved)
		(9)	(Reserved)
		(10)	Archer Street

MAIN ARTERIES		INTERSECTING STREETS	
		(11)	Southside Avenue
		(12)	Atlantic Avenue
		(13)	Ray Street
		(14)	(Reserved)
		(15)	East Bedell Street
		(16)	First Street
		(17)	Second Street **(Res. of 6-6-1994)**
		(18)	(Reserved)
		(19)	(Reserved)
(28.1)	Meister Boulevard	(1)	Westend Avenue
		(2)	Brunella Street (north intersection) **(Res. of 6-20-2011)**
(29)	Merrick Road	(1)	Meadowbrook Parkway
		(2)	(Reserved)
		(3)	Albany Avenue
		(4)	Mill Road
		(5)	Buffalo Avenue
		(6)	St. Johns Place
		(7)	Liberty Avenue
		(8)	(Reserved)
		(9)	(Reserved)
		(10)	Henry Street
		(11)	Main Street
		(12)	Church Street
		(13)	Grove Street
		(14)	Ocean Avenue
		(15)	Bergen Place
		(16)	Long Beach Avenue
		(17)	Elm Place
		(18)	Bayview Avenue

MAIN ARTERIES		INTERSECTING STREETS	
		(19)	Washington Avenue
		(20)	Madison Avenue
		(21)	Stokes Avenue
		(22)	Sweezey Avenue
		(23)	Park Avenue
		(24)	Moody Avenue
		(25)	Juanita Avenue
		(26)	Brookside Avenue
		(27)	Liberty Avenue **(Res. of 2-24-1975)**
(30)	Mill Road	(1)	Main Street
		(2)	Hanse Avenue
		(3)	(Reserved)
		(4)	Maple Place **(Res. of 2-24-1997)**
		(5)	Buffalo Avenue
		(6)	Merrick Road
(31)	Miller Avenue	(1)	(Reserved)
		(2)	Rose Street
		(3)	Whaley Street
		(4)	Archer Street
		(5)	Southside Avenue
		(6)	(Reserved)
		(7)	Ray Street
		(8)	Cedar Street **(Res. of 8-19-1996)**
		(9)	Front Street **(Res. of 8-19-1996)**
		(10)	(Reserved)
		(11)	Hamilton Street
		(12)	(Reserved)
		(13)	Manhattan Street, westbound **(Res. of 12-15-1986)**
		(14)	Suffolk Street **(Res. of 1-25-2010)**

MAIN ARTERIES		INTERSECTING STREETS	
(32)	Mt. Joy Avenue	(1)	Wallace Street
(32.1)	(Reserved)		
(33)	Ocean Avenue North	(1)	(Reserved)
		(2)	Brooklyn Avenue
		(3)	Randall Avenue
		(4)	Lena Avenue
		(5)	(Reserved)
		(6)	(Reserved)
		(7)	(Reserved)
		(8)	Seaman Avenue
(34)	Ocean Avenue South	(1)	Pine Street
		(2)	Merrick Road
		(3)	Smith Street
		(4)	Rose Street
		(5)	Whaley Street
		(6)	Archer Street
		(7)	Southside Avenue
		(8)	Atlantic Avenue
		(9)	Ray Street
		(10)	Carman Street
		(11)	Cedar Street
		(12)	Front Street
		(13)	Hamilton Street
		(14)	Suffolk Street **(Res. of 5-1-2000)**
		(15)	Manhattan Street
		(16)	Richmond Street
		(17)	Adams Street **(Res. of 4-11-1977; Res. of 5-9-1977)**
(35)	Park Avenue	(1)	Centre Street

MAIN ARTERIES		INTERSECTING STREETS	
		(2)	Lexington Avenue
		(3)	Pine Street
		(4)	Porterfield Place
		(5)	(Reserved)
		(6)	(Reserved)
		(7)	(Reserved)
		(8)	(Reserved)
		(9)	Archer Street
		(10)	(Reserved)
		(11)	(Reserved)
(35.1)	Parsons Avenue	(1)	Shonnard Avenue
		(2)	North Columbus Avenue
		(3)	Harrison Avenue. Allway signs shall be installed under said stop signs. **(Res. of 10-26-1987)**
		(4)	Lakeview Avenue, northbound only **(Res. of 1-4-1999)**
(36)	Pennsylvania Avenue	(1)	Bayview Avenue
		(2)	(Reserved)
		(3)	Pearsall Avenue
		(4)	Randall Avenue
		(5)	Lena Avenue
		(6)	Wilson Place **(Res. of 3-9-2009)**
		(7)	Maxson Avenue
		(8)	Seaman Avenue
		(9)	California Avenue
		(10)	Craig Avenue
		(11)	Evans Avenue
		(12)	Moore Avenue
		(13)	Mt. Joy Avenue
		(14)	Prince Avenue

MAIN ARTERIES		INTERSECTING STREETS	
		(15)	Green Avenue **(Res. of 7-23-2001)**
		(16)	Putnam Avenue
(36.1)	Pershing Place	(1)	Lillian Avenue
(37)	Polk Street	(1)	Guy Lombardo Avenue
		(2)	(Reserved)
(37.1)	Powell Street	(1)	Colonial Avenue
		(2)	Woodside Avenue **(Res. of 3-11-1991)**
(37.2)	(Reserved)		
(38)	Prince Avenue	(1)	Main Street
		(2)	(Reserved)
		(3)	(Reserved)
		(4)	(Reserved)
		(5)	(Reserved)
		(6)	(Reserved)
		(7)	(Reserved)
		(8)	Pennsylvania Avenue
		(9)	Maryland Avenue
		(10)	Brookside Avenue
(39)	Roosevelt Avenue	(1)	Archer Street **(Res. of 1-22-2001)**
		(2)	Rose Street
		(3)	Whaley Street
		(4)	Ray Street **(Res. of 8-21-1995)**
		(5)	Casino Street **(Res. No. 8-8-2011]**
		(6)	(Reserved)
(40)	Rose Street	(1)	Park Avenue
		(2)	(Reserved)
(40.1)	St. Marks Avenue	(1)	Fairview Place

MAIN ARTERIES		INTERSECTING STREETS	
(41)	Seaman Avenue	(1)	Brookside Avenue
		(2)	Virginia Avenue
		(3)	Maryland Avenue
		(4)	Delaware Avenue
		(5)	Pennsylvania Avenue
		(6)	New York Avenue
		(7)	Connecticut Avenue
		(8)	Long Beach Avenue North
		(9)	Wallace Street
		(10)	Ocean Avenue
		(11)	Main Street
		(12)	Jay Street
		(13)	Pershing Place
		(14)	Union Street
		(15)	North Columbus Avenue
		(16)	Rutland Road
		(17)	Sagamore Street
		(18)	Utz Street
		(19)	Lessing Place
		(20)	(Reserved)
		(21)	Willowbrook Lane, southbound **(Res. of 12-15-1986)**
(41.1)	Sigmond Street	(1)	South Brookside Avenue
		(2)	Jaunita Avenue **(Res. of 1-6-1997)**
		(3)	Moody Avenue, southbound **(Res. of 1-6-1997)**
(42)	Southside Avenue	(1)	South Main Street
		(2)	Bedell Street **(Res. of 3-18-1996)**
		(3)	East Avenue
		(4)	Sportsman Avenue

MAIN ARTERIES		INTERSECTING STREETS	
		(5)	(Reserved)
		(6)	(Reserved)
		(7)	Miller Avenue
		(8)	South Long Beach Avenue
		(9)	Roosevelt Avenue
		(10)	(Reserved)
		(11)	(Reserved)
		(12)	(Reserved)
		(13)	(Reserved)
		(14)	(Reserved)
		(15)	(Reserved)
		(16)	West End Avenue
		(17)	South Brookside Avenue
(42.1)	Sportsman Avenue	(1)	Cornelius Street
		(2)	(Reserved)
		(3)	(Reserved)
		(4)	(Reserved)
(43)	Suffolk Street	(1)	Miller Avenue
		(2)	Nassau Avenue
		(3)	South Long Beach Avenue
		(4)	South Ocean Avenue
(43.1)	Ray Street **(Res. of 3-7-1977)**	(1)	South Long Beach Avenue
(44)	Sunrise Highway	(1)	Brookside Avenue
		(2)	Park Avenue
		(3)	Madison Avenue
		(4)	(Reserved)
		(5)	Bayview Avenue
		(6)	McKinley Street
		(7)	Long Beach Avenue

MAIN ARTERIES		INTERSECTING STREETS	
		(8)	Bergen Place
		(9)	South Ocean Avenue
		(10)	Guy Lombardo Avenue
		(11)	Church Street
		(12)	Little Pine Street
		(13)	Main Street
		(14)	Henry Street
		(15)	Newton Boulevard
		(16)	Benson Place
		(17)	South Columbus Avenue
		(18)	Helen Avenue
		(19)	Liberty Avenue
		(20)	Buffalo Avenue
		(21)	Meadowbrook Parkway exits
(45)	Wallace Street	(1)	(Reserved)
		(2)	Mt. Joy Avenue
		(3)	Moore Avenue **(Res. of 10-1-1990)**
		(4)	(Reserved)
		(5)	Craig Avenue
		(6)	(Reserved)
		(7)	West Seaman Avenue
		(8)	Lena Avenue
		(9)	Randall Avenue
		(10)	(Reserved)
(46)	Woodcleft Avenue	(1)	Front Street **(Res. of 5-24-1999)**
		(2)	Adams Street **(Res. of 7-2-2001)**
		(3)	Hamilton Street
		(4)	Suffolk Street **(Res. of 7-2-2001)**
		(5)	Manhattan Street **(Res. of 5-1-2001)**

MAIN ARTERIES		INTERSECTING STREETS	
		(6)	Richmond Street **(Res. of 7-2-2001)**

Sec. 24. Stop streets at locations other than main arteries of travel. (Res. of 6-15-1970; Res. of 7-6-1970; Res. of 7-13-1970; Res. of 9-24-1973; Res. of 10-21-1974; Res. of 8-11-1975; Res. of 10-20-1975; Res. of 4-11-1977; Res. of 9-12-1977; Res. of 12-19-1977; Res. of 10-25-1978; Res. of 12-8-1980; Res. of 1-14-1985; Res. of 6-17-1985; Res. of 8-5-1985; Res. of 8-19-1985; Res. of 1-27-1986; Res. of 2-3-1986; Res. of 3-24-1986; Res. of 5-12-1986; Res. of 12-15-1986; Res. of 7-6-1987; Res. of 9-21-1987; Res. of 10-26-1987; Res. of 9-21-1987; Res. of 10-26-1987; Res. of 11-16-1987; Res. of 11-23-1987; Res. of 3-7-1988; Res. of 11-14-1988; Res. of 2-6-1989; Res. of 10-2-1989; Res. of 11-13-1989; Res. of 7-2-1990; Res. of 8-20-1990; Res. of 3-11-1991; Res. of 8-5-1991; Res. of 9-16-1991; Res. of 10-7-1991; Res. of 10-5-1992; Res. of 12-21-1992; Res. of 1-3-1994; Res. of 3-7-1994; Res. of 5-16-1994; Res. of 1-9-1995; Res. of 8-21-1995)

The locations set out in the left-hand column, Locations, are designated as points other than main arteries of travel at which all vehicles approaching from the intersecting streets set out in the right-hand column, Intersecting Streets, shall come to a full stop, unless otherwise directed by a peace officer or signal:

MAIN ARTERIES		INTERSECTING STREETS	
(1)	Front Street	(1)	Miller Avenue
		(2)	Roosevelt Avenue
		(3)	Woodcleft Avenue **(Res. of 5-24-1999)**
(2)	Harding Place	(1)	Exit Parking Field No. 4.
(3)	Madison Avenue	(1)	Center Street
(4)	North Bayview Avenue	(1)	Pearsall Avenue
		(2)	Lena Avenue
		(3)	Randall Avenue
		(4)	Terrace Avenue **(Res. of 1-22-2007)**
(5)	Pine Street	(1)	Bergen Place
		(2)	South Bayview Avenue
		(3)	South Ocean Avenue
		(4)	South Brookside Avenue **(Res. of 3-18-1996)**

MAIN ARTERIES		INTERSECTING STREETS	
(6)	Smith Street	(1)	Church Street
		(2)	Washington Street **(Res. of 9-24-2001)**
(7)	Washington Street	(1)	Smith Street **(Res. of 9-24-2001)**
(8)	Westside Avenue	(1)	Casino Avenue
		(2)	Ray Street
		(3)	Bryant Street **(Res. of 2-26-1996)**
		(4)	Clinton Street **(Res. of 2-26-1996)**
(9)	Whaley Street	(1)	Miller Avenue
		(2)	Roosevelt Avenue **(Res. of 11-20-2006)**
(10)	Westend Avenue	(1)	Southside Avenue (westbound only)
		(2)	Ray Street
		(3)	Cary Place
(11)	Hudson Avenue	(1)	Jefferson Street
(12)	Hope Place	(1)	Independence Avenue
		(2)	Leonard Avenue
(13)	Maxson Avenue	(1)	Virginia Avenue
		(2)	New York Avenue
		(3)	Pennsylvania Avenue
		(4)	Connecticut Avenue. All-way signs shall be installed under each of the stop signs at said intersection.
		(5)	Oakfield Avenue
		(6)	Beverly Parkway
		(7)	Delaware Avenue
		(8)	North Long Beach Avenue **(Res. of 7-23-2001)**

MAIN ARTERIES		INTERSECTING STREETS	
(14)	Hanse Avenue	(1)	St Mary's Place
(15)	St Mary's Place	(1)	Buffalo Avenue
(16)	Ray Street	(1)	South Bay Avenue
		(2)	Bedell Street
		(3)	Westend Avenue
		(4)	Miller Avenue
		(5)	Roosevelt Avenue
(17)	Maxson Avenue	(1)	Maryland Avenue
(18)	Ray Street	(1)	Westside Avenue
(19)	Hamilton Street	(1)	Miller Avenue
		(2)	South Ocean Avenue
		(3)	Woodcleft Avenue **(Res. of 5-1-2000)**
(20)	Connecticut Avenue	(1)	Maxson Avenue
		(2)	California Avenue (eastbound only)
(21)	Lena Avenue	(1)	North Bayview Avenue (northbound)
		(2)	North Ocean Avenue
		(3)	Wallace Street
		(4)	Hansome Place
(22)	Branch Avenue	(1)	Lewis Street
		(2)	Casino Street
(23)	Casino Street	(1)	Westside Avenue
		(2)	South Bayview Avenue
		(3)	Branch Avenue
(24)	Bedford Avenue	(1)	Utz Street
(25)	Rutland Road	(1)	Bedford Avenue

MAIN ARTERIES		INTERSECTING STREETS	
		(2)	Grand Avenue. All-way signs shall be installed under each of the stop signs at said intersection.
		(3)	Remson Avenue **(Res. of 1-22-1996)**
(26)	President Street	(1)	Bedell Street
		(2)	Gordon Place
(27)	Randall Avenue	(1)	North Ocean Avenue
		(2)	North Grove Street
		(3)	North Long Beach Avenue
		(4)	North Bergen Place
		(5)	Hansome Place
		(6)	Wallace Street **(Res. of 8-4-2003)**
		(7)	Pennsylvania Avenue **(Res. of 4-18-2016)**
(28)	Gold Street	(1)	Lee Place
(29)	Ellison Avenue	(1)	Forest Avenue
(30)	Ray Street	(1)	South Ocean Avenue
(31)	Jesse Street	(1)	Weberfield Avenue
(32)	Weberfield Avenue	(1)	Jesse Street
		(2)	Willow Avenue. All-way signs shall be installed under said stop signs.
(33)	Milton Street	(1)	Jay Street
		(2)	Grafting Place
(34)	Union Street	(1)	Leonard Avenue (eastbound)
		(2)	Colonial Avenue
		(3)	Woodside Avenue

MAIN ARTERIES		INTERSECTING STREETS	
		(4)	Independence Avenue **(Res. of 7-10-2006)**
(34.1)	Jefferson Street	(1)	Guy Lombardo Avenue
(35)	Tyler Street	(1)	Guy Lombardo Avenue
(36)	Woodside Avenue	(1)	North Columbus Avenue
		(2)	Union Street
(37)	Cary Place	(1)	Westend Avenue
(38)	South Bay Avenue	(1)	Cedar Street
(39)	Lewis Street	(1)	Westside Avenue
(40)	Harrison Avenue	(1)	Parsons Avenue. All-way signs shall be installed under said stop signs.
		(2)	Remson Avenue
(41)	Newton Boulevard	(1)	Exit Parking Field No. 12
(42)	Manhattan Street	(1)	Miller Avenue. All-way signs shall be installed under said stop signs.
		(2)	Woodcleft Avenue **(Res. of 5-1-2000)**
		(3)	South Ocean Avenue **(Res. of 8-19-2002)**
(43)	Overton Street	(1)	Hudson Avenue
(44)	Lakeview Avenue **(Res. of 1-4-1999)**	(1)	Parsons Avenue
		(2)	Willow Avenue
(45)	Willow Avenue	(1)	Weberfield Avenue. All-way signs shall be installed under said stop signs.
		(2)	Lakeview Avenue, southbound only **(Res. of 1-4-1999)**

MAIN ARTERIES		INTERSECTING STREETS	
(46)	Beverly Parkway	(1)	Virginia Avenue (northbound only)
		(2)	Maxson Avenue
(47)	Virginia Avenue	(1)	Beverly Parkway (north-westbound only)
		(2)	Milburn Court
(48)	Utz Street	(1)	Hillside Avenue
(49)	Locust Place	(1)	Southside Avenue
(50)	Hayes Street	(1)	Ray Street
(51)	Graffing Place	(1)	East Dean Street
(52)	Hansome Place	(1)	Randall Avenue (westbound only)
(53)	Clinton Street **(Res. of 2-26-1996)**	(1)	Westside Avenue
(54)	Lexington Avenue **(Res. of 3-18-1996)**	(1)	South Brookside Avenue
(55)	Shonnard Avenue **(Res. of 8-19-1996)**	(1)	Remsen Avenue
(56)	High School Drive **(Res. of 8-19-1996)**	(1)	Brookside Avenue North
(57)	Davis Street **(Res. of 6-18-2001)**	(1)	Dutchess Street
		(2)	Queen Street
		(3)	King Street
(58)	Dutchess Street **(Res. of 7-2-2001)**	(1)	Davis Street
(59)	Queen Street **(Res. of 7-2-2001)**	(1)	Davis Street
(60)	King Street **(Res. of 7-2-2001)**	(1)	Davis Street

MAIN ARTERIES		INTERSECTING STREETS	
(61)[2]	Church Street **(Res. of 12-16-2002)**	(1)	Raynor Street
		(2)	Glenada Court
		(3)	Smith Street (all way)
(62)	Glenada Court **(Res. of 12-16-2002)**	(1)	Church Street
(63)	Raynor Street **(Res. of 12-16-2002)**	(1)	Church Street
(64)	Gordon Place **(Res. of 1-22-2007)**	(1)	President Street

Sec. 25. Right turns on red light, green arrow signal. (Res. of 6-10-1985; Res. of 5-20-1991)

In conformity with the applicable provisions of law, traffic lights are hereby ordered erected at the following intersections directing right turns on a red light, by the attachment of an appropriate green arrow:

(1) (Reserved)

(2) (Reserved)

(3) (Reserved)

Sec. 25.1. No turn on red light. (Res. of 10-3-1977)

Notwithstanding the provisions of § 1111 of the Vehicle and Traffic Law of the State of New York, traffic facing a steady red signal may not, in the intersection, make a right turn at the following locations at any time unless otherwise indicated:

Bayview Avenue, South, southbound traffic at Smith Street.
Church Street, northbound traffic at Sunrise Highway. **(Res. of 6-10-1985)**
Church Street, southbound traffic at Sunrise Highway. **(Res. of 6-10-1985)**
Grove Street, North, southbound traffic at Sunrise Highway. **(Res. of 6-10-1985)**
Guy Lombardo Avenue, northbound traffic at Sunrise Highway. **(Res. of 6-10-1985)**
Main Street, northbound vehicles onto Mill Road. **(Res. of 11-13-1979)**
Main Street, North, northbound traffic at Freeport Plaza East. **(Res. of 6-10-1985)**

2. Editor's Note: Former Subsection (61), which provided for a stop intersection at Smith Street and Church Street, as added by Res. of 8-2-2001, was repealed by Res. of 12-16-2002.

Merrick Read, eastbound traffic at Bayview Avenue, 8:00 a.m. to 4:00 p.m. **(Res. of 12-10-1979)**

Merrick Road, westbound traffic at Washington Street.

Mill Road, westbound vehicles onto Main Street. **(Res. of 11-13-1979)**

North Brookside Avenue, northbound and southbound traffic at Prince Street. **(Res. of 6-14-1982)**

Ocean Avenue, North, southbound traffic at Sunrise Highway. **(Res. of 6-10-1985)**

Ocean Avenue, South, northbound traffic at Sunrise Highway. **(Res. of 6-10-1985)**

Prince Street, eastbound and westbound traffic at North Brookside Avenue. **(Res. of 6-14-1982)**

Seaman Avenue, eastbound traffic at North Main Street. **(Res. of 1-30-1978)**

Seaman Avenue, westbound traffic at North Main Street. **(Res. of 1-30-1978)**

Smith Street, eastbound traffic at Bayview Avenue.

South Ocean Avenue, northbound and southbound traffic at West Merrick Road, between the hours of 8:00 a.m. and 4:00 p.m. on school days. **(Res. of 9-13-1982; Res. of 3-21-1983)**

West Merrick Road, eastbound and westbound traffic at South Ocean Avenue, between the hours of 8:00 a.m. and 4:00 p.m. on school days. **(Res. of 9-13-1982; Res. of 3-21-1983)**

Sec. 25.2. Right turns prohibited. (Res. of 11-13-1979)

All vehicles may not make a right turn at the following locations at any time, unless otherwise indicated:

Commercial Street, westbound to eastbound Broadway.

Main Street, North, southbound traffic to westbound Freeport Plaza West. **(Res. of 6-10-1985)**

Mill Road, westbound left lanes to northbound Main Street.

Sec. 25.3. No left turn. (Res. of 2-14-1980)

No person operating a motor vehicle shall make a left turn at the following locations at any time, unless otherwise indicated:

Buffalo Avenue, northbound at the intersection of Sunrise Highway. **(Res. of 10-1-1990)**

Buffalo Avenue **[Repealed by Res. of 12-16-1996]**

Church Street, northbound at the intersection of Freeport Plaza West. **(Res. of 6-10-1985)**

Cleveland Avenue, southbound at the intersection of East Merrick Road. **(Res. of 7-28-1986)**

East Merrick Road, eastbound at the center median opening at Cleveland Avenue. **(Res. of 7-28-1986)**

East Merrick Road, exit from parking area located on the north side of the street beginning at a point 160 feet from the easterly curbline of Henry Street. **(Res. of 3-1-2004)**

East Merrick Road, exit from parking area located on the north side of the street beginning at a point 205 feet from the easterly curbline of Henry Street. **(Res. of 3-1-2004)**

East Merrick Road, exit from parking area located on the north side of the street beginning at a point 320 feet from the easterly curbline of Henry Street. **(Res. of 3-1-2004)**

Guy Lombardo Avenue, eastbound exit of Atlantic Shopping Plaza. **(Res. of 8-16-1999)**

Main Street, North, northbound at the intersection of Freeport Plaza West. **(Res. of 6-10-1985)**

Parking Field No. 7, westbound exit onto Henry Street. **(Res. of 8-20-2001)**

Parking Field No. 10, eastbound exit onto Guy Lombardo Avenue. **(Res. of 12-5-1988)**

South Main Street, easterly side, at the egress of the parking lot at a point 84 feet north of the northerly curbline of Atlantic Avenue. **(Res. of 11-8-2010)**

South Main Street, southbound, at a point 84 feet north of the northerly curbline of Atlantic Avenue. **(Res. of 11-8-2010)**

Sunrise Highway, both directions, at the intersection of Church Street. **(Res. of 6-10-1985)**

Sunrise Highway, both directions, at the intersection of Ocean Avenue. **(Res. of 6-10-1985)**

Sunrise Highway, eastbound at the intersection of North Main Street. **(Res. of 6-10-1985)**

Sec. 26. Speed zones.

No person shall operate a motor vehicle in the following speed zones at a rate of speed in excess of:

(1) **Fifteen miles per hour.**

Buffalo Avenue from East Merrick Road to a point 350 feet north of East Merrick Road.

(2) **Twenty-five miles per hour.**

East Bedell Street from South Main Street to its eastern terminus.

Gordon Place, south of Ray Street to its end.

South Bedell Street between Ray Street and South Main Street.

Editor's Note: Resolution of November 19, 1973, amended § 26(2) from a twenty-mile-per-hour zone to a twenty-five-mile-per-hour zone to conform to § 1643 of the New York State Vehicle and Traffic Law.

(3) **Ten miles per hour.**

Freeport Recreation Center Parking Field **(Res. of 7-7-2008)**

Grove Street, South, from Howard Street south to the entrance of the Town of Hempstead property. **(Res. of 5-21-1973; Res. of 6-25-1973; Res. of 10-29-1973; Res. of 11-19-1973; Res. of 9-12-1977; Res. of 10-17-1977; Res. of 8-27-1984; Res. of 11-25-1985; Res. of 6-29-1998)**

Sec. 26.1. School speed limit zones.

No person shall operate a motor vehicle in the following school speed limit zones in excess of the following designated speeds:

(a) Carolyn G. Atkinson School, West Seaman Avenue. **(Res. of 11-18-1996)**

Along West Seaman Avenue, a thirty-mile-per-hour roadway, a fifteen-mile-per-hour school speed limit is hereby established as during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows:

(1) West Seaman Avenue, north side for westbound motorists, beginning at a point 179 feet east of the projected eastern curbline of North Ocean Avenue and west, ending at a point 134 feet east of the eastern curbline of North Long Beach Avenue.

(2) West Seaman Avenue, south side for eastbound motorists, beginning at a point 134 feet east of the projected eastern curbline of North Long Beach Avenue and east, ending at a point 179 feet east of the eastern curbline of North Ocean Avenue.

(b) Columbus Avenue School, North Columbus Avenue. **(Res. of 11-18-1996)**

Along Grand Avenue, a thirty-mile-per-hour roadway, a fifteen-mile-per-hour school speed limit is hereby established during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows:

(1) Grand Avenue, north side for westbound motorists, beginning at a point 227 feet east of the eastern curbline of Rutland Road and west, ending at a point 200 feet west of the eastern curbline of North Columbus Avenue.

(2) Grand Avenue, south side for eastbound motorists, beginning at a point 200 feet west of the eastern curbline of North Columbus Avenue and east, ending at a point 227 feet east of the eastern curbline of Rutland Road.

Along North Columbus Avenue, a thirty-mile-per-hour roadway, a fifteen-mile-per-hour school speed limit is hereby established during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows:

(1) North Columbus Avenue, west side for southbound motorists, beginning at a point 100 feet north of the northern curbline of East Dean Street and south, ending at the northern curbline of Grand Avenue.

Along East Dean Street, a thirty-mile-per-hour roadway, a fifteen-mile-per-hour school speed limit is hereby established as during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows:

(1) East Dean Street, south side for eastbound motorists, beginning at the western curbline of North Columbus Avenue and east, ending at the eastern curbline of Rutland Road.

(c) Bayview Avenue School, South Bayview Avenue. **(Res. of 11-18-1996)**

Along West Merrick Road, a thirty-mile-per-hour roadway, a twenty-mile-per-hour school speed limit is hereby established as during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows:

(1) West Merrick Road, north side for westbound motorists, beginning at a point 165 feet east of the eastern curbline of South Bayview Avenue and west, ending at a point 12 feet west of the western curbline of Madison Avenue.

(2) West Merrick Road, south side for eastbound motorists, beginning at a point 20 feet east of the eastern curbline of Madison Avenue and east, ending at a point 155 feet east of the eastern curbline of South Bayview Avenue.

Along South Bayview Avenue, a thirty-mile-per-hour roadway, a fifteen-mile-per-hour school speed limit is hereby established as during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows:

(1) South Bayview Avenue, west side for southbound motorists, beginning at a point 50 feet north of the southern curbline of West Merrick Road and south, ending at a point 100 feet south of the southern of Smith Street.

(2) South Bayview Avenue, east side for northbound motorists, beginning at a point 100 feet south of the southern curbline of Smith Street and north, ending at a point 50 feet north of the southern curbline of West Merrick Road.

Along Smith Street, a thirty-mile-per-hour roadway, a fifteen-mile-per-hour school speed limit is hereby established as during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows.

(1) Smith Street, north side for westbound motorists, beginning at a point 100 feet east of the eastern curbline of South Bayview Avenue and west, ending at the eastern curbline of Washington Street.

(2) Smith Street, south side for eastbound motorists, beginning at the eastern curbline of Washington Street and east, ending at a point 100 feet east of the eastern curbline of South Bayview Avenue.

(d) Archer Street School, Archer Street. **(Res. of 2-3-1997)**

Along South Long Beach Avenue, a thirty-mile-per hour roadway, a fifteen-mile-per-hour school speed limit is hereby established as during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows:

(1) South Long Beach Avenue, west side for southbound motorists, beginning at a point 196 feet north of the northern curbline of Archer Street and south, ending at a point 200 feet south of the southern curbline of Southside Avenue.

(2) South Long Beach Avenue, east side for northbound motorists, beginning at a point 150 feet south of the southern curbline of Southside Avenue and north, ending at a point 196 feet north of the northern curbline of Archer Street.

Along Archer Street, a thirty-mile-per hour roadway, a fifteen-mile-per-hour school speed limit is hereby established as during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows:

(1) Archer Street, south side for eastbound motorists, beginning at a point 100 feet west of the western curbline of South Long Beach Avenue and east, ending at a point 100 feet east of the eastern curbline of Miller Avenue.

(2) Archer Street, north side for westbound motorists, beginning at a point 100 feet east of the eastern curbline of Miller Avenue and West, ending at a point 100 feet west of the western curbline of South Long Beach Avenue.

Along Miller Avenue, a thirty-mile per hour roadway, a fifteen-mile-per-hour school speed limit is hereby established as during the hours of 7:00 a.m. through 6:00 p.m. school days only as follows:

(1) Miller Avenue, east side for northbound motorists, beginning at a point 75 feet south of the southern curbline of Southside Avenue and north, ending at a point 100 feet north of the northern curbline of Archer Street.

(2) Miller Avenue, west side for southbound motorists, beginning at a point 100 feet north of the northern curbline of Archer Street and south, ending at a point 75 feet south of the southern curbline of Southside Avenue.

(e) Leo F. Giblyn School, South Ocean Avenue. **(Res. of 2-11-1985; Res. of 6-17-1996)**

Along South Ocean Avenue, a thirty-mile-per-hour roadway, a fifteen-mile-per-hour school speed limit is hereby established during the hours of 7:00 a.m. through 6:00 p.m. school days only, as follows:

(1) South Ocean Avenue, east side for northbound motorists, beginning at a point 266 feet north of the northern curbline of Front Street and north, ending at a point 100 feet north of the northern curbline of Cedar Street.

(2) South Ocean Avenue, west side for southbound motorists, beginning at a point 100 feet north of the northern curbline of Cedar Street and south, ending at a point 266 feet north of the northern curbline of Front Street.

Along Cedar Street, a thirty-mile-per-hour roadway, a fifteen-mile-per-hour school speed limit is hereby established during the hours of 7:00 a.m. through 6:00 p.m. school days only, as follows:

(1) Cedar Street, south side for eastbound motorists, beginning at a point 20 feet west of the western curbline of Miller Avenue and east, ending at a point 35 feet east of the eastern curbline of Ocean Avenue.

(2) Cedar Street, north side for westbound motorists, beginning at a point 35 feet east of the eastern curbline of Ocean Avenue and west, ending at a point 20 feet west of the western curbline of Miller Avenue.

(f) Freeport High School. **(Res. of 3-18-1996)**

Along South Brookside Avenue, a thirty-mile-per-hour roadway, a twenty-mile-per-hour school limit is hereby established as follows:

(1) South Brookside Avenue, east side for northbound motorists, beginning at a point 225 feet north of the northern curbline of West Merrick Road and north, ending at a point 225 feet south of the southern curbline of West Sunrise Highway.

(2) South Brookside Avenue, west side for southbound motorists, beginning at a point 225 feet south of the southern curbline of West Sunrise Highway and south, ending at a point 225 feet north of the northern curbline of West Merrick Road.

(g) New Visions Exploration and Discovery School, Raynor Street. **(Res. of 6-17-1996; Res. of 12-16-2002)**

Along South Ocean Avenue, a thirty-mile-per-hour roadway, a twenty-mile-per-hour school speed limit is hereby established during the hours of 7:00 a.m. through 6:00 p.m. school days only, as follows:

(1) South Ocean Avenue, east side for northbound motorists, beginning at a point 230 feet north of the northern curbline of Merrick Road and north, ending at a point 10 feet north of the northern curbline of Pine Street.

(2) South Ocean Avenue, west side for southbound motorists, beginning at a point 10 feet north of the northern curbline of Pine Street and south, ending at a point 230 feet north of the northern curbline of Merrick Road.

Along Raynor Street, a thirty-mile-per-hour roadway, a fifteen mile-per-hour speed limit is hereby established during the hours of 7:00 a.m. through 6:00 p.m., school days only as follows:

(1) Raynor Street between Church Street and Bedell Street.

(h) John W. Dodd Junior High School, Pine Street. **(Res. of 6-17-1996)**

Along Guy Lombardo Avenue, a thirty-mile-per-hour roadway, a twenty-mile-per-hour school speed limit is hereby established during the hours of 7:00 a.m. through 6:00 p.m. school days only, as follows:

(1) Guy Lombardo Avenue, east side for northbound motorists, beginning at a point 210 feet north of the northern curbline of Merrick Road and north, ending at a point 280 feet south of the southern curbline of Sunrise Highway.

(2) Guy Lombardo Avenue, west side for southbound motorists, beginning at a point 280 feet south of the southern curbline of Sunrise Highway and south, ending at a point 210 feet north of the northern curbline of Merrick Road.

Along Church Street, a thirty-mile-per-hour roadway, a twenty-mile-per-hour school speed limit is hereby established during the hours of 7:00 a.m. through 6:00 p.m. school days only, as follows:

(1) Church Street, east side for northbound motorists, beginning at a point 300 feet north of the northern curbline of Merrick Road and north, ending at a point 50 feet south of the southern curbline of Sunrise Highway.

(2) Church Street, west side for southbound motorists, beginning at a point 50 feet south of the southern curbline of Sunrise Highway and south, ending at a point 300 feet north of the northern curbline of Merrick Road.

All school speed limit zones are to be posted in accordance with Section 212.4 of the New York State Manual of Uniform Traffic Control Devices.

(i) Baldwin High School, Ethel T. Kloberg Drive **(Res. of 10-19-2015)**

Along North Brookside Avenue, a thirty-mile-per-hour roadway, a twenty-mile-per-hour school speed limit is hereby established during the hours of 7:00 a.m. through 6:00 p.m., school days only, as follows:

(1) North Brookside Avenue, west side for southbound motorists, beginning 20 feet south of the southern curbline of Delaware Circle, ending at the northern curbline of Willowbrook Lane.

(2) North Brookside Avenue, east side for northbound motorists, beginning 20 feet north of the northern curbline of Willowbrook Lane, ending at the southern curbline of Delaware Avenue.

Sec. 27. Snow emergency.

(1) Definitions.

(a) The term "vehicle" shall mean any self-propelled motor vehicle.

(b) "Snow tires" are any tires mounted on the drive wheels of a motor vehicle which are specially designed to give effective traction on snow-, mud-, or ice-covered streets by means of extra heavy treads with special high-traction pattern, except that no tire so defined shall be construed to be a "snow tire" if it is damaged or worn so as to have less than 5/32 of an inch of recognizable tread. "Snow tires" shall also include tires in which the ply cords extending to the beads are nearly at right angles to the center line of the tread, commonly referred to as "radial tires." **(Res. of 1-14-1986)**

(c) "Tire chains" or "skid chains" shall be deemed to be those designed and constructed to encircle the outer perimeter of tires.

(d) "Mud hooks" shall be deemed to consist of the cross chains designed for giving added traction and at least two sets of "mud hooks" on each of two drive wheels shall be required to comply with the requirements herein.

(2) Declaration of snow emergency.

(a) Whenever, in the opinion of the Mayor or, in the Mayor's absence, the Deputy Mayor or, in the absence of both, some other representative appointed by the Mayor, an emergency exists in the Village because of snow, freezing rain, sleet, ice, snow drifts or other natural phenomena which create or are likely to create hazardous road conditions impeding or likely to impede the free movement of fire, health, police emergency or vehicle traffic or otherwise endanger the safety and welfare of the community, the Mayor or, in the Mayor's absence, the Deputy Mayor or, in the absence of both, an appointed representative may declare a state of snow emergency. Notice of such emergency and termination thereof shall be given by press, radio or television, which news media shall be requested to cooperate with village officials. Notice when given as aforesaid shall constitute due and proper notice.

(b) When a state of snow emergency is declared, it shall be unlawful for any person to stand or park a vehicle upon any street or upon any part of the right-of-way, including the berm or shoulder adjacent to the roadways and including the entrances and exits of parkways, until the snow emergency is terminated.

(c) When a state of snow emergency is declared, it shall be unlawful for any person to operate a vehicle upon any snow emergency street or upon any part of the right-of-way, including the berm or shoulder adjacent to the snow emergency street, including the berm or shoulder adjacent to the snow emergency street, including entrances and exits of parkways, unless the drive, traction or powered

wheels of said vehicle are equipped with either snow tires, tire chains, skid chains or mud hooks. **(Res. of 2-5-1979)**

(d) When a state of snow emergency is declared, the following priority routes shall be posted as such, and any vehicles which may impede passage over said routes shall be immediately removed, as per Subsection (4) of this section:

Albany Avenue, from Merrick Road to the southern end

Ann Drive, East **(Res. of 2-8-1988)**

Ann Drive, North **(Res. of 2-8-1988)**

Ann Drive, South **(Res. of 2-8-1988)**

Archer Street

Bayview Avenue, North, from Sunrise Highway to Pennsylvania Avenue

Bayview Avenue, North, from Wilson Place to North Brookside Avenue **(Res. of 3-9-1981)**

Bayview Avenue, South, from Bryant Street to Sunrise Highway **(Res. of 2-8-1988)**

Broadway **(Res. of 2-8-1988)**

Brooklyn Avenue

Brookside Avenue, North

Brookside Avenue, South

Bryant Street **(Res. of 2-8-1988)**

Buchanan Street **(Res. of 2-8-1988)**

Buffalo Avenue, from Sunrise Highway to Mill Road

Casino Street

Cedar Street

Columbus Avenue, North

Commercial Street

Church Street **(Res. of 2-8-1988)**

Doxsee Drive

Front Street, from South Long Beach Avenue to Guy Lombardo Avenue

Grand Avenue, from North Main Street to Babylon Turnpike **(Res. of 2-8-1988)**

Grove Street, North **(Res. of 2-8-1988)**

Guy Lombardo Avenue **(Res. of 2-8-1988)**

Hanse Avenue

Howard Avenue

Hudson Avenue

Independence Avenue

Jay Street, from Grand Avenue to East Seaman Avenue **(Res. of 2-8-1988)**

Jefferson Street

Lakeview Avenue

Laurette Lane, from South Main Street to Ann Drive, North **(Res. of 2-8-1988)**

Lena Avenue, from North Long Beach Avenue to North Main Street

Long Beach Avenue, North **(Res. of 3-9-1981)**

Long Beach Avenue, South **(Res. of 3-9-1981)**

Main Street, South, from Merrick Road to Henry Street Extension **(Res. of 2-8-1988)**

Meister Boulevard **(Res. of 3-9-1981; 2-8-1988)**

Ocean Avenue, North **(Res. of 3-9-1981)**

Ocean Avenue, South **(Res. of 3-9-1981)**

Parsons Avenue **(Res. of 2-8-1988)**

Pennsylvania Avenue **(Res. of 3-9-1981)**

Pine Street

Polk Street **(Res. of 2-8-1988)**

Prince Avenue

Ray Street, from Westend Avenue to South Main Street

Smith Street, from South Bayview Avenue to South Main Street

Southside Avenue, from South Brookside Avenue to Westend Avenue

Suffolk Street

Westend Avenue

Wilson Place

Woodside Avenue **(Res. of 2-8-1988)**

(3) Emergency repairs. Whenever a vehicle becomes stalled for any reason during a snow emergency, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway. It shall be unlawful for any person to abandon or leave his vehicle in the roadway, regardless of whether he indicates by raising the hood or otherwise that the vehicle is stalled, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station or other place of assistance and return without delay.

(4) Removal of vehicles.

Any vehicle left unattended or which shall be stalled or otherwise unable to be removed at any street during a snow emergency shall be removed, pursuant to Article I, Section 4, of the Vehicle and Traffic Regulations. **(Res. of 10-26-1970)**

Sec. 28. Stop sign at crosswalks on main arteries of travel. (Res. of 5-20-1974)

The street set out in the left-hand column, Main Artery, is hereby designated as a main artery of travel, and all vehicles approaching said artery of travel upon approaching the designated crosswalk area on said main artery, set forth in the right-hand column, Crosswalk Area, shall, before traveling over said crosswalk area, come to a full stop unless otherwise directed by a police officer or signal:

MAIN ARTERY		CROSSWALK AREA	
(1)	South Long Beach Avenue	(1)	Midway between Suffolk Street and Waterfront Park entrance
(2)	Woodcleft Avenue **(Res. of 4-10-2000)**	(1)	230 feet south of Hamilton Street
(3)	Parsons Avenue - westbound only **(Res. of 1-22-2001)**	(1)	450 feet west of Weberfield Avenue
(4)	Parsons Avenue - eastbound only **(Res. of 1-22-2001)**	(1)	356 feet east of Frederick Avenue

Sec. 29. Stop signs in Village-owned parking fields or properties. (Res. of 7-7-2008)

The location set out in the left-hand column, "Location," is hereby designed as a main artery of travel, and all vehicles approaching said artery of travel upon approaching the designated location, shall come to a full stop unless otherwise directed by a police officer or signal:

Location		Designated Location
(1)	Freeport Recreation Center Main Parking Field	(1) Between the Mill Road and Merrick Road entrance along the east parking lot curbline 242 feet south of the curbline of Merrick Road (northbound only)
		(2) Between the Mill Road and Merrick Road entrance along the east parking lot curbline 469 feet south of the curbline of Merrick Road (northbound only)
		(3) Between the Mill Road and Merrick Road Entrance along the west parking lot curbline 380 feet south of the curbline of Merrick Road (southbound only)

Sec. 30. through Sec. 34. (Reserved)

ARTICLE III
Parking Restrictions

Sec. 35. Parallel parking required on Sunrise Highway.

No person shall park any vehicle on Sunrise Highway either on the north or the south side thereof, in any manner except parallel to the curb.

Sec. 36. Commuter parking: Areas designated, tag required.

(a) It shall be unlawful for any person to park an automobile or other vehicle or to permit an automobile or other vehicle to remain in or upon the following public parking places between the hours of 6:00 a.m. and 2:00 p.m. each day, except Saturdays, Sundays and holidays, unless the owner of such vehicle shall have a tag or license as hereinafter described:

On the parking field known as "Plaza Parking North" situated in the block bounded by East Sunrise Highway, Henry Street, Freeport Plaza East and Benson Place.

Under that portion of the Long Island Railroad trestle bounded by Main Street, Freeport Plaza West, Grove Street and Brooklyn Avenue.

Under that portion of the Long Island Railroad trestle bounded by Freeport Plaza East, Main Street, Freeport Plaza North and Benson Place, except those areas designated "Employee Parking Only" by the Long Island Railroad.

Parking Field No. 4 situated between Broadway and Randall Avenue up to a point 330 feet north of and parallel to the north property line of Broadway.

Parking Field No. 18 situated on the northwest corner of Grove Street and Brooklyn Avenue.

Parking Field No. 28, situated on the southwest corner of Broadway and Henry Street. **(Res. of 12-22-1986; Res. of 12-21-1992)**

(b) It shall be unlawful to park a vehicle in the areas designated for commuter parking unless the front of said vehicle is parked head in. This section shall not apply where the parking space is designated for parallel parking. **(Res. of 6-19-1972)**

Sec. 37. Commuter parking; Issuance, display of tag; fee for tag.

(a) Any resident of the village shall have the right to receive a tag or license upon making application to the Village Clerk, furnishing satisfactory evidence of such residence, either exhibiting a valid motor vehicle registration for a passenger or pleasure vehicle registered from a Freeport address or, if said vehicle is not registered from a Freeport address, exhibiting the registration and a copy of the registration, together with an affidavit in a form approved by the Village Clerk attesting to the applicant's Freeport residency and exclusive use of said vehicle, or exhibiting a New York State driver's license, with a Freeport address together with a current lease, indicating the vehicle is leased to that licensed driver, and paying an annual fee, which fee shall be adopted and, from time to time amended, by resolution of the Board of Trustees. The tag or license shall entitle said resident to park his/her automobile or other vehicle in the places and locations described in Section 36 hereof, if space shall be available. Said tag or license shall be exhibited in such a way as the Village Clerk shall prescribe. Said tag or license is not transferable and can only be used for the vehicle for which it was issued. Said tag or license shall be issued for a period of one year commencing March 1 and ending the last day of February. The payment of the fee and the issuing of the tag or license shall not be construed to guarantee the applicant a reserved space. **(Res. of 9-14-1981; Res. of 12-9-1985; Res. of 5-12-1986; Res. of 2-5-1990; Res. of 9-20-1993)**

(b) It shall be unlawful for any person to display said tag or license on any other vehicle other than the vehicle for which it was issued. Any violation of this section shall be punishable pursuant to Section 1-10 of the Code of the Village of Freeport and by a fine of not less than $50. **(Res. of 11-13-1979)**

(c) A nonresident of the village shall have the right to receive a tag or license upon making application to the Village Clerk, if he/she is employed in the village, exhibits a valid motor vehicle registration for a passenger or pleasure vehicle registered in his/her name or, if said vehicle is not registered in the name of the applicant, exhibits said registration and furnishes a copy of said registration, together with an affidavit in a form approved by the Village Clerk attesting to the applicant's exclusive use of the vehicle, furnishes satisfactory evidence of said employment, can demonstrate a need to use the railroad station in the course of his/her employment and pays an annual fee, which fee shall be adopted and, from time to time amended, by resolution of the Board of Trustees. Said tag or license shall entitle said nonresident to park his/her passenger or pleasure vehicle in the places and locations described in Section 36 hereof, if space shall be available. Said tag or license shall be exhibited in such a way as the Village Clerk shall prescribe. Said tag or license shall have inscribed thereon the license number, year and make of the motor vehicle for which it was issued. Said tag or license shall be issued for a period of one year commencing March 1 and ending the last day of February. The payment of the fee and the issuing of the tag or license shall not be construed to guarantee the applicant a reserved space. **(Res. of 12-9-1974; Res. of 9-14-1981; Res. of 12-9-1985; Res. of 2-5-1990)**

(d) All tags and licenses issued in December, 1985, for the year 1986 shall expire on February 28, 1987. **(Res. of 12-9-1985)**

Editor's Note: The current resident and nonresident annual fee is on file in the office of the Village Clerk.

Sec. 37.1. Commuter parking, nonresident; issuance, display of tag; fee for tag. (Res. of 7-23-2001)

(a) Any nonresident of the village shall have the opportunity to apply for a tag or license by making application to the Village Clerk. The number of available tags or licenses shall be determined by the Village Board of Trustees which shall be adopted and, from time to time, amended by resolution of the Board of Trustees. As part of the application, the applicant shall exhibit a valid motor vehicle registration for a passenger or pleasure vehicle, and pay an annual fee, which fee shall be adopted and, from time to time, amended by resolution of the Board of Trustees. The tag or license shall entitle said nonresident to park his/her automobile or other vehicle in the places and locations described in Section 36 hereof if space shall be available. Said tag or license shall be exhibited in such a way as the Village Clerk shall prescribe. Said tag or license is not transferable and can only be used for the vehicle for which it was issued. Said tag or license shall be issued for a period of one year commencing March 1 and ending the first day of February. The payment of the fee and the issuing of the tag or license shall not be construed to guarantee the applicant a reserved space.

(b) It shall be unlawful for any person to display said tag or license on any other vehicle other than the vehicle for which it was issued. Any violation of this section shall be

punishable pursuant to Section 1-10 of the Code of the Village of Freeport and by a fine of not less than $50.

Sec. 38. Commuter parking: Enforcement.

The enforcement of Sections 36 and 37 shall be entrusted to the Police Chief, who shall see that proper signs are prepared and posted in the affected areas.

Sec. 39. Coaches, trailers, similar vehicles; parking restricted.

No person shall be permitted to park a house coach, trailer, truck, hearse, ambulance, bus, school bus, motor vehicle registered as a school car or any motor vehicle which, pursuant to its use, requires a special color in accordance with § 375, Subdivision 21, of the Vehicle and Traffic Law of the State of New York, on the public streets for a period of more than one hour unless the said house coach, trailer, truck, hearse, ambulance, bus, school bus, school car or motor vehicle is actually being engaged in loading or unloading into premised located within said street or is being used in connection with premises located in the following designated areas in connection with construction repairs or emergency services:

(a) All that area zoned as Residence A, Residence AA and Residence Apartment on the Zoning Map of the Incorporated Village of Freeport.

(b) In the parking area located on the south side of Brooklyn Avenue adjoining the Long Island Rail Road tracks between North Long Beach Avenue and North Grove Street. **(Res. of 9-27-1971; Res. of 1-11-1988)**

Sec. 40. Parking prohibited at all times.

Except as otherwise provided by Sections 73 through 86 hereof regulating the use of parking meters, or as modified specifically herein, no person shall park a vehicle in any of the following places:

(a) The space before a firehouse, designated as a firehouse zone.

(b) Within any space designated as a bus stop, except that this restriction shall not apply to any bus while on its regular run.

(c) In the area adjoining the north side of Freeport Plaza West, contiguous to the Long Island Rail Road depot building; except that a vehicle may be parked there for passengers convenience in purchasing railroad tickets, or to receive or discharge passengers, provided that the time limit of such parking is no more than 10 consecutive minutes.

(d) No person shall keep or maintain at any fixed point on any street or public places any automotive vehicle, wagon, cart or other conveyance or any stand for the display and sale of goods, wares and merchandise unless in a park area, and then only in conformity with a grant of authority as provided by law.

(e) In any space or area designated and marked as a taxi zone except vehicles duly licensed as taxicabs by the Incorporated Village of Freeport. **(Res. of 6-28-1971; Res. of 10-29-1973; Res. of 4-28-1986; Res. of 1-12-1987)**

(f) In any space or area designated as a standing area or otherwise restricted for the use of posting mail in sidewalk or curbside mailboxes, except that this restriction shall not apply to any vehicle standing there for the passenger's or driver's convenience in depositing mail in the sidewalk or curbside mailbox. **(Res. of 4-24-1978; Res. of 7-17-1995)**

(g) In any space or area designated as a standing area or otherwise restricted for the use of dropping off Village utility or tax bills or other Village correspondence in Village-owned sidewalk or curbside drop boxes, except that this restriction shall not apply to any vehicles standing there for the passenger's or driver's convenience in depositing Village utility or tax bills or other Village correspondence in sidewalk or curbside drop box(es). **(Res. of 12-7-2009)**

Sec. 41. Parking prohibited at all times unless otherwise designated. (Ord. of 1-26-1970; Res. of 4-6-1970; Res. of 6-22-1970; Res. of 7-27-1970; Res. of 8-17-1970; Res. of 8-24-1970; Res. of 9-28-1970; Res. of 10-19-1970; Res. of 11-23-1970; Res. of 12-14-1970; Mo. of 3-20-1972; Res. of 1-8-1983; Res. of 2-5-1973; Res. of 10-15-1973; Res. of 6-24-1974; Res. of 9-9-1974; Res. of 10-7-1974; Res. of 7-14-1975; Res. of 8-11-1975; Res. of 10-6-1975; Res. of 5-24-1976; Res. of 10-17-1977; Res. of 1-15-1978; Res. of 1-15-1979; Res. of 2-5-1979; Res. of 3-26-1979; Res. of 9-10-1979; Res. of 1-12-1981; Res. of 8-3-1981; Res. of 1-3-1983; Res. of 4-11-1983; Res. of 1-14-1985; Res. of 6-10-1985; Res. of 6-17-1985; Res. of 12-23-1985; Res. of 8-11-1986; Res. of 2-2-1987; Res. of 6-15-1987; Res. of 6-22-1987; Res. of 9-28-1987; Res. of 3-28-1988; Res. of 7-25-1988; Res. of 9-19-1988; Res. of 12-12-1988; Res. of 3-6-1989; Res. of 5-22-1989; Res. of 9-18-1989; Res. of 3-12-1990; Res. of 7-2-1990; Res. of 9-17-1990; Res. of 10-1-1990; Res. of 11-5-1990; Res. of 7-1-1991; Res. of 8-5-1991; Res. of 4-20-1992; Res. of 5-4-1992; Res. of 7-6-1992; Res. of 3-22-1993; Res. of 9-20-1993; Res. of 12-20-1993; Res. of 5-16-1994; Res. of 7-18-1994; Res. of 12-5-1994; Res. of 7-17-1995; Res. of 11-3-1997; Res. of 12-8-1997; Res. of 3-30-1998; Res. of 4-20-1998; Res. of 5-4-1998; Res. of 6-29-1998; Res. of 9-14-1998; Res. of 9-28-1998; Res. of 3-1-1999; Res. of 4-19-1999; Res. of 6-21-1999; Res. of 10-18-1999; Res. of 3-27-2000; Res. of 7-2-2001; Res. of 7-23-2001; Res. of 8-20-2001; Res. of 9-24-2001; Res. of 9-9-2002; Res. of 9-11-2006; Res. of 12-4-2006; Res. of 9-10-2007; Res. of 10-5-2009; Res. of 1-24-2011; Res. of 12-19-2011; Res. of 11-3-2014; Res. of 6-30-2014)

No person shall park a vehicle within the designated areas in the following streets at any time, or at the times otherwise indicated:

Albany Avenue, east side, beginning at the north curbline of the Albany Avenue boat ramp's north driveway for a distance of 380 feet in a northerly direction. **(Res. of 10-4-1999)**

Albany Avenue, east side, beginning at the south curbline of the Albany Avenue boat ramp's south driveway and continuing south to the northerly curbline of Doxsee Drive. **(Res. of 6-30-2014)**

Albany Avenue, east side, north from East Merrick Road for the entire block, between the hours of 8:00 a.m. and 12:00 noon on Mondays only. **(Res. of 8-11-1975)**

Albany Avenue. west side, beginning at the northerly curbline of Doxsee Drive and continuing north for 250 feet. **(Res. of 6-30-2014)**

Albany Avenue, west side, north from East Merrick Road for the entire block, between the hours of 8:00 a.m. and 12:00 noon on Tuesdays only. **(Res. of 8-11-1975)**

Anchorage Way, north side, beginning at the easterly curbline of Guy Lombardo Avenue and continuing in a southeasterly direction to its southerly terminus. **(Res. of 3-12-1990)**

Anchorage Way, south side, beginning at the easterly curbline of Guy Lombardo Avenue and continuing in a southeasterly direction to a point 275 feet north of its southerly terminus. **(Res. of 3-12-1990)**

Archer Street, north side, from Guy Lombardo Avenue to South Ocean Avenue, from 8:00 a.m. to 12:00 noon on Tuesdays. **(Res. of 7-2-2001)**

Archer Street, south side, beginning at a point 100 feet from the westerly curbline of Guy Lombardo Avenue and continuing for a distance of 100 feet in a westerly direction. **(Res. of 7-2-2001; Res. of 9-11-2006)**

Archer Street, south side, from Guy Lombardo Avenue to South Ocean Avenue, from 8:00 a.m. to 12:00 noon on Mondays. **(Res. of 7-2-2001)**

Atlantic Avenue, from Westside Avenue for a distance of 15 feet in an easterly direction. **(Res. of 8-15-1977)**

Atlantic Avenue, from Westside Avenue for a distance of 15 feet in a westerly direction. **(Res. of 8-15-1977)**

Atlantic Avenue, north side, from South Bay Avenue west to Westend Avenue, from 1:00 a.m. to 7:00 a.m. on Tuesday and Friday.

Atlantic Avenue, north side, from the easterly curbline of South Ocean Avenue for a distance of 30 feet east. **(Res. of 2-13-1979)**

Atlantic Avenue, north side, from the westerly curbline of South Ocean Avenue for a distance of 30 feet west. **(Res. of 2-13-1979)**

Atlantic Avenue, south side, beginning at the western curbline of Westend Avenue, west for a distance of 111 feet. **(Res. of 6-14-1982)**

Atlantic Avenue, south side, commencing at a point 20 feet west of its intersection with South Bayview Avenue for a distance of 70 feet.

Atlantic Avenue, south side, from a point 237 feet west of the curbline of South Bayview Avenue for a distance of 222 feet west, from 8:00 a.m. to 10:00 p.m.

Atlantic Avenue, south side, from Bedell Street to Main Street.

Atlantic Avenue, south side, from Westend Avenue east to South Bay Avenue, from 1:00 a.m. to 7:00 a.m. on Monday and Thursday.

Babylon Turnpike, south side, beginning at a point 600 feet easterly from Lakeview Avenue for a distance of 108 feet.

Bayview Avenue, east side, from Merrick Road north to Sunrise Highway, from 8:00 a.m. to 8:00 p.m. **(Res. of 9-24-1973)**

Bayview Avenue, North, south side, beginning at the westerly curbline of Pennsylvania Avenue for a distance of 73 feet in a westerly direction. **(Res. of 8-3-1981)**

Bayview Avenue, South, east side, from a point 68 feet south of the southerly curbline of Atlantic Avenue south for a distance of 70 feet. **(Res. of 4-20-1992)**

Bayview Avenue, South, east side, beginning at the southerly curbline of Morris Street for a distance of 38 feet in a southerly direction. **(Res. of 9-29-1980; Res. of 10-27-1980)**

Bayview Avenue, South, east side, from Smith Street north to Merrick Road from 8:00 a.m. to 4:00 p.m. on school days. **(Res. of 7-23-2001)**

Bayview Avenue, South, west side, beginning at the southerly curbline of Lexington Avenue for a distance of 40 feet in a southerly direction. **(Res. of 2-11-1985)**

Bayview Avenue, South, west side, beginning at the southerly curbline of Porterfield Place and continuing for a distance of 75 feet in a northerly direction. **(Res. of 9-11-2000)**

Bayview Avenue, South, west side, beginning at the southerly curbline of Porterfield Place and continuing for a distance of 140 feet in a southerly direction. **(Res. of 4-10-2000)**

Bayview Avenue, South, west side, beginning at the southern curbline of Southside Avenue and continuing for a distance of 259 feet in a southerly direction. **(Res. of 2-3-1986)**

Bayview Avenue, South, west side, beginning at the northern curbline of the turnaround for a distance of 50 feet in a northerly direction. **(Res. of 12-21-1987)**

Bayview Avenue, South, west side, beginning at the southern curbline of the turnaround for a distance of 70 feet in a northerly direction. **(Res. of 12-21-1987)**

Bayview Avenue, South, west side, from West Merrick Road north to Sunrise Highway, from 3:00 a.m. to 8:00 a.m. on Friday. **(Res. of 3-6-1989)**

Bedell Street, east side, for a distance of 80 feet beginning at a point 648 feet south of President Street.

Bedell Street, east side, for a distance of 115 feet south of South Main Street.

Bennington Avenue, north side and south side, from Benson Place for a distance of 30 feet. **(Res. of 1-13-1977)**

Bennington Avenue, north side, beginning at a point 179 feet east of the eastern curbline of South Columbus Avenue and continuing for a distance of 49 feet in an easterly direction. **(Res. of 1-14-1986)**

Bennington Avenue, north side, east of Liberty Avenue to Parking Field No. 20.

Bennington Avenue, south side, beginning at a point 179 feet east of South Columbus Avenue for a distance of 46 feet in an easterly direction. **(Res. of 12-10-1979)**

Bennington Avenue, south side, from Benson Place for a distance of 70 feet east, from 8:00 a.m. to 6:00 p.m. Monday through Friday. **(Res. of 3-29-1971)**

Benson Place, east side, from Bennington Avenue north for a distance of 30 feet. **(Res. of 1-13-1977)**

Benson Place, east side, from Bennington Avenue south for a distance of 30 feet. **(Res. of 1-13-1977)**

Bergen Place, both sides, from West Sunrise Highway to Brooklyn Avenue.

Bergen Place, east side, between Brooklyn Avenue and Randall Avenue, between 3:00 a.m. and 9:00 a.m.

Bergen Place, North, west side, from Brooklyn Avenue to Randall Avenue.

Bergen Place, North, east side, from Brooklyn Avenue to Lena Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Bergen Place, North, west side, from Randall Avenue to Lena Avenue, from 8:00 a.m. to 12:00 noon On Tuesday. **(Res. of 7-14-1975)**

Bergen Place, South, east side, from Merrick Road to Sunrise Highway, from 8:00 a.m. to noon on Tuesdays. **(Res. of 7-14-1975; Res. of 6-15-1987; Res. of 9-9-2002)**

Bergen Place, South, east side, beginning at a point 337 feet south of the southerly curbline of Sunrise Highway for a distance of 34 feet in a southerly direction. **(Res. of 1-25-1982)**

Bergen Place, South, east side, beginning at the northerly curbline of the driveway of Municipal Parking Field No. 6 for a distance of 13 feet in a northerly direction. **(Res. of 1-25-1982)**

Bergen Place, South, east side, beginning at the northerly curbline of Merrick Road for a distance of 45 feet in a northerly direction. **(Res. of 1-25-1982)**

Broadway, north side, for a distance of 125 feet west of a projection of the easterly line of Henry Street.

Broadway, north side, between Mount Avenue and North Columbus Avenue, from 7:00 a.m. to 12:00 noon on Monday. **(Res. of 5-4-1992)**

Broadway, south side, from a point 100 feet northeast of the northeast curbline of Commercial Street and running northeast to Mount Avenue, from 7:00 a.m. to 12:00 noon on Monday. **(Res. of 5-4-1992)**

Broadway, south side, between Mount Avenue and North Columbus Avenue. **(Res. of 5-4-1992)**

Brooklyn Avenue, north side, for a distance of 114 feet west from North Grove Street. **[Ord. of 1-26-1970]**

Brooklyn Avenue, north side, from North Grove Street to North Long Beach Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 12-20-1993)**

Brooklyn Avenue, north side, from North Main Street to North Grove Street, between 3:00 a.m. and 7:00 a.m. **(Res. of 12-20-1993)**

Brooklyn Avenue, north side, beginning at a point 145 feet from the western curbline of North Ocean Avenue west for a distance of 45 feet. **(Res. of 6-21-1999)**

Brooklyn Avenue, north side, beginning at a point 120 feet from the easterly curbline of Wallace Street, east for a distance of 45 feet. **(Res. of 9-13-1999)**

Brooklyn Avenue, south side, from North Grove Street to North Long Beach Avenue, between 8:00 a.m. and 12:00 noon on Tuesday. **(Res. of 12-20-1993)**

Brooklyn Avenue, south side, from North Main Street to North Grove Street, between 3:00 a.m. and 7:00 a.m. **(Res. of 12-20-1993)**

Brookside Avenue, North, west side, from Maxson Avenue to Seaman Avenue.

Brookside Avenue, South, east side, from Sunrise Highway to Centre Street.

Brookside Avenue, South, west side, beginning at the northerly curbline of the north driveway entrance to Freeport High School and continuing for a distance of 95 feet in a northerly direction, from 6:00 a.m. to 4:00 p.m. **(Res. of 4-20-1998**

Brookside Avenue, South, west side, from Sunrise Highway to West Merrick Road.

Buffalo Avenue, east side, from Mill Road north to Merrick Road. **(Res. of 9-20-1993)**

Buffalo Avenue, east side, north from East Merrick Road, a distance of 440 feet, between the hours of 8:00 a.m. and 12:00 noon on Monday. **(Res. of 2-25-1980)**

Buffalo Avenue, east side, from a point 490 feet north of East Merrick Road for a distance of 125 feet in a northerly direction. **(Res. of 12-17-1990)**

Buffalo Avenue, east side, from the southerly curbline of Sunrise Highway south for a distance of 60 feet **(Res. of 10-1-1990)**

Buffalo Avenue, west side, from the northerly curbline of East Merrick Road and continuing for a distance of 263 feet in a northerly direction, from 8:00 a.m. to 12:00 noon on Tuesday. **(Res. of 3-24-1986)**

Buffalo Avenue, west side, from the northerly curbline of Mill Road north for a distance of 190 feet. **(Res. of 9-20-1993)**

Buffalo Avenue, west side, beginning at a point 263 feet north of the northerly curbline of East Merrick Road, thence running in a northerly direction to the southern curbline of Sunrise Highway. **(Res. of 2-27-1978; Res. of 10-1-1990)**

Carman Street, north side, from South Ocean Avenue to Guy Lombardo Avenue from 8:00 p.m. to 3:00 a.m.

Cedar Street, south side, between South Ocean Avenue and Miller Avenue, on school days, from the hours of 8:00 a.m. to 4:00 p.m. **(Res. of 12-4-2006)**

Centre Street, both sides, from Madison Avenue to Sunrise Highway, from 3:00 a.m. to 7:00 a.m. **(Res. of 4-19-1999)**

Centre Street, both sides, between South Brookside Avenue and Park Avenue, on school days from 9:00 a.m. to 3:00 p.m. **(Res. of 10-17-1977; Res. of 6-17-1996)**

Centre Street, north side, from Park Avenue to Madison Avenue, from 8:00 a.m. to 12:00 noon on Mondays. **(Res. of 4-19-1999)**

Centre Street, south side, from Park Avenue to Madison Avenue, from 8:00 a.m. to 12:00 noon on Tuesdays. **(Res. of 4-19-1999)**

Centre Street, north side, beginning at a point 240 feet west of the westerly curbline of Madison Avenue, for a distance of 100 feet in a westerly direction. **(Res. of 6-17-1996)**

Centre Street, south side, between Madison Avenue and Park Avenue, from 8:00 a.m. to 4:00 p.m. Monday through Friday and from 9:00 a.m. to 12:00 p.m. Saturdays. **(Res. of 7-17-1995; Res. of 6-17-1996)**

Century Court, south side, beginning at a point 200 feet from the easterly curbline of Guy Lombardo Avenue and continuing for a distance of 300 feet in an easterly direction. **(Res. of 8-19-1996; Res. of 9-11-2006)**

Church Street, both sides, from Freeport Plaza West to Smith Street, from 3:00 a.m. to 7:00 a.m. **(Res. of 5-22-1989)**

Church Street, east side, from Smith Street to Raynor Street, from 8:00 a.m. to 12:00 noon on Tuesdays. **(Res. of 8-20-2001)**

Church Street, west side, beginning at the southerly curbline of West Merrick Road, for a distance of 264 feet in a southerly direction. **(Res. of 8-24-1981; Res. of 9-24-1990)**

Church Street, west side, from Smith Street to Raynor Street, from 8:00 a.m. to 12:00 noon on Mondays. **(Res. of 8-20-2001)**

Church Street, west side, beginning at a point 30 feet north of the northerly curbline of West Merrick Road, for a distance of 38 feet in a northerly direction. **(Res. of 2-23-1981; Res. of 9-24-1990)**

Claurome Place, south side, from the westerly curbline of North Main Street, for a distance of 110 feet in a westerly direction. **(Res. of 9-27-1999)**

Cleveland Avenue, west side, 200 feet north from East Merrick Road.

Colonial Avenue, north side, between North Main Street and Powell Street. **(Res. of 9-18-1972)**

Columbus Avenue, North, east side, from Grand Avenue to Hillside, on school days.

Columbus Avenue, North, east side, from Grand Avenue to Parsons.

Columbus Avenue, North, west side, from the southerly curbline of Washburn Avenue for a distance of 105 feet in a southerly direction, from 8:00 a.m. to 4:00 p.m., except on Saturdays, Sundays and holidays. **(Res. of 2-2-1976)**

Columbus Avenue, west side, from Broadway north to Grand Avenue, Mondays from 8:00 a.m. to 12:00 noon. **(Res. of 7-18-1977)**

Commercial Street, north side, between Mount Avenue and Rutland Road.

Commercial Street, north side, from Broadway to Mount Avenue. **(Res. of 7-10-2000)**

Commercial Street, south side, beginning at a point 80 feet west of the westerly curbline of Rutland Road for a distance of 46 feet in a westerly direction. **(Res. of 4-30-1979)**

Commercial Street, south side, beginning at a point 118 feet west of the projected westerly curbline of Mount Avenue for a distance of 78 feet west. **(Res. of 1-23-1984)**

Commercial Street, south side, beginning at a point 196 feet west of the projected curbline of Mount Avenue for a distance of 100 feet in a westerly direction from 8:00 p.m. to 7:30 a.m. of the following day, Sunday through Friday. **(Res. of 6-17-1985)**

Cottage Court, south side.

Davis Street, north and south sides, between North Main Street and Queen Street, from 8:00 p.m. to 8:00 a.m.

Davis Street, north and south sides, between Queen Street and King Street, from 8:00 p.m. to 3:00 a.m.

Dean Street, East, south side, beginning at a point 125 feet east of Main Street to the westerly curbline of Jay Street, between the hours of 9:00 a.m. and 6:00 p.m. **(Res. of 5-24-1976)**

Dean Street, West, north side, between North Main Street and North Ocean Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 8-14-1978)**

Delaware Avenue, south side, beginning at a point 145 feet east of Tanglewood Lane for a distance of 80 feet east.

Dock Drive, south side, for a distance of 60 feet west from Westend Avenue.

Dutchess Street, east and west sides, between Davis Street and the north Village of Freeport boundary line, from 8:00 p.m. to 3:00 a.m.

Dutchess Street, east and west sides, between Prince Avenue and Davis Street, from 8:00 p.m. to 8:00 a.m.

East Avenue, west side, for a distance of 342 feet south of Guy Lombardo Avenue.

Evans Avenue, both sides from North Main Street to the easterly curbline of High Place, from 8:00 a.m. to 6:00 p.m., except Sundays and holidays.

First Street, West, within the circle, from 7:00 a.m. to 12:00 noon on Monday and Thursday, except holidays. **(Res. of 9-14-1998)**

Forbes Place, both sides, from the southerly curbline of Atlantic Avenue south for a distance of 25 feet. **(Res. of 6-5-1995)**

Forbes Place, both sides, from the northerly curbline of Ray Street north for a distance of 25 feet. **(Res. of 6-5-1995)**

Fourth Street, West, within the circle, from 7:00 a.m. to 12:00 noon on Monday and Thursday, except holidays. **(Res. of 9-14-1998)**

Franklyn Square, north and south sides, from south Main Street to Bedell Street.

Freeport Plaza West, north side, along the depot platform and along said north side easterly to Church Street.

Freeport Plaza West, from Guy Lombardo Avenue to Church Street, from 3:00 a.m. to 7:00 a.m.

Gold Circle, between the driveways within the circle. **(Res. of 10-18-1999)**

Gold Street, west side, beginning at a point 87 feet south of the southerly curbline of East Merrick Road and south for a distance of 73 feet, from 8:00 a.m. to 6:00 p.m., except Saturday and Sunday. **(Res. of 8-10-1987)**

Gordon Place turnaround. **(Res. of 4-9-1973)**

Graffing Place, east side, from Broadway to Grand Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Graffing Place, west side, from Broadway to Grand Avenue, from 8:00 a.m. to 12:00 noon on Tuesday. **(Res. of 7-14-1975)**

Grand Avenue, north side, beginning at a point 130 feet east of the easterly curbline of North Columbus Avenue and continuing east to Babylon Turnpike. **(Res. of 5-4-1998)**

Grand Avenue, north side, beginning at a point 315 feet east of the easterly curbline of North Main Street and continuing east to a point 400 feet west of the westerly curbline of North Columbus Avenue. **(Res. of 5-4-1998)**

Grove Street, both sides, from West Sunrise Highway to Brooklyn Avenue.

Grove Street, North, both sides, from the southerly line of Brooklyn Avenue to the property of the Long Island Railroad.

Grove Street, North, east side, from Brooklyn Avenue to Lena Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Grove Street, North, west side, for a distance of 50 feet in front of entrance of Lutheran Church.

Grove Street, North, west side, from Brooklyn Avenue to a point 175 feet north of Randall Avenue.

Grove Street, North, west side, from Randall Avenue to Lena Avenue, from 8:00 a.m. to 12:00 noon on Tuesday. **(Res. of 7-14-1975)**

Guy Lombardo Avenue, east side, from Atlantic Avenue to Archer Street, from 3:00 a.m. to 7:00 a.m. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from Cottage Court to Smith Street, from 8:00 a.m. to 12:00 p.m. on Monday. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from East Avenue to Archer Street, from 8:00 a.m. to 12:00 p.m. on Tuesday. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from Merrick Road to Cottage Court, from 8:00 a.m. to 12:00 p.m. on Monday. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from Smith Street to East Avenue, from 8:00 a.m. to 12:00 p.m. on Monday. **(Res. of 9-11-2006)**

Guy Lombardo Avenue from Sunrise Highway to Merrick Road, from 3:00 a.m. to 7:00 a.m. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, beginning at a point 100 feet north of the northerly curbline of Wilshire Court for a distance of 77 feet in a northerly direction. **(Res. of 4-8-1985)**

Guy Lombardo Avenue, east side, 30 feet north of the northerly curbline of Wilshire Court. **(Res. of 9-22-1980)**

Guy Lombardo Avenue, east side, 30 feet south of the southerly curbline of Wilshire Court. **(Res. of 9-22-1980)**

Guy Lombardo Avenue, west side, beginning at a point 1,000 feet south of Howard Avenue then extending for a distance of 500 feet south to a point 700 feet from the southern end of Guy Lombardo Avenue.

Guy Lombardo Avenue, west side, for a distance of 100 feet south of Front Street.

Guy Lombardo Avenue, west side, from the Long Island Railroad to the northerly line of Sunrise Highway.

Guy Lombardo Avenue, west side, from Merrick Road to Smith Street, from 8:00 a.m. to 12:00 p.m. Tuesday. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from Smith Street to Rose Street, from 8:00 a.m. to 12:00 p.m. Tuesday. **(Res. of 9-11-2006)**

Halsey Street, west side.

Hampton Place, north side, for a distance of 175 feet west from Westend Avenue.

Hampton Place, south side, beginning at a point 228 feet west of the westerly curbline of Westend Avenue in a westerly direction to the end of the street from 9:00 a.m. to 5:00 p.m., except Sundays. **(Res. of 4-23-1979; Res. of 11-24-1986; Res. of 2-2-1987)**

Hanse Avenue, east side, beginning at the southerly curbline of Mill Road and continuing for a distance of 200 feet in a southerly direction. **(Res. of 9-8-1997)**

Hansome Place, both sides, between Randall Avenue and Lena Avenue, from 3:00 a.m. to 7:00 a.m. **(Res. of 1-9-1995)**

Harding Place, east side, from Grand Avenue to Broadway, from 8:00 a.m. to 12:00 noon on Tuesday. **[Res. 7-14-1975)**

Harding Place, west side, from Grand Avenue to Broadway, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Henry Street, both sides, from 3:00 a.m. to 7:00 a.m. **(Res. of 3-27-2000)**

Henry Street, east side, beginning at a point 40 feet south of the southerly curbline of Broadway for a distance of 100 feet south, from 8:00 a.m. to 4:00 p.m., except Saturdays, Sundays and holidays.

Holloway Street, north side, from North Main Street to Ellison Avenue, on Mondays from 8:00 a.m. to 12:00 p.m. **(Res. of 4-20-1998)**

Holloway Street, south side, from North Main Street to Ellison Avenue, on Tuesdays from 8:00 a.m. to 12:00 p.m. **(Res. of 4-20-1998)**

Independence Avenue, south side, from the east side of North Main Street for a distance of 100 feet.

Jefferson Street, north side, from Hudson Avenue for a distance of 72 feet west. **(Res. of 6-4-1971)**

Lena Avenue. **(Res. of 4-24-1972; repealed by Res. of 3-3-1997)**

Lena Avenue. **(Res. of 7-14-1975; repealed by Res. of 3-3-1997)**

Lena Avenue. **(Res. of 7-14-1975; repealed by Res. of 3-3-1997)**

Leonard Avenue, south side, for a distance of 150 feet east of North Main Street.

Lexington Avenue, both sides, between South Brookside Avenue and Park Avenue.

Lexington Avenue, both sides, easterly and westerly, from Bayview Avenue for a distance of 30 feet. **(Res. of 5-28-1974)**

Lexington Avenue, both sides, between South Brookside Avenue and Park Avenue, on school days from 8:00 a.m. to 4:00 p.m. **(Res. 10-17-1977)**

Lexington Avenue, north side, from South Bayview Avenue to South Long Beach Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. 8-5-1991)**

Lexington Avenue, south side, from South Bayview Avenue to South Long Beach Avenue, from 8:00 a.m. to 12:00 noon on Tuesday. **(Res. of 8-5-1991)**

Liberty Avenue, east side, between Sunrise Highway and Bennington Avenue. **(Res. of 12-8-1997)**

Liberty Avenue, east side, from the southerly curbline of Merrick Road for a distance of 25 feet in a southerly direction. **(Res. of 7-12-1976)**

Liberty Avenue, west side, from the southerly curbline of Merrick Road for a distance of 30 feet in a southerly direction. **(Res. of 7-12-1976)**

Liberty Avenue, west side, from the northerly curbline of Lee Place for a distance of 95 feet in a northerly direction. **(Res. of 7-12-1976)**

Lillian Avenue, north side, beginning at the easterly curbline of North Main Street east to the westerly curbline of Jay Street from 8:00 a.m. to noon on Tuesdays. **(Res. of 9-9-2002)**

Lillian Avenue, south side, beginning at the easterly curbline of North Main Street, east to the westerly curbline of Jay Street, from 8:00 a.m. to noon on Mondays. **(Res. of 8-11-1986; Res. of 9-9-2002)**

Lincoln Place, north side, from North Ocean Avenue to Wallace Street. **(Res. of 10-21-2002)**

Long Beach Avenue, North, east side, beginning at a point 60 feet north of the northerly curbline of Brooklyn Avenue north to Randall Avenue, from 8:00 a.m. to 12:00 noon on Mondays. **(Res. of 4-20-1998)**

Long Beach Avenue, North, east side, from Randall Avenue to Lena Avenue. **(Res. of 2-11-2002)**

Long Beach Avenue, North, west side, beginning at a point 80 feet north of the northerly curbline of Randall Avenue north for a distance of 218 feet, from 8:00 a.m. to 12:00 noon on Mondays. **(Res. of 4-20-1998)**

Long Beach Avenue, North, west side, from a point 300 feet north of Randall Avenue to Lena Avenue.

Long Beach Avenue, North, west side, beginning at a point 152 feet north of the northerly curbline of West Sunrise Highway north to Randall Avenue. **(Res. of 4-20-1998)**

Long Beach Avenue, South, east side, beginning at a point 70 feet south of the southerly curbline of Archer Street south for a distance of 200 feet. **(Res. of 10-17-2005)**

Long Beach Avenue, South, east side, from Pine Street to Sunrise Highway.

Long Beach Avenue, west side, beginning at the southern curbline of Pine Street, south for a distance of 231 feet, from 8:00 a.m. to 12:00 noon on Sundays. **(Res. of 10-18-1982)**

Long Beach Avenue, South, west side, from Smith Street to Sunrise Highway, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Long Beach Avenue, South, west side, from Sunrise Highway extending south for a distance of 90 feet.

Long Beach Avenue, South, west side, from West Merrick Road to West Sunrise Highway, from 9:00 a.m. to 2:00 p.m. on Monday and Wednesday.

Madison Avenue, east side, from Merrick Road to Sunrise Highway, from 7:00 a.m. to 12:00 noon on Mondays. **(Res. of 8-2-1999)**

Madison Avenue, west side, from Merrick Road to Sunrise Highway, from 7:00 a.m. to 12:00 noon on Tuesdays. **(Res. of 8-2-1999)**

Main Street, North, both sides, from Brooklyn Avenue to the north Village of Freeport boundary, 3:00 a.m. to 7:00 a.m. **(Res. of 3-27-2000)**

Main Street, North, east side, beginning at the northern curbline of East Dean Street and continuing for a distance of 45 feet in a northerly direction. **(Res. of 5-20-1985)**

Main Street, North, east side, beginning at a point 74 feet north of Forest Avenue for a distance of 154 feet in a northerly direction. **(Res. of 1-19-1976)**

Main Street, North, east side, beginning at a point 315 feet south of the southerly curbline of Randall Avenue for a distance of 30 feet in a southerly direction. **(Res. of 8-29-1977)**

Main Street, North, west side, from Brooklyn Avenue to the Long Island Rail Road.

Main Street, North, west side, from the Village line to a point 200 feet south of Davis Street.

Main Street, North, west side, beginning at a point 420 feet south of the projected curbline of Randall Avenue and continuing in a southerly direction for a distance of 20 feet **(Res. of 8-4-2008)**

Main Street, South, both sides, from Freeport Plaza West to Sunrise Highway, from 3:00 a.m. to 7:00 a.m. **(Res. of 3-27-2000)**

Main Street, South, both sides, from Merrick Road to Smith Street, from 3:00 a.m. to 7:00 a.m. **(Res. of 3-27-2000)**

Main Street, South, both sides, between Merrick Road and Sunrise Highway, from 12:00 midnight to 7:00 a.m. **(Res. of 8-10-1987)**

Main Street. South. west side, beginning at a point 178 feet north of the northerly curbline of Laurel Road, north for a distance of 135 feet. from 9:00 p.m. to 6:00 a.m. **(Res. of 11-3-2014)**

Main Street, South, west side, for a distance of 184 feet southeast of Bedell Street.

Manhattan Avenue, south side, beginning at the point of the west curbline of Woodcleft Avenue and extending 69 feet westerly to a final point for placement of a sign to read "No Parking From Here to Corner." **(Res. of 6-14-1982)**

Maple Place, both sides, from Mill Road for the entire block, between the hours of 9:00 p.m. and 6:00 a.m. **(Res. of 11-7-2016)**

Merrick Road, both sides, from the Village of Freeport east boundary to South Long Beach Avenue, from 3:00 a.m. to 7:00 a.m. **(Res. of 3-27-2000)**

Merrick Road, north side, beginning at a point 288 feet west of the westerly curbline of Henry Street for a distance of 77 feet in a westerly direction. **(Res. of 4-30-1979)**

Merrick Road, north side, from South Long Beach Avenue west to the western Village boundary line, from 3:00 a.m. to 7:00 a.m. on Tuesdays and Fridays. **(Res. of 9-11-2006)**

Merrick Road, south side, from South Long Beach Avenue west to the western village boundary line, from 3:00 a.m. to 7:00 a.m. on Mondays and Thursdays. **(Res. of 9-11-2006)**

Merrick Road, East, north side, for a distance of 50 feet west, from Buffalo Avenue.

Merrick Road, East, north side, from the easterly curbline of Liberty Avenue east for a distance of 238 feet. **(Res. of 12-5-1994)**

Merrick Road, East, north side, beginning at a point 328 feet east of the easterly curbline of Liberty Avenue east to the east Village line. **(Res. of 12-5-1994)**

Merrick Road, East, south side, beginning at a point from the easterly curbline of the entrance to Hanse Park for a distance of 20 feet in an easterly direction. **(Res. of 6-24-1974)**

Merrick Road, East, south side, beginning at a point from the westerly curbline of the entrance of Hanse Park for a distance of 20 feet in a westerly direction. **(Res. of 6-24-1974)**

Merrick Road, East, south side, from the Village line to a point 300 feet west of Buffalo Avenue.

Merrick Road, West, south side, beginning at the westerly curbline of Stokes Avenue for a distance of 50 feet in a westerly direction. **(Res. of 7-6-1981)**

Miller Avenue, east side, from a point 16 feet south of the southerly curbline of Cedar Street south for a distance of 504 feet, from 8:00 a.m. to 4:00 p.m. on school days. **(Res. of 5-4-1992)**

Miller Avenue, west side, from the southerly curbline of Archer Street south for a distance of 244 feet, from 8:00 a.m. to 4:00 p.m. on school days. **(Res. of 5-4-1992)**

Milton Street, East, north side, from Main Street to Jay Street.

Milton Street, West, south side, between North Ocean Avenue and Wallace Street. **(Res. of 12-11-1972)**

Milton Street, West, south side, from North Main Street to North Ocean Avenue, from 9:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays.

Morris Street, north side, from the easterly curbline of South Bayview Avenue for a distance of 40 feet in an easterly direction. **(Res. of 6-1-1981)**

Morris Street, south side, from the easterly curbline of South Bayview Avenue for a distance of 40 feet in an easterly direction. **(Res. of 6-1-1981)**

New Street, both sides, between Madison Avenue and Stokes Avenue, from 9:00 p.m. to 6:00 a.m. **(Res. of 9-10-1979)**

Newton Boulevard, both sides, from Henry Street to Sunrise Highway, from 3:00 a.m. to 7:00 a.m. **(Res. of 3-27-2000)**

Newton Boulevard, north side, between South Main Street and Henry Street, from 12:00 midnight to 7:00 a.m. **(Res. of 7-1-1991)**

Newton Boulevard, north side, from Henry Street to a point 56 feet west of Henry Street, from 8:00 a.m. to 6:00 p.m. **(Res. of 8-28-1972)**

Newton Boulevard, south side, beginning at a point 93 feet east of the easterly curbline of Henry Street for a distance of 18 feet in an easterly direction. **(Res. of 7-6-1981)**

Newton Boulevard, south side, between South Main Street and Henry Street, from 12:00 midnight to 7:00 a.m. **(Res. of 12-8-1997)**

North Bayview Avenue, west side, between Terrace Avenue and Randall Avenue.

North Main Street, east side, beginning at the southerly curbline of Leonard Avenue for a distance of 20 feet in a southerly direction. **(Res. of 6-1-1981)**

Ocean Avenue, both sides, from West Sunrise Highway to Brooklyn Avenue.

Ocean Avenue, North, from Brooklyn Avenue to railroad tracks.

Ocean Avenue, North, east side, beginning at a point 28 feet south of the curbline of Randall Avenue for a distance of 69 feet south. **[Ord. of 1-26-1970]**

Ocean Avenue, North, east side, beginning at a point 100 feet south of Randall Avenue for a distance of 162 feet south.

Ocean Avenue, North, east side, from Randall Avenue to Lena Avenue, from 8:00 a.m., to 12:00 noon on Tuesday. **(Res. of 9-10-2007)**

Ocean Avenue, North, east side, from Brooklyn Avenue to Randall Avenue, from 3:00 a.m. to 7:00 a.m. on Friday. **(Res. of 9-10-2007)**

Ocean Avenue, North, west side, from Brooklyn Avenue to Lena Avenue, from 10:00 a.m. to 12:00 noon on Monday. **(Res. of 1-24-2011)**

Ocean Avenue, North, west side, from West Seaman Avenue to Lincoln Place, from 7:00 a.m. to 9:00 a.m. and from 1:30 p.m. to 3:00 p.m. on school days only. **(Res. of 4-13-2009)**

Ocean Avenue, South, both sides, from Front Street south for a distance of 256 feet. **(Res. of 7-12-1982)**

Ocean Avenue, South, east side, from the southerly curbline of Atlantic Avenue and continuing for a distance of 150 feet in a southerly direction. **(Res. of 9-26-2005)**

Ocean Avenue, South, east side, at a point 30 feet south of the southerly curbline of Hamilton Street, with arrow point north, and extending from said point in a northerly direction to said curbline. **(Res. of 10-29-1984)**

Ocean Avenue, South, east side, from Front Street to Cedar Street, from 3:00 a.m. to 8:00 a.m. on Friday. **(Res. of 7-14-1975)**

Ocean Avenue, South, east side, from Smith Street to Pine Street, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Ocean Avenue, South, east side, beginning at a point 102 feet north of northerly curbline of Suffolk Street for a distance of 75 feet in a northerly direction. **(Res. of 4-20-1998)**

Ocean Avenue, South, west side, from Atlantic Avenue to Ray Street, from 6:00 a.m. to 6:00 p.m. **(Res. of 9-26-2005)**

Ocean Avenue, South, west side, from Cedar Street south to Front Street, on any school day, between the hours of 8:00 a.m. and 4:00 p.m. **(Res. of 3-28-1988)**

Ocean Avenue, South, west side, at a point 30 feet north of the northern curbline of Hamilton Street, with arrow pointing south, and extending from said point in a southerly direction to said curbline. **(Res. of 10-29-1984)**

Ocean Avenue, South, west side, from Pine Street to Sunrise Highway, from 8:00 a.m. to 12:00 noon on Tuesday. **(Res. of 7-14-1975)**

Ocean Avenue, South, west side, beginning at the southerly curbline of Rose Street and continuing for a distance of 50 feet in a southerly direction. **(Res. of 1-25-1988)**

Ocean Avenue, South, west side, from West Merrick Road to Smith Street. **(Res. of 7-18-1994)**

Ocean Avenue, South, west side, from a point 30 feet south of the southerly curbline of Smith Street south to a point 174 feet north of the northerly curbline of Rose Street, except Sundays from 9:00 a.m. to 12:00 noon. **(Res. of 7-18-1994)**

Park Avenue, both sides, beginning at the northerly curbline of West Merrick Road, north, to the southerly curbline of Centre Street, on school days from 8:00 a.m. to 4:00 p.m. **(Res. of 10-15-2001)**

Park Avenue, east side, beginning at the northerly curbline of Centre Street north for a distance of 91 feet. **(Res. of 8-13-1979)**

Parking Field No. 2, east entrance, north side. **(Res. of 11-21-1977)**

Parking Field No. 16, south side, in the area directly behind the rear entrance to the Freeport Memorial Library between the designated parking spaces. **(Res. of 10-27-2003)**

Parking Field No. 28, the northern single row of parking consisting of 25 spaces, between the hours of 7:00 a.m. and 9:00 a.m, except Sundays and holidays. **(Res. of 12-15-1986)**

Parkway as laid out, between the southerly line of Brooklyn Avenue and the Long Island Rail Road from Ocean Avenue to the end thereof, west of North Main Street.

Pearsall Avenue, north side, from North Bayview Avenue to North Long Beach Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Pearsall Avenue, south side, from Pennsylvania Avenue to North Long Beach Avenue.

Pennsylvania Avenue, between North Bayview Avenue and Pearsall Avenue. **(Res. of 7-20-1981)**

Pennsylvania Avenue, west side, beginning at the southerly curbline of North Bayview Avenue for a distance of 90 feet in a southerly direction. **(Res. of 8-3-1981)**

Pierrepont Street, south side.

Pine Street, both sides, between Church Street and Guy Lombardo Avenue, from 3:00 a.m. to 7:00 a.m. on Fridays. **(Res. of 5-28-1974)**

Pine Street, both sides, between South Brookside Avenue and Park Avenue, from 9:30 a.m. to 4:00 p.m., Monday through Friday. **(Mo. of 3-20-1972)**

Pine Street, both sides, between South Brookside Avenue and Park Avenue, on school days from 8:00 a.m. to 4:00 p.m. **(Res. of 10-17-1977)**

Pine Street, both sides, for a distance of 30 feet east and west of South Bayview Avenue. **(Res. of 9-24-1973)**

Pine Street, both sides, for a distance of 275 feet east from Park Avenue, from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Pine Street, both sides, for a distance of 275 feet east of Park Avenue, on school days from 8:00 a.m. to 4:00 p.m. **(Res. of 10-17-1977)**

Pine Street, north side from Guy Lombardo Avenue to South Ocean Avenue. **(Res. of 9-11-2006)**

Pine Street, north side, between Guy Lombardo Avenue and South Bergen Place.

Pine Street, north side, for a distance of 100 feet west from South Long Beach Avenue. **(Res. of 11-24-1975)**

Pine Street, north side, from Madison Avenue east to Guy Lombardo Avenue. **(Res. of 1-15-1978)**

Pine Street, north side, from South Bayview Avenue to South Long Beach Avenue, from 8:00 a.m. to 12:00 noon on Tuesday. **(Res. of 8-5-1991)**

Pine Street, north side, from South Ocean Avenue to South Bergen Place, except on Sunday.

Pine Street, south side, between Madison Avenue and Park Avenue. **(Res. of 7-13-1981)**

Pine Street, south side, from Church Street to Guy Lombardo Avenue, between the hours of 8:00 a.m. and 4:00 p.m. on school days only. **(Mo. of 3-20-1972; Res. of 1-15-1978; Res. of 3-19-1979)**

Pine Street, south side, from South Bayview Avenue to South Ocean Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 8-5-1991)**

Porterfield Place, both sides, between South Brookside Avenue and Park Avenue, from 9:30 a.m. to 4:00 p.m., Monday through Friday. [Mo. of 3-20-1972]

Porterfield Place, both sides, between South Brookside Avenue and Park Avenue, on school days from 8:00 a.m. to 4:00 p.m. **(Res. of 10-17-1977)**

Porterfield Place, both sides, for a distance of 30 feet east and west of South Bayview Avenue. **(Res. of 9-24-1973)**

Porterfield Place, north side, between South Bayview Avenue and Washington Street.

Porterfield Place, north side, 70 feet west of the westerly curbline of Washington Avenue. **(Res. of 9-22-1980)**

Porterfield Place, south side, 32 feet east of the easterly curbline of Washington Avenue. **(Res. of 9-22-1980)**

Porterfield Place, south side, 32 feet west of the westerly curbline of Washington Avenue. **(Res. of 9-22-1980)**

Prince Avenue, north side, from Pennsylvania Avenue east to North Main Street. **(Res. of 1-15-1978)**

Queen Street, east and west sides, between Prince Avenue and Davis Street, from 8:00 p.m. to 3:00 a.m.

Randall Avenue, north side, from Hansom Place to North Main Street, from 8:00 a.m. to 12:00 noon on Tuesday. **(Res. of 6-29-1998)**

Randall Avenue, south side, from North Long Beach Avenue to Hansome Place.

Randall Avenue, south side, from North Bayview Avenue to Hansome Place, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Randall Avenue, south side, from the eastern curbline of North Ocean Avenue to the western curbline of North Grove Street, except Sundays from 8:00 a.m. to 4:00 p.m. **(Res. of 11-25-1985)**

Randall Avenue, south side, from North Ocean Avenue to North Long Beach Avenue. **(Res. of 7-2-1990)**

Randall Avenue Extension, north side, from North Main Street east for a distance of 375 feet. **(Res. of 9-12-1977)**

Ray Street, both sides, beginning at South Main Street for a distance of 100 feet in a westerly direction, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 3-13-1978)**

Ray Street, north side, between South Main Street and South End Place.

Ray Street, north side, from the westerly curbline of Hayes Street to a point 245 feet in a westerly direction. **(Res. of 12-11-1972)**

Ray Street, north side, from the easterly curbline of Sportsmans Avenue to a point 210 feet in an easterly direction. **(Res. of 12-11-1972)**

Ray Street, south side, from a point 94 feet east of the easterly curbline of Sportsmans Avenue to a point 410 feet in an easterly direction. **(Res. of 12-11-1972)**

Raynor Street, south side, from Bedell Street to Main Street.

Rev. E. Mitchell Mallette Drive, east side, from Merrick Road to Sunrise Highway, from 8:00 a.m. to 12:00 noon on Mondays. **(Res. of 7-2-2001)**

Rev. E. Mitchell Mallette Drive, west side, from Merrick Road to Sunrise Highway, from 8:00 a.m. to 12:00 noon on Tuesdays. **(Res. of 7-2-2001)**

Rose Street, north side, from the westerly curbline of South Ocean Avenue for a distance of 170 feet in a westerly direction, from 8:00 a.m. to 4:00 p.m. **(Res. of 7-12-1976)**

Rose Street, south side, beginning at the westerly curbline of South Ocean Avenue and continuing for a distance of 30 feet in a westerly direction. **(Res. of 1-25-1988)**

Russell Avenue, north side, from North Long Beach Avenue to Pennsylvania Avenue.

Russell Place, south side, from North Bayview Avenue to North Long Beach Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

St. John's Place, west side, beginning at the northern curbline of Mill Road for a distance of 74 feet in a northerly direction. **(Res. of 6-17-1985)**

St. John's Place, west side, beginning at a point 380 feet north of the northerly curbline of Mill Road north for a distance of 88 feet. **(Res. of 8-21-1995)**

St. Mark's Avenue, west side, between Atlantic Avenue and Ray Street. **(Res. of 7-6-1981)**

St. Mary's Place, south side, beginning at a point 241 feet west of the westerly curbline of Buffalo Avenue for a distance of 44 feet in a westerly direction. **(Res. of 6-23-1980)**

Seaman Avenue, East, both sides, from Jay Street to North Main Street. **(Res. of 10-30-1972)**

Seaman Avenue, East, north side, from Columbus Avenue to Union Street. **(Res. of 10-30-1972)**

Seaman Avenue, East, north side, from Lessing Place to Utz Street. **(Res. of 10-30-1972)**

Seaman Avenue, East, north side, from Pershing Place to Jay Street. **(Res. of 10-30-1972)**

Seaman Avenue, East, north side, from Sagamore Street to Rutland Road. **(Res. of 10-30-1972)**

Seaman Avenue, East, south side, from a point opposite the easterly curbline of Union Street to a point opposite the westerly curbline of Pershing Place. **(Res. of 10-30-1972)**

Seaman Avenue, East, south side, from Babylon Turnpike to Lessing Place. **(Res. of 10-30-1972)**

Seaman Avenue, East, south side, from Rutland Road to a point opposite the westerly curbline of Columbus Avenue. **(Res. of 10-30-1972)**

Seaman Avenue, East, south side, from Utz Street to Sagamore Street. **(Res. of 10-30-1972)**

Second Street, West, within the circle, from 7:00 a.m. to 12:00 noon on Monday and Thursday, except holidays. **(Res. of 9-14-1998)**

Smith Street, north side, from Church Street to Bedell Street, from 3:00 a.m. to 7:00 p.m. **(Res. of 3-27-2000)**

Smith Street, north side, beginning at the westerly curbline of South Bayview Avenue for a distance of 155 feet in westerly direction on school days from 8:00 a.m. to 4:00 p.m. **(Res. of 7-23-2001)**

Smith Street, north side, from South Main Street to South Long Beach Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Smith Street, south side, from Guy Lombardo Avenue to Bedell Street. **(Res. of 9-17-1990)**

Smith Street, south side, from a point 40 feet west of the westerly curbline of South Ocean Avenue west for a distance of 95 feet, except Sundays from 9:00 a.m. to 12:00 noon. **(Res. of 7-18-1994)**

Smith Street, East, north and east sides, from Henry Street to the northerly entrance of Hanse Park.

Southside Avenue, north side, beginning at the easterly curbline of South Bayview Avenue and east for a distance of 20 feet. **(Res. of 6-4-1982)**

Southside Avenue, south side, beginning at the easterly curbline of South Bayview Avenue and east for a distance of 20 feet. **(Res. of 6-4-1982)**

Southside Avenue, south side, from Bedell Street to Main Street.

Sportsmans Avenue, the entire turnaround located on the easterly side of said street, situated 137 feet north of the southerly end of said street. **(Res. of 8-29-1988)**

Stillwell Place, south side.

Suffolk Street, both sides, from the westerly curbline of Woodcleft Avenue for a distance of 70 feet, in a westerly direction. **(Res. of 4-22-1974)**

Sunrise Highway, north side, from Bergen Place east for a distance of 15 feet. **(Res. of 4-11-1977)**

Sunrise Highway, south side, beginning at a point 318 feet west of the westerly curbline of Henry Street for a distance of 84 feet in a westerly direction. **(Res. of 4-30-1979)**

Sunrise Highway, south side, 50 feet easterly from Grove Street.

Sunrise Highway, south side, from Brookside Avenue west for a distance of 71 feet. **(Res. of 4-11-1977)**

Sunrise Highway, West, north side, adjacent to the Village powerhouse.

Taft Place, west side, from Pine Street to Lexington Avenue, from 8:00 a.m. to noon on Tuesdays. **(Res. of 9-9-2002)**

Terrace Avenue, south side, from North Brookside Avenue east to North Bayview Avenue, Mondays from 8:00 a.m. to 12:00 noon. **(Res. of 6-20-1977)**

Terrace Avenue, south side, in the parking area that begins at the easterly curbline of North Brookside Avenue, east for a distance of 260 feet, from 11:00 p.m. to 6:00 a.m. **(Res. of 6-2-2003)**

Third Street, West, within the circle, from 7:00 a.m. to 12:00 noon on Monday and Thursday, except holidays. **(Res. of 9-14-1998)**

Troy Place, north side, beginning at a point 32 feet east of the eastern curbline of Albany Avenue and extending in an easterly direction for a distance of 140 feet. **(Res. of 11-5-1984)**

Wallace Street, east side, between Brooklyn Avenue and Randall Avenue, between 9:00 a.m. and 2:00 p.m. on Tuesday. **(Res. of 10-15-1973)**

Wallace Street, east side, from Brooklyn Avenue to Lena Avenue, from 8:00 a.m. to 12:00 noon on Tuesday. **(Res. of 7-14-1975)**

Wallace Street, east side, from Brooklyn Avenue to Randall Avenue, from 9:00 a.m. to 2:00 p.m. on Tuesday and Thursday.

Wallace Street, east side, from the northerly curbline of Randall Avenue north for a distance of 132 feet. **(Res. of 12-5-1994; Res. of 5-1-1995)**

Wallace Street, west side, from Brooklyn Avenue to Lena Avenue, from 8:00 a.m. to 12:00 noon on Monday. **(Res. of 7-14-1975)**

Wallace Street, west side, from Brooklyn Avenue to Randall Avenue.

Wallace Street, west side, beginning at the northerly curbline of Randall Avenue and continuing for a distance of 235 feet in a northerly direction. **(Res. of 12-19-1988)**

Washington Street, both sides, from Merrick Road to Porterfield Place.

Washington Street, east side, from Smith Street north to Merrick Road, from 8:00 a.m. to 4:00 p.m. on school days. **(Res. of 9-24-2001)**

Washington Street, west side, from Merrick Road to Porterfield Place. **(Res. of 10-21-1972)**

Westend Avenue, east side, beginning at a point 115 feet north of the northerly curbline of Atlantic Avenue, north to Southside Avenue, from 8:00 a.m. to 8:00 p.m. **(Res. of 6-10-1985)**

Westend Avenue, east side, beginning at the southern curbline of Hampton Place and continuing for a distance of 132 feet in a southerly direction. **(Res. of 7-14-1986)**

Westend Avenue, east side, for a distance of 95 feet north of Southside Avenue.

Westend Avenue, east side, from Atlantic Avenue to Elinor Place.

Westend Avenue, east side, from Shelly Street south for a distance of 20 feet. **(Res. of 9-17-1973)**

Westend Avenue, east side, from the northerly curbline of Shelly Street north for a distance of 20 feet. **(Res. of 8-14-1978)**

Westend Avenue, west side, from Shelly Street north for a distance of 20 feet. **(Res. of 9-17-1973)**

Whaley Street, north side, beginning at the eastern curbline of Miller Avenue for a distance of 30 feet in an easterly direction. **(Res. of 4-8-1985)**

Whaley Street, north side, beginning at the western curbline of South Ocean Avenue for a distance of 30 feet in a westerly direction. **(Res. of 4-8-1985)**

Whaley Street, south side, from the western curbline of South Ocean Avenue to the eastern curbline of Miller Avenue. **(Res. of 4-8-1985)**

Willowbrook Lane. **(Res. of 10-7-1991; repealed by Res. of 8-19-1996)**

Willowbrook Lane. **(Res. of 10-7-1991; repealed by Res. of 8-19-1996)**

Wilshire Court, north side, 30 feet east of the easterly curbline of Guy Lombardo Avenue. **(Res. of 9-22-1980)**

Wilshire Court, south side, 30 feet east of the easterly curbline of Guy Lombardo Avenue. **(Res. of 9-22-1980)**

Wilson Place, south side, beginning at the easterly curbline of Pennsylvania Avenue for a distance of 30 feet in an easterly direction. **(Res. of 7-20-1981)**

Wilson Place, south side, beginning at the westerly curbline of Pennsylvania Avenue for a distance of 30 feet in a westerly direction. **(Res. of 7-20-1981)**

Woodbine Drive, East and West, west side.

Woodbine Drive, East, east side, beginning at the northern curbline of Lena Avenue, for a distance of 30 feet in a northerly direction. **(Res. of 2-11-1985)**

Woodbine Drive, East, east side, beginning at the southern curbline of West Milton Street, for a distance of 30 feet in a southerly direction. **(Res. of 2-11-1985)**

Woodbine Drive, West, east side, beginning at the northern curbline of Lena Avenue, for a distance of 30 feet in a northerly direction. **(Res. of 2-11-1985)**

Woodbine Drive, West, east side, beginning at the southern curbline of West Milton Street, for a distance of 30 feet in a southerly direction. **(Res. of 2-11-1985)**

Woodcleft Avenue, along the southernmost curbline at the foot of Woodcleft Avenue. **(Res. of 11-3-1997)**

Woodcleft Avenue, east side. **(Res. of 6-21-1999; Res. of 9-11-2006)**

Woodcleft Avenue, west side, for a distance of 255 feet south of Front Street. **(Res. of 6-21-1999)**

Woodcleft Avenue, west side, beginning at a point 225 feet south of Front Street and continuing south to the northerly intersection of Richmond Street, Monday, 5:00 a.m. through 8:00 a.m. **(Res. of 12-7-2009)**

Woodcleft Avenue, west side, from Richmond Street south to end. **(Res. of 6-21-1999)**

Editor's Note: Beginning with legislation enacted in 1971, amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history at the beginning of the section.

Sec. 42. Two-hour parking at all times unless otherwise indicated. (Res. of 6-22-1970; Res. of 9-14-1970; Res. of 12-14-1970; Res. of 5-28-1974; Res. of 2-13-1979; Res. of 9-10-1979; Res. of 6-10-1985; Res. of 6-17-1985; Res. of 2-24-1986; Res. of 1-12-1987; Res. of 9-18-1989; Res. of 6-18-1990; Res. of 7-2-1990; Res. of 9-24-1990; Res. of 7-20-1992; Res. of 5-16-1994; Res. of 8-5-1996; Res. of 5-4-1998; Res. of 9-14-1998; Res. of 3-1-1999; Res. of 3-22-1999; Res. of 2-11-2002; Res. of 9-26-2005; Res. of 9-11-2006)

No person shall park a vehicle for a period longer than two consecutive hours in the following places, at any time or at the times indicated:

Archer Street, both sides, from a point 140 feet west of the westerly curbline of South Main Street to a point 65 feet east of the easterly curbline of Bedell Street, from 1:00 p.m. to 12:00 midnight. **(Res. of 6-10-1985)**

Archer Street, both sides, from a point 140 feet west of the westerly curbline of South Main Street to a point 30 feet east of the easterly curbline of Bedell Street, from 1:00 p.m. to 12:00 midnight. **(Mo. of 2-28-1972)**

Archer Street, north side, beginning at a point 150 feet west of Guy Lombardo Avenue westerly to South Ocean Avenue, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays, and holidays. **(Res. of 9-14-1998)**

Atlantic Avenue, north side, beginning at the easterly curbline of Gordon Place for a distance of 67 feet in an easterly direction. **(Res. of 2-22-1982)**

Bay Avenue, South, both sides, from Casino Street to Cedar Street, from 8:00 a.m. to 6:00 p.m., except Sundays and holidays.

Bennington Avenue, north side, from Benson Place to South Columbus Avenue.

Bergen Avenue, South, from Sunrise Highway to West Merrick Road.

Bergen Place, North, both sides, from West Sunrise Highway to Brooklyn Avenue.

Bergen Place, North, east side, from Brooklyn Avenue to Randall Avenue.

Bergen Place, North, west side, beginning at a point 34 feet north of Randall Avenue for a distance of 100 feet.

Bergen Place, west side, beginning at a point 170 feet north of the northerly curbline of Sunrise Highway south for a distance of 103 feet. **(Res. of 8-13-1979)**

Broadway, south side, starting at Commercial Street for a distance of 233 feet, from 8:00 a.m. to 6:00 p.m., except Sundays and holidays.

Brooklyn Avenue, north side, from North Grove Street to North Long Beach Avenue.

Brooklyn Avenue, south side, from North Grove Street to a point 210 feet west of North Main Street. **(Res. of 6-10-1985)**

Brookside Avenue, North, east side, beginning at a point 20 feet south of the southerly curbline of Delaware Avenue and continuing for a distance of 100 feet in a southerly direction, from 8:00 a.m. to 4:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 7-11-1988)**

Brookside Avenue, North, east side, from the southerly curbline of Maryland Avenue for a distance of 80 feet south. **(Res. of 3-1-1971)**

Brookside Avenue, North, west side, beginning at the southerly curbline of Delaware Circle and continuing in a southerly direction to the northern curbline of High School Drive, from 8:00 a.m. to 4:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 12-19-1988)**

Columbus Avenue, North, both sides, between Commercial Street and Broadway, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays.

Cottage Court, north side.

Elm Place, east side, from West Merrick Road to Smith Street, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 11-18-1996)**

Elm Place, west side, beginning at a point 50 feet south of the southerly curbline of West Merrick Road and continuing in a southerly direction to the northern curbline of Smith Street, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 11-18-1996)**

End Place, South, east side, from telephone pole No. 3 for a distance of 204 feet, from 8:00 a.m. to 6:00 p.m., except Sundays and holidays.

Evans Street, south side, from North Main Street to Agnes Street.

Forbes Place, east side, beginning at a point 25 feet south of the southerly curbline of Atlantic Avenue south for a distance of 328 feet. **(Res. of 6-5-1995)**

Graffing Place, east and west sides, for a distance of 300 feet north of Broadway, from 8:00 a.m. to 6:00 p.m., except Saturdays and Sundays.

Grand Avenue, south side, from Fredericks Avenue east to Babylon Turnpike, from 8:00 a.m. to 6:00 p.m. **(Res. of 5-4-1998)**

Harding Place, from Broadway to Grand Avenue.

Henry Street, east side, beginning at the southerly curbline of Merrick Road south for a distance of 185 feet. **(Res. of 12-7-2009)**

Holloway Street, south side, for a distance of 100 feet east of North Main Street.

Lincoln Place, north and south sides, from North Main Street to North Ocean Avenue, from 9:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays.

Long Beach Avenue, North, both sides, from Sunrise Highway to Brooklyn Avenue.

Long Beach Avenue, west side, beginning at a point 321 feet north of the northerly curbline of Sunrise Highway south for a distance of 262 feet. **(Res. of 8-13-1979)**

Main Street, North, east side, beginning at a point 200 feet south of East Seaman Avenue and continuing south to the northerly curbline of East Milton Street. **(Res. of 9-18-1989)**

Main Street, South, east side, beginning at a point 70 feet from the southerly curbline of Mill Road for a distance of 210 feet in a southerly direction, from 8:00 a.m. to 8:00 p.m.

Main Street, South, east side, beginning at a point 205 feet south of the southerly curbline of Southside Avenue for a distance of 142 feet in a southerly direction. **(Res. of 6-10-2002)**

Merrick Road, East, from Gold Street to Henry Street.

Milton Street, West, north side, from North Main Street to North Ocean Avenue.

Mount Avenue, both sides, between Commercial Street and Broadway, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays.

Ocean Avenue, North, both sides, from West Sunrise Highway to Brooklyn Avenue.

Ocean Avenue, North. **(Res. of 2-24-1986; repealed by Res. of 8-5-1996)**

Ocean Avenue, North. **(Res. of 2-24-1986; repealed by Res. of 11-18-1996 and Res. of 12-16-1996)**

Ocean Avenue, North, east side, beginning at a point 100 feet south of the southerly curbline of Randall Avenue and continuing for a distance of 170 feet in a southerly direction. **(Res. of 8-5-1996)**

Ocean Avenue, North, west side, from Brooklyn Avenue to Randall Avenue.

Ocean Avenue, South, from Sunrise Highway to Pine Street.

Park Avenue, west side, beginning at a point 72 feet south of the southerly curbline of Sunrise Highway south to the northerly curbline of Centre Street. **(Res. of 8-13-1979)**

Parking Field No. 1 on Church Street.

Porterfield Place, north side, from South Bayview Avenue to Washington Street.

Porterfield Place, south side, between South Bayview Avenue and Washington Street.

Ray Street, both sides from Westend Avenue to Forbes Place, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays, and holidays. **(Res. of 3-22-1999)**

Rosedale Avenue, both sides, between Commercial Street and Broadway, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays.

Russell Place, south side, beginning at a point 60 feet east of the easterly curbline of Pennsylvania Avenue for a distance of 240 feet in an easterly direction. **(Res. of 6-21-2004)**

Southside Avenue, north side, beginning at a point 58 feet west of the western curbline of South Main Street for a distance of 198 feet west. **(Res. of 1-31-1983)**

Southside Avenue, south side, beginning at a point 58 feet west of the western curbline of South Main Street for a distance of 173 feet west. **(Res. of 1-31-1983)**

Sunrise Highway, North, from Benson Place to Henry Street.

Wallace Street, east side, from Brooklyn Avenue to Randall Avenue.

Woodcleft Avenue, east side, beginning at Front Street and extending south for a distance of 150 feet, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays.

Editor's Note: Beginning with legislation enacted in 1971, amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history note at the beginning of the section.

Sec. 43. One-hour parking at all times unless otherwise indicated. (Res. of 6-10-1985; Res. of 7-2-1990; Res. of 5-4-1992; Res. of 12-8-1997; Res. of 4-23-2001; Res. of 10-23-2006; Res. of 10-24-2016)

No person shall park a vehicle for a period longer than one consecutive hour in the following places at any time or at the times indicated:

Atlantic Avenue, north side, beginning at a point 44 feet east of the easterly curbline of Guy Lombardo Avenue east for a distance of 36 feet, from 6:00 a.m. to 6:00 p.m. **(Res. of 7-6-1992)**

Atlantic Avenue, north side, beginning at a point 50 feet west of the westerly curbline of South Bayview Avenue and continuing west for a distance of 100 feet, 8:00 a.m. to 6:00 p.m., except Sundays. **(Res. of 6-2-1986; Res. of 10-20-1986)**

Atlantic Avenue, north side, beginning at a point 30 feet east of the easterly curbline of South Ocean Avenue for a distance of 100 feet in an easterly direction, except Sundays. **(Res. of 9-26-2005)**

Atlantic Avenue, south side, beginning at a point 10 feet east of the easterly curbline of St. Marks Avenue east for a distance of 40 feet, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 9-19-1994)**

Atlantic Avenue, south side, beginning at a point 74 feet east of the eastern curbline of South Bayview Avenue and continuing for a distance of 106 feet in an easterly direction, 8:00 a.m. to 6:00 p.m., except Sundays. **(Res. 4-28-1986)**

Atlantic Avenue, south side, beginning at a point 66 feet west of South Bayview Avenue, for a distance of 184 feet in a westerly direction. **(Res. of 2-11-1985)**

Atlantic Avenue, south side, beginning at a point 74 feet east of the eastern curbline of South Bayview Avenue and continuing for a distance of 106 feet in an easterly direction, 8:00 a.m. to 6:00 p.m., except Sundays. **(Res. of 3-10-2014)**

Bayview Avenue South, east side, beginning at a point 60 feet north of the northerly curbline of Atlantic Avenue, and continuing in a northerly direction to a point 38 feet south of the southerly curbline of Morris Street. **(Res. of 6-18-1990)**

Bayview Avenue South, west side, beginning at a point 80 feet south of the southerly curbline of Pine Street, then in a southerly direction to a point 50 feet north of the northerly curbline of Porterfield Place; from 8:00 a.m. to 7:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 7-6-1981)**

Brookside Avenue, South, west side, beginning at the northerly curbline of the south driveway entrance to Freeport High School and continuing for a distance of 50 feet in a northerly direction, from 6:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 4-20-1998)**

Buffalo Avenue, east side, from a point 440 feet north of East Merrick Road, for a distance of 50 feet in a northerly direction. **(Res. of 12-17-1990)**

Buffalo Avenue, west side, the first three spaces on the north side of the intersection of Merrick Road, from 8:00 a.m. to 5:00 p.m. **(Res. of 10-26-1987)**

Buffalo Avenue, west side, from a point 38 feet south of the southerly curbline of Merrick Road, for a distance of 180 feet in a southerly direction. **(Res. of 9-20-1993)**

Centre Street, south side, from a point beginning 30 feet east of the easterly curbline of Madison Avenue, for a distance of 95 feet east. **(Res. of 11-26-1973)**

Guy Lombardo Avenue, east side, beginning at a point 30 feet north of the northerly curbline of Atlantic Avenue and continuing in a northerly direction for 145 feet, from 8:00 a.m. to 6:00 p.m. **(Res. of 9-11-2006)**

Henry Street, east side, beginning at a point 100 feet south of the southerly curbline of Newton Boulevard and continuing for a distance of 180 feet in a southerly direction. **(Res. of 6-10-1985)**

Main Street, North, east side, beginning at a point 210 feet north of the northerly curbline of Broadway north to Randall Avenue. **(Res. of 6-10-1985)**

Main Street, North, west side, from Brooklyn Avenue to Randall Avenue. **(Res. of 6-10-1985)**

Main Street, North, west side, from Claurome Place to Evans Avenue.

Main Street, North, west side, from Lena Avenue to West Dean Street, from 8:00 a.m. to 8:00 p.m. **(Res. of 11-22-1999)**

Merrick Road, East, north side, beginning at a point 238 feet east of the easterly curbline of Liberty Avenue east for a distance of 90 feet. **(Res. of 12-5-1994)**

Merrick Road, East, south side, beginning at a point 68 feet from the westerly curbline of St. John's Place for a distance of 90 feet in a westerly direction. **(Res. of 6-24-1974)**

Merrick Road, West, north side, between South Long Beach Avenue and South Bayview Avenue.

Ocean Avenue, South, east side, from West Merrick Road to Smith Street. **(Res. of 6-10-1985)**

Ocean Avenue, South, west side, from Rose Street north for a distance of 174 feet, except Sunday. **(Res. of 4-11-1985)**

Porterfield Place, both sides, from westerly curbline of South Long Beach Avenue for a distance of 125 feet in a westerly direction, from 8:00 a.m. to 4:00 p.m., except Sundays and holidays. **(Mo. of 7-12-1971)**

Railroad parking, to North Main Street

Smith Street, south side, beginning at a point 30 feet west of the westerly curbline of South Long Beach Avenue for a distance of 68 feet in a westerly direction. **(Res. of 10-16-1995)**

Sunrise Avenue, south side, between South Columbus Avenue and a point 100 feet east of Helen Avenue, from 9:00 a.m. to 6:00 p.m.

Sunrise Highway, East, north side, beginning at a point 15 feet west of the westerly curbline of Benson Place for a distance of 190 feet in a westerly direction. **(Res. of 5-28-1974)**

Sunrise Highway, north side, beginning at a point 29 feet west of the westerly curbline of Bergen Place west for a distance of 276 feet, from 9:00 a.m. to 6:00 p.m. **(Res. of 8-13-1979)**

Sunrise Highway, north side, between South Columbus Avenue and Helen Avenue, from 9:00 a.m. to 6:00 p.m.

Sunrise Highway, south side, beginning at a point 18 feet east of the easterly curbline of Bayview Avenue east for a distance of 347 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, beginning at a point 18 feet east of the easterly curbline of McKinley Place east for a distance of 347 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, beginning at a point 76 feet east of the easterly curbline of Madison Avenue east for a distance of 684 feet, from 9:00 a.m. to 6:00 p.m. **(Res. of 8-13-1979)**

Sunrise Highway, south side, beginning at a point 76 feet east of the easterly curbline of Park Avenue east for a distance of 684 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, beginning at a point 13 feet east of the easterly curbline of McKinley Place, east for a distance of 200 feet. **(Res. of 10-24-2016)**

Sunrise Highway, West, north side, between South Ocean Avenue and South Bergen Place.

Taylor Street, west side, from Niagara Avenue in a southerly direction to the end of Taylor Street. **(Res. of 5-31-1977)**

Editor's Note: Beginning with legislation enacted in 1971, amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history note at the beginning of the section.

Sec. 44. Thirty-minute parking; locations designated. (Res. of 9-13-1976; Res. of 6-10-1985; Res. of 7-6-1992; Res. of 9-14-1998; Res. of 12-7-1998; Res. of 6-21-1999; Res. of 9-11-2006)

No person shall park a vehicle for a period longer than 30 minutes in the following places:

Main Street, North, east side, from Lillian Avenue to Leonard Avenue. **(Res. of 6-1-1981)**

Main Street, North, east side, beginning at a point 204 feet from the southerly curbline of Randall Avenue, south for a distance of 100 feet. **(Res. of 12-5-2005)**

Merrick Road, East, south side, beginning at a point 40 feet from the easterly curbline of St. John's Place for a distance of 60 feet in an easterly direction. **(Res. of 4-19-1999)**

Ocean Avenue, North, east side, beginning at a point 270 feet south of the southerly curbline of Randall Avenue and continuing for a distance of 150 feet in a southerly direction. **(Res. of 8-5-1996)**

St. John's Place, east side, beginning at a point 38 feet south of the southerly curbline of East Merrick Road south for a distance of 234 feet. **(Res. of 7-6-1992; Res. of 1-22-1996)**

St. John's Place, west side, beginning at a point 140 feet south of the southerly curbline of East Merrick Road south for a distance of 35 feet. **(Res. of 1-22-1996)**

Editor's Note: Beginning with legislation enacted in 1971, amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history note at the beginning of the section.

Sec. 45. Fifteen-minute parking at all times unless otherwise indicated.

No person shall park a vehicle for a period longer than 15 minutes in the following places at any time, or at the times indicated:

Albany Avenue, west side, beginning at a point 45 feet south of the southerly curbline of Mill Road and continuing 94 feet in a southerly direction. **(Res. of 3-10-2014)**

Main Street, South, east side, beginning at a point 60 feet south of the projected southerly curbline of Archer Street for a distance of 140 feet in a southerly direction, from 4:00 a.m. to 10:00 p.m. **(Res. of 12-7-1998)**

Ocean Avenue, South, east side, from the post office driveway to West Merrick Road.

Editor's Note: Beginning with legislation enacted in 1971, amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history note at the beginning of the section.

Sec. 46. No stopping or standing at any time unless otherwise indicated. (Res. of 4-6-1970; Res. of 6-22-1970; Mo. of 3-20-1972; Res. of 6-26-1972; Res. of 8-7-1972; Res. of 8-25-1975; Mo. of 2-28-1978; Res. of 4-24-1978; Res. of 8-13-1979; Res. of 11-13-1979; Res. of 7-6-1981; Res. of 9-14-1981; Res. of 6-10-1985; Res. of 7-14-1986; Res. of 3-21-1988; Res. of 4-25-1988; Res. of 7-11-1988; Res. of 12-19-1988; Res. of 9-18-1989; Res. of 7-2-1990; Res. of 8-20-1990; Res. of 9-10-1990; Res. of 10-29-1990; Res. of 3-11-1991; Res. of 4-20-1992; Res. of 5-4-1992; Res. of 7-6-1992; Res. of 9-20-1993; Res. of 2-23-1998; Res. of 4-20-1998; Res. of 5-4-1998; Res. of 8-3-1998; Res. of 9-14-1998; Res. of 4-19-1999; Res. of 7-10-2000; Res. of 9-11-2006; Res. of 11-22-2010; Res. of 12-19-2011; Res. of 7-28-2014; Res. of 6-29-2015)

No person shall stop, stand or park a vehicle within the designated areas in the following streets at any time unless otherwise indicated:

Albany Avenue, east side, from the southerly curbline of East Merrick Road for a distance of 139 feet in a southerly direction. **(Res. of 2-10-1986)**

Anchorage Way, west side, from the southerly terminus of Anchorage Way north for a distance of 20 feet. **(Res. of 6-22-1987)**

Archer Street, both sides, from easterly curbline of Guy Lombardo Avenue east for a distance of 67 feet. **(Res. of 6-10-1985)**

Archer Street, both sides, from the easterly curbline of South Long Beach Avenue east for a distance of 70 feet. **(Res. of 6-10-1985)**

Archer Street, both sides, from the westerly curbline of Bayview Avenue west for a distance of 67 feet. **(Res. of 6-10-1985)**

Archer Street, north side, from the easterly curbline of Bayview Avenue east for a distance of 76 feet. **(Res. of 6-10-1985)**

Archer Street, north side, from the westerly curbline of Bedell Street west for a distance of 65 feet. **(Res. of 6-10-1985)**

Archer Street, north side, from the westerly curbline of Guy Lombardo Avenue west for a distance of 150 feet. **(Res. of 6-10-1985)**

Archer Street, north side, from the easterly curbline of South Long Beach Avenue east for a distance of 104 feet. **(Res. of 3-28-1988)**

Archer Street, north side, from the westerly curbline of South Long Beach Avenue west for a distance of 60 feet. **(Res. of 6-10-1985)**

Archer Street, south side, from the easterly curbline of Bayview Avenue east for a distance of 60 feet. **(Res. of 6-10-1985)**

Archer Street, south side, from the westerly curbline of Bedell Street west for a distance of 67 feet. **(Res. of 6-10-1985)**

Archer Street, south side, beginning at the westerly curbline of Guy Lombardo Avenue, and continuing for a distance of 100 feet in a westerly direction. **(Res. of 9-11-2006)**

Archer Street, south side, from the westerly curbline of South Long Beach Avenue west for a distance of 104 feet. **(Res. of 3-28-1988)**

Arthur Street, west side, from the southerly curbline of Cornelius Street south for a distance of 40 feet. **(Res. of 3-20-1989)**

Atlantic Avenue, north side, from the westerly curbline of Guy Lombardo Avenue west for a distance of 220 feet. **(Res. of 10-3-1994; Res. of 2-26-2001)**

Atlantic Avenue, north side, beginning at a point 50 feet from the easterly curbline of Westend Avenue east for a distance of 160 feet. **(Res. of 6-10-1985)**

Atlantic Avenue, north side, beginning at the Village line east to the westerly curbline of Westend Avenue. **(Res. of 10-4-1979)**

Atlantic Avenue, north side, from the easterly curbline of Bayview Avenue east for a distance of 70 feet. **(Res. of 11-13-1979)**

Atlantic Avenue, north side, from the westerly curbline of Bayview Avenue west for a distance of 50 feet. **(Res. of 11-13-1979)**

Atlantic Avenue, north side, from the easterly curbline of Guy Lombardo Avenue east for a distance of 44 feet. **(Res. of 7-6-1992)**

Atlantic Avenue, north side, from the westerly curbline of Main Street west for a distance of 158 feet. **(Res. of 6-29-2015)**

Atlantic Avenue, south side, beginning at the eastern curbline of Nassau Avenue and continuing for a distance of 50 feet in an easterly direction. **(Res. of 7-14-1986)**

Atlantic Avenue, south side, beginning at the western curbline of Nassau Avenue and continuing for a distance of 50 feet in a westerly direction. **(Res. of 7-14-1986)**

Atlantic Avenue, south side, from Guy Lombardo Avenue to South Ocean Avenue. **(Res. of 6-10-1985)**

Atlantic Avenue, south side, from Guy Lombardo Avenue east to Sportsmans Avenue.

Atlantic Avenue, south side, from the easterly curbline of Bayview Avenue east for a distance of 60 feet. **(Res. of 11-13-1979)**

Atlantic Avenue, south side, from the westerly curbline of Bayview Avenue west for a distance of 65 feet. **(Res. of 11-13-1979)**

Atlantic Avenue, south side, from the westerly curbline of Main Street west for a distance of 235 feet. **(Res. of 11-13-1979)**

Atlantic Avenue, south side, from the westerly curbline of South Ocean Avenue west for a distance of 300 feet. **(Res. of 6-10-1985)**

Atlantic Avenue, south side, from the easterly curbline of Bedell Street east for a distance of 154 feet. **(Res. of 9-18-1995)**

Atlantic Avenue, south side, from the easterly curbline of South Long Beach Avenue east for a distance of 110 feet. **(Res. of 9-18-1995)**

Atlantic Avenue, south side, from the westerly curbline of South Long Beach Avenue west for a distance of 130 feet. **(Res. of 9-18-1995)**

Babylon Turnpike, south side, from the easterly curbline of Lakeview Avenue east for a distance of 70 feet. **(Res. of 11-13-1979)**

Babylon Turnpike, west side, beginning at a point 178 feet south of the southerly curbline of Bedford Avenue, south for a distance of 87 feet. **(Res. of 8-22-2016)**

Babylon Turnpike, west side, from the northerly curbline of Grand Avenue north, for a distance of 100 feet. **(Res. of 11-13-1979; Res. of 2-26-1996)**

Babylon Turnpike, west side, from the northerly curbline of Hillside Avenue north, for a distance of 50 feet. **(Res. of 10-24-1988)**

Babylon Turnpike, west side, from the northerly curbline of Independence Avenue north for a distance of 50 feet. **(Res. of 3-1-1993)**

Babylon Turnpike, west side, from the southerly curbline of Independence Avenue south for a distance of 50 feet. **(Res. of 3-1-1993)**

Bayview Avenue, both sides, between Archer Street and Whaley Street. **(Res. of 11-22-2010)**

Bayview Avenue, east side, from the northerly curbline of Atlantic Avenue north for a distance of 60 feet. **(Res. of 11-13-1979)**

Bayview Avenue, east side, from the northerly curbline of Pine Street north for a distance of 80 feet. **(Res. of 11-13-1979)**

Bayview Avenue, east side, from the southerly curbline of Pine Street south for a distance of 80 feet. **(Res. of 11-13-1979)**

Bayview Avenue, east side, from the southerly curbline of Smith Street south for a distance of 67 feet. **(Res. of 6-10-1985)**

Bayview Avenue South, west side, beginning at the southerly curbline of Porterfield Place for a distance of 70 feet in a southerly direction. **(Res. of 11-16-1981)**

Bayview Avenue, South, west side, from Atlantic Avenue to Ray Street. **(Res. of 9-20-1993)**

Bayview Avenue, South, west side, from Smith Street north to Merrick Road. **(Res. of 7-23-2001)**

Bayview Avenue, west side, beginning at a point 20 feet north of Porterfield Place for a distance of 30 feet in a northerly direction. **(Res. of 10-3-1977)**

Bayview Avenue, west side, beginning at the southerly curbline of Sunrise Highway south for a distance of 95 feet. **(Res. of 8-13-1979)**

Bayview Avenue, west side, from Porterfield Place north for a distance of 20 feet. **(Res. of 8-29-1977)**

Bayview Avenue, west side, from the northerly curbline of Pine Street north for a distance of 80 feet. **(Res. of 11-13-1979)**

Bayview Avenue, west side, from the northerly curbline of West Sunrise Highway north for a distance of 68 feet. **(Res. of 7-17-1978)**

Bayview Avenue, west side, from the southerly curbline of Archer Street south for a distance of 68 feet. **(Res. of 6-10-1985)**

Bayview Avenue, west side, from the southerly curbline of Pine Street south for a distance of 80 feet. **(Res. of 11-13-1979)**

Bayview Avenue, west side, from the southerly curbline of Smith Street south for a distance of 73 feet. **(Res. of 6-10-1985)**

Bedell Street, both sides, from the northerly curbline of Atlantic Avenue north for a distance of 50 feet. **(Res. of 6-10-1985; Res. of 12-23-1985)**

Bedell Street, east side, from the northerly curbline of Archer Street north for a distance of 60 feet. **(Res. of 6-10-1985)**

Bedell Street, east side, from the northerly curbline of Raynor Street north for a distance of 35 feet. **(Res. of 6-19-1989)**

Bedell Street, east side, from the southerly curbline of Archer Street south for a distance of 65 feet. **(Res. of 6-10-1985)**

Bedell Street, east side, from the southerly curbline of Atlantic Avenue south for a distance of 66 feet. **(Res. of 6-10-1985)**

Bedell Street, west side, from the northerly curbline of Archer Street north for a distance of 68 feet. **(Res. of 6-10-1985)**

Bedell Street, west side, from the northerly curbline of Raynor Street north for a distance of 35 feet. **(Res. of 6-19-1989)**

Bedell Street, west side, from the southerly curbline of Archer Street south for a distance of 68 feet. **(Res. of 6-10-1985)**

Bedell Street, west side, from the southerly curbline of Atlantic Avenue south for a distance of 71 feet. **(Res. of 6-10-1985)**

Bedell Street, west side, from the southerly curbline of Raynor Street south for a distance of 35 feet. **(Res. of 6-19-1989)**

Benson Place, west side, from the northerly curbline of Sunrise Highway north for a distance of 61 feet. **(Res. of 8-13-1979)**

Benson Place, west side, from the southerly curbline of Sunrise Highway south for a distance of 65 feet. **(Res. of 8-13-1979)**

Benson Place, east side, from the southerly curbline of Sunrise Highway south for a distance of 67 feet. **(Res. of 8-13-1979)**

Bergen Place, west side, from the northerly curbline of Sunrise Highway north for a distance of 67 feet. **(Res. of 8-13-1979)**

Bergen Place, South, east side, beginning at the southerly curbline of West Sunrise Highway and for a distance of 127 feet in a southerly direction. **(Res. of 12-7-1981)**

Broadway, north side, from the easterly curbline of Henry Street and the westerly curbline of Harding Place. **(Res. of 11-13-1979)**

Broadway, north side, from the westerly curbline of Henry Street west for a distance of 33 feet. **(Res. of 11-13-1979)**

Broadway, north side, between Harding Place and Mount Avenue. **(Res. of 1-11-1982)**

Broadway, north side, beginning at the easterly curbline of Mount Avenue east for a distance of 45 feet. **(Res. of 9-8-2003)**

Broadway, north side, from the easterly curbline of North Main Street east for a distance of 116 feet. **(Res. of 9-16-1996)**

Broadway, south side, from the northeasterly curbline of Commercial Street northeast for a distance of 100 feet. **(Res. of 11-13-1979)**

Broadway, south side, from the westerly curbline of Henry Street west for a distance of 20 feet. **(Res. of 1-12-1987)**

Broadway, south side, beginning at the westerly curbline of Mount Avenue west for a distance of 35 feet. **(Res. of 9-8-2003)**

Brooklyn Avenue, north side, beginning at a point 115 feet west of the westerly curbline of North Main Street west for a distance of 53 feet. **(Res. of 6-10-1985)**

Brooklyn Avenue, north side, from the easterly curbline of North Grove Street east for a distance of 90 feet. **(Res. of 6-10-1985)**

Brooklyn Avenue, south side, beginning at a point 106 feet west of the westerly curbline of North Main Street west for a distance of 105 feet. **(Res. of 6-10-1985)**

Brookside Avenue, east side, beginning at a point 144 feet south of the southerly curbline of Sunrise Highway north for a distance of 138 feet. **(Res. of 8-13-1979)**

Brookside Avenue, North, east side, from the northerly curbline of California Avenue north for a distance of 68 feet. **(Res. of 6-10-1985)**

Brookside Avenue, North, east side, from the southerly curbline of California Avenue south for a distance of 58 feet. **(Res. of 6-10-1985)**

Brookside Avenue, North, east side, beginning at the northern curbline of West Sunrise Highway and continuing in a northerly direction to a point 206 feet south of the southerly curbline of Terrace Avenue. **(Res. of 12-19-1988)**

Brookside Avenue, North, west side, beginning at the northern curbline of West Sunrise Highway and continuing in a northerly direction to a point 145 feet south of the projected southerly curbline of Terrace Avenue. **(Res. of 12-19-1988)**

Brookside Avenue, west side, from the northerly curbline of Merrick Road north for a distance of 70 feet. **(Res. of 9-21-1987)**

Brookside Avenue, west side, from the southerly curbline of Sunrise Highway south for a distance of 48 feet. **(Res. of 8-13-1979)**

Buffalo Avenue, east side, from the southern curbline of Mill Road south for a distance of 60 feet. **(Res. of 5-16-1994)**

Buffalo Avenue, east side, beginning at the southerly curbline of Sunrise Highway south for a distance of 61 feet. **(Res. of 8-13-1979)**

Buffalo Avenue, west side, from the southerly curbline of Merrick Road, south for a distance of 38 feet. **(Res. of 9-20-1993)**

Buffalo Avenue, west side, from the southern curbline of Mill Road south for a distance of 100 feet. **(Res. of 5-16-1994)**

Buffalo Avenue Extension, east side, from the northerly curbline of Doxsee Drive north for a distance of 50 feet. **(Res. of 1-9-1989)**

Cary Place, western end, beginning at a point on the north side of Cary Place, 20 feet east of the entrance to the cul-de-sac, continuing along the entire length of the arc of a curve forming said cul-de-sac, and thence continuing along the south side of Cary Place to a point 20 feet east of said cul-de-sac. **(Res. of 1-14-1985)**

Cedar Street, south side, from the westerly curbline of Guy Lombardo Avenue west for a distance of 90 feet. **(Res. of 8-22-1988)**

Century Court, south side, beginning at the easterly curbline of Guy Lombardo Avenue, and continuing for a distance of 200 feet in an easterly direction. **(Res. of 9-11-2006)**

Church Street, east side, from the northerly curbline of Merrick Road north to a point 37 feet north of the northerly curbline of the north exit from Parking Field No. 11. **(Res. of 4-30-1990)**

Church Street, east side, from the northerly curbline of the entrance to Parking Field No. 1 to a point 162 feet in a northerly direction. **(Res. of 7-21-1975)**

Church Street, east side, from the northerly curbline of Sunrise Highway to the point of the intersection of Church Street and South Main Street at Freeport Plaza West. **(Res. of 12-8-1997)**

Church Street, east side, from the southerly curbline of Sunrise Highway south to the northerly curbline of the southerly entrance to Parking Field No. 27. **(Res. of 4-30-1990)**

Church Street, west side, from Smith Street northerly for a distance of 42 feet.

Church Street, west side, from Smith Street south for a distance of 60 feet.

Church Street, west side, from the southerly curbline of Sunrise Highway south for a distance of 30 feet. **(Res. of 9-24-1990)**

Church Street, west side, from the northerly curbline of West Merrick Road north for a distance of 30 feet. **(Res. of 9-24-1990)**

Columbus Avenue, North, both sides, from the northerly curbline of East Seaman Avenue north for a distance of 65 feet. **(Res. of 6-10-1985)**

Columbus Avenue, North, east side, from the southerly curbline of East Seaman Avenue south for a distance of 70 feet. **(Res. of 6-10-1985)**

Columbus Avenue, North, west side, from Grand Avenue south for a distance of 30 feet. **(Res. of 3-17-1975)**

Columbus Avenue, North, west side, from the southerly curbline of East Seaman Avenue south for a distance of 66 feet. **(Res. of 6-10-1985)**

Columbus Avenue, South, east side, beginning at the southern curbline of East Sunrise Highway and continuing for a distance of 30 feet in a southerly direction. **(Res. of 7-14-1986)**

Commercial Street, north side, from Broadway to Mount Avenue. **(Res. of 7-10-2000)**

Cornelius Street, south side, between Sportsmans Avenue and Arthur Street. **(Res. of 11-20-2006)**

Craig Avenue, south side, from the westerly curbline of North Main Street west for a distance of 120 feet. **(Res. of 6-10-1985)**

Doxsee Drive, north side. **(Res. of 4-19-1999)**

Elm Place, west side, from the southerly curbline of West Merrick Road south for a distance of 50 feet. **(Res. of 7-21-1975)**

Front Street, both sides, from Guy Lombardo Avenue to South Ocean Avenue. **(Res. of 8-20-1990)**

Gordon Place, east side, from the terminus of Gordon Place for a distance of 117 feet in a northerly direction. **(Res. of 2-2-1987)**

Gordon Place, west side, from the northern curbline of the Gordon Place turnaround for a distance of 44 feet in a northerly direction. **(Res. of 2-2-1987)**

Graffing Place, east side, from the northerly curbline of Grand Avenue north for a distance of 76 feet. **(Res. of 3-6-1995)**

Graffing Place, east side, from the southerly curbline of Grand Avenue south for a distance of 134 feet. **(Res. of 3-6-1995)**

Graffing Place, west side, from Grand Avenue to Dehnhoff Avenue. **(Res. of 3-6-1995)**

Graffing Place, west side, from the southerly curbline of Grand Avenue south for a distance of 138 feet. **(Res. of 3-6-1995)**

Grand Avenue, north side, beginning at the westerly curbline of North Columbus Avenue west a distance of 400 feet. **(Res. of 5-4-1998)**

Grand Avenue, north side, beginning at a point 20 feet east of the easterly curbline of North Main Street east for a distance of 295 feet. **(Res. of 6-10-1985)**

Grand Avenue, southeast side, from the southwesterly curbline of Lakeview Avenue southwest for a distance of 88 feet. **(Res. of 11-13-1979)**

Grand Avenue, south side, beginning at the westerly curbline of North Columbus Avenue west a distance of 375 feet. **(Res. of 5-4-1998)**

Grand Avenue, south side, beginning at a point 62 feet east of the easterly curbline of North Columbus Avenue east for a distance of 88 feet. **(Res. of 6-10-1985)**

Grand Avenue, south side, from the easterly curbline of Weberfield Avenue, east for a distance of 30 feet. **(Res. of 4-22-1991)**

Grand Avenue, south side, from the westerly curbline of Weberfield Avenue, west for a distance of 75 feet. **(Res. of 4-22-1991)**

Grove Street, North, east side, beginning at the southerly curbline of Randall Avenue south for a distance of 42 feet. **(Res. of 7-6-1992)**

Guy Lombardo Avenue, both sides, from the northerly curbline of Ray Street north for a distance of 70 feet. **(Res. of 6-10-1985)**

Guy Lombardo Avenue, both sides, from the southerly curbline of Ray Street south for a distance of 70 feet. **(Res. of 6-10-1985)**

Guy Lombardo Avenue, east side, from Atlantic Avenue to Ray Street. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from a point opposite the southerly curbline of Cedar Street north for a distance of 133 feet. **(Res. of 6-10-1985)**

Guy Lombardo Avenue, east side, from the southerly curbline of Century Court, south for a distance of 35 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from the northerly curbline of Cottage Court, north for a distance of 35 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from the southerly curbline of Cottage Court, south for a distance of 35 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, for a distance of 135 feet south of East Avenue. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from a point 30 feet south of a point opposite the southerly curbline of Front Street north for a distance of 340 feet. **(Res. of 6-10-1985)**

Guy Lombardo Avenue, east side, from the northerly curbline of Jefferson Street north for a distance of 35 feet. **(Res. of 7-11-1988)**

Guy Lombardo Avenue, east side, from the southerly curbline of Jefferson Street south for a distance of 35 feet. **(Res. of 7-11-1988)**

Guy Lombardo Avenue, east side, from the northerly curbline of Merrick Road north for a distance of 45 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from the southerly curbline of Merrick Road, south for a distance of 145 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from the northerly curbline of Pine Street, north for a distance of 35 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from the southerly curbline of Pine Street, south for a distance of 35 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from the southerly curbline of Southside Avenue, south for a distance of 35 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from the southerly curbline of Sunrise Highway, south for a distance of 160 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from Archer Street to Whaley Street. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from Atlantic Avenue to Ray Street. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from Atlantic Avenue to Southside Avenue. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from the northerly curbline of Front Street north for a distance of 300 feet. **(Res. of 4-20-1992)**

Guy Lombardo Avenue, west side, from the northerly curbline of Merrick Road north for a distance of 175 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from the southerly curbline of Merrick Road, south for a distance of 90 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from the northerly curbline of Pine Street, north for a distance of 35 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from the southerly curbline of Pine Street, south for a distance of 35 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from the northerly curbline of Rose Street north for a distance of 395 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from Southside Avenue to Archer Street. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from the southerly curbline of Sunrise Highway, south for a distance of 50 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from Whaley Street to Rose Street. **(Res. of 9-11-2006)**

Hamilton Street, north side, from the westerly curbline of Woodcleft Avenue west for a distance of 77 feet. **(Res. of 6-10-1985)**

Hamilton Street, south side, from the westerly curbline of Woodcleft Avenue west for a distance of 107 feet. **(Res. of 6-10-1985)**

Hanse Avenue, east side, beginning at a point 209 feet north of the northern curbline of St. Mary's Place and continuing for a distance of 62 feet. **(Res. of 1-12-1987)**

Harding Place, east side, from the northerly curbline of Broadway north for a distance of 62 feet. **(Res. of 11-13-1979)**

Harding Place, west side, from the northerly curbline of Broadway north for a distance of 52 feet. **(Res. of 11-13-1979)**

Henry Street, east side, beginning at a point 30 feet south of the southerly curbline of Sunrise Highway south to Newton Boulevard. **(Res. of 6-10-1985)**

Henry Street, east side, from the southerly curbline of Broadway to the northerly curbline of Freeport Plaza East. **(Res. of 11-13-1979)**

Henry Street, east side, from the southerly curbline of Newton Boulevard south for a distance of 100 feet. **(Res. of 6-10-1985)**

Henry Street, east side, between Sunrise Highway, East, and Freeport Plaza West. **(Res. of 10-23-2006)**

Henry Street, west side, beginning at a point 12 feet north of the northerly curbline of Newton Boulevard north to Sunrise Highway. **(Res. of 6-10-1985)**

Henry Street, west side, from Sunrise Highway to Freeport Plaza East. **(Res. of 6-10-1985)**

Hillside Avenue, north side, from the westerly curbline of Babylon Turnpike west for a distance of 30 feet. **(Res. of 10-24-1988)**

Hudson Avenue, west side, from Jefferson Street for a distance of 40 feet south. **(Res. of 6-4-1971)**

Independence Avenue, north side, from the easterly curbline of North Main Street east for a distance of 65 feet. **(Res. of 6-10-1985)**

Independence Avenue, north side, from the westerly curbline of Babylon Turnpike west for a distance of 40 feet. **(Res. 3-1-1993)**

Independence Avenue, south side, between Utz Street and Babylon Turnpike. **(Res. of 3-1-1993)**

Lakeview Avenue, east side, from the southerly curbline of Babylon Turnpike south for a distance of 130 feet. **(Res. of 11-13-1979)**

Laurel Road, both sides, from the westerly curbline of South Main Street west for a distance of 25 feet. **(Res. of 8-29-1988)**

Lena Avenue, north side, from the westerly curbline of North Main Street west for a distance of 55 feet. **(Res. of 6-10-1985)**

Liberty Avenue, east side, for a distance of 20 feet, north of building line, Sunrise Highway and Liberty Avenue and Bennington Avenue.

Liberty Avenue, east side, from the southerly curbline of Sunrise Highway south for a distance of 168 feet. **(Res. of 8-3-1992)**

Liberty Avenue, west side, from the southerly curbline of Sunrise Highway south for a distance of 242 feet. **(Res. of 8-3-1992)**

Long Beach Avenue, North, both sides, from the northerly curbline of West Seaman Avenue north for a distance of 73 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, North, east side, beginning at the northerly curbline of Brooklyn Avenue north for a distance of 60 feet. **(Res. of 4-20-1998; Res. of 8-3-1998)**

Long Beach Avenue, North, east side, beginning at the southerly curbline of Brooklyn Avenue south for a distance of 60 feet. **(Res. of 4-20-1998; Res. of 8-3-1998)**

Long Beach Avenue, North, east side, beginning at the northerly curbline of Randall Avenue north for a distance of 70 feet. **(Res. of 4-20-1998; Res. of 8-3-1998)**

Long Beach Avenue, North, west side, beginning at the northerly curbline of Randall Avenue north for a distance of 80 feet. **(Res. of 9-10-1979; Res. of 4-20-1998; Res. of 8-3-1998)**

Long Beach Avenue, North, west side, from the northerly curbline of Sunrise Highway north for a distance of 59 feet. **(Res. of 8-13-1979)**

Long Beach Avenue, South, both sides, from the northerly curbline of Smith Street north for a distance of 70 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, South, east side, from the northerly curbline of Archer Street north for a distance of 70 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, South, east side, from the northerly curbline of Atlantic Avenue north for a distance of 66 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, South, east side, from the southerly curbline of Archer Street south for a distance of 70 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, South, east side, beginning at the northerly curbline of Southside Avenue, north for a distance of 120 feet. **(Res. of 10-17-2005)**

Long Beach Avenue, South, east side, from the southerly curbline of Pine Street south for a distance of 60 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, South, east side, from the southerly curbline of West Merrick Road south for a distance of 365 feet. **(Res. of 11-5-1984)**

Long Beach Avenue, South, west side, from the northerly curbline of Atlantic Avenue north for a distance of 80 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, South, west side, from the northerly curbline of Pine Street north for a distance of 70 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, South, west side, from the southerly curbline of Pine Street south for a distance of 75 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, South, west side, from the southerly curbline of Smith Street south for a distance of 70 feet. **(Res. of 6-10-1985)**

Long Beach Avenue, South, west side, from the southerly curbline of West Merrick Road south for a distance of 77 feet. **(Res. of 11-5-1984)**

Madison Avenue, east side, beginning at a point 12 feet north of the northerly curbline of Centre Street north to the southerly curbline of Sunrise Highway. **(Res. of 8-13-1979)**

Madison Avenue, west side, beginning at a point 16 feet south of the southerly curbline of Sunrise Highway south to the northerly curbline of Centre Street. **(Res. of 8-13-1979)**

Main Street, east side, from the northerly curbline of Mill Road north for a distance of 75 feet. **(Res. of 11-13-1979)**

Main Street, North, east side, beginning at a point 110 feet north of the northerly curbline of Broadway north for a distance of 100 feet. **(Res. of 6-10-1985)**

Main Street, North, east side, from the southerly curbline of East Dean Street south for a distance of 55 feet. **(Res. of 12-19-2011)**

Main Street, North, east side, from the southerly curbline of East Milton Street south for a distance of 68 feet. **(Res. of 12-19-2011)**

Main Street, North, east side, from the northerly curbline of Randall Avenue north for a distance of 35 feet. **(Res. of 11-13-1979)**

Main Street, North, east side, from the northerly curbline of Seaman Avenue north for a distance of 200 feet. **(Res. of 9-18-1989)**

Main Street, North, east side, from the northerly curbline of Woodside Avenue north for a distance of 30 feet. **(Res. of 4-22-1991)**

Main Street, North, east side, from the southerly curbline of Seaman Avenue south for a distance of 50 feet. **(Res. of 9-10-1990)**

Main Street, North, east side, starting at a point 50 feet south of the southerly curbline of Seaman Avenue south for a distance of 150 feet. **(Res. of 9-18-1989)**

Main Street, North, east side, from the southerly curbline of Woodside Avenue to the northerly curbline of Colonial Avenue. **(Res. of 12-19-2011)**

Main Street, North, west side, beginning at the northerly curbline of Lena Avenue north for a distance of 55 feet. **(Res. of 6-10-1985)**

Main Street, North, west side, beginning at a point 80 feet north of the projected northerly curbline of Lillian Avenue and continuing in a northerly direction for a distance of 77 feet. **(Res. of 7-2-1990)**

Main Street, North, west side, beginning at the northern curbline of Mount Joy Avenue and continuing for a distance of 50 feet in a northerly direction. **(Res. of 12-15-1986)**

Main Street, North, west side, from the southerly curbline of Randall Avenue south for a distance of 48 feet. **(Res. of 11-13-1979)**

Main Street, North, west side, from the northerly curbline of Seaman Avenue north for a distance of 200 feet. **(Res. of 9-18-1989)**

Main Street, North, west side, starting at a point 100 feet south of the southerly curbline of Seaman Avenue south to the northerly curbline of Lincoln Place. **(Res. of 9-18-1989)**

Main Street, North, west side, from the northerly curbline of West Milton Street north a distance of 140 feet. **(Res. of 1-24-1994)**

Main Street, South, east side, from the southerly curbline of Atlantic Avenue, extended, south for a distance of 265 feet and north for a distance of 325 feet. **(Res. of 7-2-1990)**

Main Street, South, east side, beginning at the southerly curbline of East Bedell Street, south for a distance of 200 feet. **(Res. of 6-21-2004)**

Main Street, South, east side, beginning at the southerly curbline of Mill Road for a distance of 280 feet south. **(Res. of 7-6-1981)**

Main Street, South, east side, from the northerly curbline of Ray Street north for a distance of 30 feet. **(Res. of 7-10-1978)**

Main Street, South, west side, beginning at the southerly curbline of Atlantic Avenue for a distance of 118 feet in a southerly direction. **(Res. of 11-8-2010)**

Main Street, South, west side, from Atlantic Avenue to Raynor Street. **(Res. of 6-10-1985)**

Main Street, South, west side, from the northerly curbline of Laurel Road north for a distance of 93 feet. **(Res. of 8-29-1988; Res. of 7-6-1992)**

Main Street, South, west side, from the northerly curbline of Laurel Road north for a distance of 40 feet. **(Res. of 8-29-1988)**

Main Street, South, west side, from the northerly curbline of Ray Street north for a distance of 35 feet. **(Res. of 7-10-1978)**

Main Street, South, west side, from the southerly curbline of Ray Street south for a distance of 30 feet. **(Res. of 7-10-1978)**

Main Street, west side, from the southerly curbline of Atlantic Avenue south for a distance of 85 feet. **(Res. of 11-13-1979)**

Main Street, west side from the northerly curbline of Raynor Street north for a distance of 310 feet. **(Res. of 11-13-1979)**

Main Street, South, west side, from Sunrise Highway to Church Street. **(Res. of 6-10-1985)**

Main Street, South, west side, beginning at the southerly curbline of West First Street, south for a distance of 200 feet. **(Res. of 6-21-2004)**

McKinley Place, east side, from the southerly curbline of Sunrise Highway south for a distance of 35 feet. **(Res. of 8-13-1979)**

Merrick Road, both sides, from Buffalo Avenue east to Meadowbrook Parkway.

Merrick Road, north side, from the east curbline of South Bergen Place, east for a distance of 150 feet. **(Res. of 5-6-1996)**

Merrick Road, north side, from the west curbline of South Bergen Place, west for a distance of 170 feet. **(Res. of 5-6-1996)**

Merrick Road, south side, from the west curbline of the main entrance to the Elks Plaza Mall (starting at a point opposite the west curbline of South Bergen Place), west for a distance of 220 feet. **(Res. of 5-6-1996)**

Merrick Road, East, south side, from the easterly curbline of St. John's Place east for a distance of 39 feet. **(Res. of 7-6-1992)**

Merrick Road, West, north side, from a point 140 feet east of the easterly curbline of South Bayview Avenue east for a distance of 85 feet. **(Res. of 5-22-1989)**

Merrick Road, West, north side, from the easterly curbline of South Brookside Avenue east for a distance of 155 feet. **(Res. of 3-22-1993)**

Main Street, west side from the northerly curbline of Raynor Street north for a distance of 310 feet. **(Res. of 11-13-1979)**

Main Street, South, west side, from Sunrise Highway to Church Street. **(Res. of 6-10-1985)**

Main Street, South, west side, beginning at the southerly curbline of West First Street, south for a distance of 200 feet. **(Res. of 6-21-2004)**

McKinley Place, east side, from the southerly curbline of Sunrise Highway south for a distance of 35 feet. **(Res. of 8-13-1979)**

Merrick Road, both sides, from Buffalo Avenue east to Meadowbrook Parkway.

Merrick Road, north side, from the east curbline of South Bergen Place, east for a distance of 150 feet. **(Res. of 5-6-1996)**

Merrick Road, north side, from the west curbline of South Bergen Place, west for a distance of 170 feet. **(Res. of 5-6-1996)**

Merrick Road, south side, from the west curbline of the main entrance to the Elks Plaza Mall (starting at a point opposite the west curbline of South Bergen Place), west for a distance of 220 feet. **(Res. of 5-6-1996)**

Merrick Road, East, south side, from the easterly curbline of St. John's Place east for a distance of 39 feet. **(Res. of 7-6-1992)**

Merrick Road, West, north side, from a point 140 feet east of the easterly curbline of South Bayview Avenue east for a distance of 85 feet. **(Res. of 5-22-1989)**

Merrick Road, West, north side, from the easterly curbline of South Brookside Avenue east for a distance of 155 feet. **(Res. of 3-22-1993)**

Merrick Road, West, north side, from the westerly curbline of South Bayview Avenue west for a distance of 200 feet. **(Res. of 5-22-1989)**

Merrick Road, West, north side, from a point 85 feet west of the westerly curbline of South Brookside Avenue west for a distance of 306 feet. **(Res. of 3-22-1993)**

Merrick Road, West, south side, from South Brookside Avenue to Juanita Avenue. **(Res. of 3-22-1993)**

Merrick Road, West, south side, beginning at a point 386 feet west of the westerly curbline of Church Street, west for a distance of 32 feet. **(Res. of 11-14-2005)**

Merrick Road, West, south side, from the easterly curbline of Juanita Avenue east for a distance of 30 feet. **(Res. of 3-22-1993)**

Merrick Road, West, south side, from the easterly curbline of South Bayview Avenue east for a distance of 210 feet. **(Res. of 5-22-1989)**

Merrick Road, West, south side, from the westerly curbline of South Brookside Avenue west for a distance of 135 feet. **(Res. of 3-22-1993)**

Merrick Road, West, south side, from a point 210 feet west of the westerly curbline of South Brookside Avenue west to the west Village Line. **(Res. of 3-22-1993)**

Mill Road, both sides, from Main Street east to Merrick Road. **(Res. of 9-14-1998)**

Miller Avenue. east side, from Richmond Street to Manhattan Street. **(Res. of 7-28-2014)**

Miller Avenue, east side, from the southerly curbline of Cedar Street south for a distance of 16 feet. **(Res. of 5-4-1992)**

Ocean Avenue, North, both sides, from the southerly curbline of Seaman Avenue south for a distance of 68 feet. **(Res. of 6-10-1985)**

Ocean Avenue, South, east side, from Front Street north for a distance of 125 feet, from 10:00 a.m. to 10:00 p.m.

Ocean Avenue, South, east side, from the northerly curbline of Atlantic Avenue north for a distance of 68 feet. **(Res. of 6-10-1985)**

Ocean Avenue, South, east side, from the southerly curbline of Atlantic Avenue for a distance of 120 feet south. **(Res. of 2-13-1979)**

Ocean Avenue, South, east side, from the northerly curbline of West Merrick Road north for a distance of 56 feet. **(Res. of 7-17-1995)**

Ocean Avenue, South, east side, from a point 156 feet north of the northerly curbline of West Merrick Road north for a distance of 150 feet. **(Res. of 7-17-1995)**

Ocean Avenue, South, west side, from the northerly curbline of Atlantic Avenue north for a distance of 65 feet. **(Res. of 6-10-1985)**

Ocean Avenue, South, west side, from the northerly curbline of Pine Street north for a distance of 65 feet. **(Res. of 6-10-1985)**

Ocean Avenue, South, west side, from the northerly curbline of Smith Street north for a distance of 157 feet. **(Res. of 6-10-1985)**

Ocean Avenue, South, west side, from the southerly curbline of Atlantic Avenue south for a distance of 65 feet. **(Res. of 6-10-1985)**

Ocean Avenue, South, east side, from the southerly curbline of Pine Street south for a distance of 63 feet. **(Res. of 6-10-1985)**

Ocean Avenue, South, west side, from the southerly curbline of Smith Street south for a distance of 30 feet. **(Res. of 7-18-1994)**

Ocean Avenue, South, west side, beginning at the southerly curbline of Sunrise Highway, south for a distance of 227 feet. **(Res. of 9-26-2005)**

Ocean Court, east side, beginning at a point 220 feet south of the southerly curbline of Claurome Place, south to the dead end. **(Res. of 3-7-2016)**

Ocean Court, along the southerly terminus, from the westerly curbline to the easterly curbline. **(Res. of 3-7-2016)**

Ocean Court, west side, beginning at a point 200 feet south of the southerly curbline of Claurome Place, south to the dead end. **(Res. of 3-7-2016)**

Park Avenue, east side, from the southerly curbline of Sunrise Highway south for a distance of 88 feet. **(Res. of 8-13-1979)**

Park Avenue, west side, from the southerly curbline of Sunrise Highway South for a distance of 72 feet. **(Res. of 8-13-1979)**

Parking Field No. 4, west side of the Broadway exit, from the northerly curbline of Broadway north for a distance of 70 feet. **(Res. of 7-24-1989)**

Parking Field No. 7, along the easterly and westerly curbline of the western entrance off of Sunrise Highway. **(Res. of 8-2-2001)**

Parking Field No. 7, along the southerly curbline of the Henry Street entrance. **(Res. of 8-2-2001)**

Pine Street, north side, from South Long Beach Avenue to South Bergen Place. **(Res. of 6-10-1985)**

Pine Street, north side, from the easterly curbline of Bayview Avenue east for a distance of 80 feet. **(Res. of 11-13-1979)**

Pine Street, north side, from the westerly curbline of Bayview Avenue west for a distance of 80 feet. **(Res. of 11-13-1979)**

Pine Street, north side, from the westerly curbline of Church Street west for a distance of 90 feet. **(Res. of 6-10-1985)**

Pine Street, north side, from the easterly curbline of Guy Lombardo Avenue, east for a distance of 40 feet. **(Res. of 9-11-2006)**

Pine Street, north side, from the westerly curbline of Guy Lombardo Avenue, west for a distance of 40 feet. **(Res. of 9-11-2006)**

Pine Street, south side, from the easterly curbline of Bayview Avenue east for a distance of 80 feet. **(Res. of 11-13-1979)**

Pine Street, south side, from the easterly curbline of Guy Lombardo Avenue east for a distance of 40 feet. **(Res. of 6-10-1985; Res. of 9-11-2006)**

Pine Street, south side, from the westerly curbline of Guy Lombardo Avenue, west for a distance of 40 feet. **(Res. of 9-11-2006)**

Pine Street, south side, from the easterly curbline of South Ocean Avenue east for a distance of 93 feet. **(Res. of 6-10-1985)**

Pine Street, south side, from the westerly curbline of Bayview Avenue west for a distance of 80 feet. **(Res. of 11-13-1979)**

Pine Street, south side, from the westerly curbline of Church Street west for a distance of 65 feet. **(Res. of 6-10-1985)**

Pine Street, south side, from the westerly curbline of Guy Lombardo Avenue west for a distance of 120 feet. **(Res. of 6-10-1985)**

Pine Street, south side, from the westerly curbline of South Long Beach Avenue west for a distance of 30 feet. **(Res. of 11-7-1994)**

Prince Avenue, both sides, from the easterly curbline of North Brookside Avenue east for a distance of 80 feet. **(Res. of 6-10-1985)**

Randall Avenue, north side, from the easterly curbline of Hansome Place east for a distance of 45 feet. **(Res. of 1-9-1995)**

Randall Avenue, north side, from the westerly curbline of Hansome Place west for a distance of 60 feet. **(Res. of 1-9-1995)**

Randall Avenue, north side, from the easterly curbline of North Long Beach Avenue east for a distance of 110 feet. **(Res. of 7-6-1987)**

Randall Avenue, north side, from the westerly curbline of North Main Street west for a distance of 60 feet. **(Res. of 11-13-1979)**

Randall Avenue, south side, from the easterly curbline of North Main Street east for a distance of 152 feet. **(Res. of 11-13-1979)**

Randall Avenue, south side, from North Main Street to North Grove Street. **(Res. of 7-2-1990)**

Raynor Street, north side, from the westerly curbline of Bedell Street west for a distance of 40 feet. **(Res. of 6-19-1989)**

Raynor Street, north side, from the westerly curbline of Main Street west for a distance of 88 feet. **(Res. of 11-13-1979)**

Raynor Street, south side, from the westerly curbline of Bedell Street west for a distance of 40 feet. **(Res. of 6-19-1989)**

Ray Street, both sides, from the easterly curbline of Guy Lombardo Avenue east for a distance of 67 feet. **(Res. of 6-10-1985)**

Ray Street, both sides, from the westerly curbline of Guy Lombardo Avenue west for a distance of 67 feet. **(Res. of 6-10-1985)**

Riverside Drive, north and south sides, from the westerly curbline of South Brookside Avenue, southwest for a distance of 100 feet, from 9:00 p.m. to 6:00 a.m. **(Res. of 12-15-2014)**

Russell Place, south side from the westerly curbline of North Long Beach Avenue west for a distance of 48 feet. **(Res. of 5-16-1994)**

Russell Place, south side, from the easterly curbline of Pennsylvania Avenue east for a distance of 60 feet. **(Res. of 5-16-1994)**

St. John's Place, east side, from the southerly curbline of East Merrick Road south for a distance of 38 feet. **(Res. of 7-6-1992)**

St. John's Place, east side, beginning at a point 272 feet south of the southerly curbline of East Merrick Road in a southerly direction to Mill Road, from 8:00 a.m. to 5:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 4-24-1978; Res. of 1-22-1996)**

St. John's Place, west side, from the southerly curbline of East Merrick Road south for a distance of 140 feet. **(Res. of 1-21-1981; Res. of 7-6-1992)**

Seaman Avenue, East, north side, from North Columbus Avenue to Rutland Road. **(Res. of 6-10-1985)**

Seaman Avenue, East, south side, from the westerly curbline of North Columbus Avenue west for a distance of 185 feet. **(Res. of 6-10-1985)**

Seaman Avenue, north side, from the easterly curbline of North Brookside Avenue east for a distance of 73 feet. **(Res. of 6-10-1985)**

Seaman Avenue, north side, from the easterly curbline of North Main Street east for a distance of 54 feet. **(Res. of 11-13-1979)**

Seaman Avenue, north side, from the westerly curbline of North Brookside Avenue west for a distance of 100 feet. **(Res. of 6-10-1985)**

Seaman Avenue, south side, from the easterly curbline of North Brookside Avenue east for a distance of 87 feet. **(Res. of 6-10-1985)**

Seaman Avenue, south side, from the westerly curbline of North Brookside Avenue west for a distance of 78 feet. **(Res. of 6-10-1985)**

Seaman Avenue, West, both sides, from the easterly curbline of North Long Beach Avenue west for a distance of 70 feet. **(Res. of 6-10-1985)**

Seaman Avenue, West, both sides, from the easterly curbline of Pennsylvania Avenue east for a distance of 67 feet. **(Res. of 6-10-1985)**

Seaman Avenue, West, both sides, from the westerly curbline of North Long Beach Avenue west for a distance of 68 feet. **(Res. of 6-10-1985)**

Seaman Avenue, West, both sides, from the westerly curbline of Pennsylvania Avenue west for a distance of 67 feet.

Seaman Avenue, West, north side, from Wallace Street to a point 195 feet east of the bus entrance to Atkinson School. **(Res. of 6-10-1985)**

Seaman Avenue, West, north side, from the westerly curbline of Wallace Street west for a distance of 60 feet. **(Res. of 6-10-1985)**

Seaman Avenue, West, south side, from North Ocean Avenue to North Main Street. **(Res. of 4-20-1998)**

Seaman Avenue, West, south side, from the easterly curbline of Wallace Street east for a distance of 110 feet. **(Res. of 6-10-1985)**

Seaman Avenue, West, south side, from the westerly curbline of Wallace Street west for a distance of 75 feet. **(Res. of 6-10-1985)**

Smith Street, both sides, from the easterly curbline of Bayview Avenue east for a distance of 67 feet. **(Res. of 6-10-1985)**

Smith Street, north side, from Church Street east for a distance of 86 feet.

Smith Street, north side, from Church Street west for a distance of 70 feet. **(Res. of 6-10-1985)**

Smith Street, north side, from the easterly curbline of South Long Beach Avenue east for a distance of 70 feet. **(Res. of 6-10-1985)**

Smith Street, north side, beginning at a point 394 feet west of the westerly curbline of South Ocean Avenue and continuing west for a distance of 40 feet. **(Res. of 12-7-2009)**

Smith Street, south side, from Bedell Street west for a distance of 95 feet. **(Res. of 6-10-1985)**

Smith Street, south side, from Church Street east for a distance of 80 feet. **(Res. of 6-10-1985)**

Smith Street, south side, from the westerly curbline of Bayview Avenue west for a distance of 73 feet. **(Res. of 6-10-1985)**

Smith Street, south side, from the westerly curbline of South Long Beach Avenue west for a distance of 25 feet. **(Res. of 11-7-1994)**

Smith Street, south side, from the westerly curbline of South Ocean Avenue west for a distance of 40 feet. **(Res. of 7-18-1994)**

Southside Avenue, north side, beginning at the western curbline of South Bayview Avenue and continuing for a distance of 100 feet in a westerly direction. **(Res. of 12-15-1986; Res. of 3-3-1987)**

Southside Avenue, north side, from the westerly curbline of South Main Street west for a distance of 70 feet. **(Res. of 6-10-1985)**

Southside Avenue, south side, beginning at the western curbline of South Bayview Avenue and continuing for a distance of 50 feet in a westerly direction. **(Res. of 12-15-1986)**

Sportsmans Avenue, west side, from the southerly curbline of Ray Street south to the southern end of the street. **(Res. of 8-29-1988)**

Stanton Avenue, north side, from the westerly curbline of North Brookside Avenue west for a distance of 70 feet. **(Res. of 6-10-1985)**

Stanton Avenue, south side, from the westerly curbline of North Brookside Avenue west for a distance of 90 feet. **(Res. of 6-10-1985)**

Stevens Street, north side, from the easterly curbline of North Main Street east for a distance of 90 feet. **(Res. of 6-10-1985)**

Sunrise Highway, north side, beginning at a point 11 feet west of the westerly curbline of Brookside Avenue west to the easterly curbline of Milburn Avenue. **(Res. of 8-13-1979)**

Sunrise Highway, north side, beginning at a point 16 feet west of the westerly curbline of Long Beach Avenue west for a distance of 302 feet. **(Res. of 8-13-1979)**

Sunrise Highway, north side, beginning at a point 34 feet west of the westerly curbline of Pennsylvania Avenue west to the easterly curbline of Brookside Avenue. **(Res. of 8-13-1979)**

Sunrise Highway, north side, beginning at a point 335 feet east of the easterly curbline of Liberty Avenue west for a distance of 320 feet. **(Res. of 8-13-1979)**

Sunrise Highway, north side, beginning at a point 331 feet east of the easterly curbline of North Long Beach Avenue west for a distance of 311 feet. **(Res. of 8-13-1979)**

Sunrise Highway, north side, beginning at a point 20 feet west of the westerly curbline of Liberty Avenue west to the easterly curbline of Helen Avenue. **(Res. of 8-13-1979)**

Sunrise Highway, south side, beginning at a point 10 feet east of the easterly curbline of Madison Avenue east for a distance of 121 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, beginning at a point 13 feet east of the easterly curbline of Bergen Place east for a distance of 325 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, beginning at the easterly curbline of Buffalo Avenue and extending east for a distance of 100 feet. **(Res. of 10-29-1990)**

Sunrise Highway, south side, beginning at a point 357 feet east of the easterly curbline of Liberty Avenue and extending in an easterly direction to Buffalo Avenue. **(Res. of 10-29-1990)**

Sunrise Highway, south side, beginning at a point 342 feet west of the westerly curbline of Long Beach Avenue east for a distance of 326 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, beginning at a point 21 feet east of the easterly curbline of South Long Beach Avenue east for a distance of 606 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, beginning at the easterly curbline of Helen Avenue east for a distance of 363 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, from the easterly curbline of Park Avenue east for a distance of 76 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, from the westerly curbline of Bayview Avenue west for a distance of 175 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, from the westerly curbline of Madison Avenue west for a distance of 60 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, from the westerly curbline of McKinley Place west for a distance of 46 feet. **(Res. of 8-13-1979)**

Sunrise Highway, south side, from the westerly curbline of Park Avenue east for a distance of 41 feet. **(Res. of 8-13-1979)**

Sunrise Highway, East, south side, from the eastern curbline of Benson Place east to the western curbline of South Columbus Avenue. **(Res. of 6-16-1986)**

Wallace Street, both sides, from the northerly curbline of West Seaman Avenue north for a distance of 68 feet. **(Res. of 6-10-1985)**

Washburn Avenue, north side, from the easterly curbline of North Main Street east for a distance of 25 feet. **(Res. of 11-7-1994)**

Washburn Avenue, south side, from the easterly curbline of North Main Street east for a distance of 290 feet. **(Res. of 6-10-1985)**

Washington Street, east side, from Merrick Road north for a distance of 20 feet.

Washington Street, east side, from Porterfield Place south for a distance of 20 feet.

Weberfield Avenue, east side, from the northerly curbline of Grand Avenue north for a distance of 30 feet. **(Res. of 4-22-1991)**

Weberfield Avenue, east side, from the southerly curbline of Grand Avenue south for a distance of 30 feet. **(Res. of 4-22-1991)**

Weberfield Avenue, west side, from the northerly curbline of Grand Avenue, north for a distance of 30 feet. **(Res. of 4-22-1991)**

Weberfield Avenue, west side, from the southerly curbline of Grand Avenue south for a distance of 30 feet. **(Res. of 4-22-1991)**

Westend Avenue, east side, from the northerly curbline of Atlantic Avenue north for a distance of 115 feet. **(Res. of 6-10-1985)**

Westend Avenue, west side, from the northerly curbline of Florence Avenue north for a distance of 50 feet. **(Res. of 3-6-1989)**

Westend Avenue, west side, from the northerly curbline of Hampton Place north for a distance of 40 feet. **(Res. of 3-21-1988)**

Westend Avenue, west side, from the southerly curbline of Atlantic Avenue south for a distance of 50 feet. **(Res. of 8-10-2015)**

Westend Avenue, west side, from the southerly curbline of Hampton Place south for a distance of 38 feet. **(Res. of 3-6-1989)**

Woodcleft Avenue, east side, from a point 13 feet south of the projected southerly curbline of Hamilton Street north for a distance of 59 feet. **(Res. of 6-10-1985)**

Woodcleft Avenue, west side, beginning at the southerly curbline of Front Street, south for a distance of 245 feet. **(Res. of 8-16-1999)**

Woodside Avenue, north side, from the easterly curbline of North Main Street east for a distance of 30 feet. **(Res. of 4-22-1991)**

Woodside Avenue, south side, from the easterly curbline of North Main Street east for a distance of 30 feet. **(Res. of 4-22-1991)**

Editor's Note: Beginning with legislation enacted in 1971, amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history note at the beginning of the section.

Sec. 46.1. No stopping or standing at any time, except buses. (Res. of 11-13-1979; Res. of 6-10-1985; Res. of 6-18-1990; Res. of 9-10-1990; Res. of 10-1-1990; Res. of 9-11-2006)

No person shall stop, stand or park a vehicle, except buses, within the designated areas in the following streets at any time, unless otherwise indicated:

Bayview Avenue, east side, from the northerly curbline of Smith Street north for a distance of 87 feet. **(Res. of 6-10-1985)**

Bayview Avenue, east side, from the southerly curbline of Archer Street south for a distance of 75 feet. **(Res. of 6-10-1985)**

Bayview, South, east side, from the southerly curbline of Atlantic Avenue south for a distance of 68 feet. **(Res. of 4-20-1992)**

Bayview Avenue, west side, from the northerly curbline of Archer Street north for a distance of 70 feet. **(Res. of 6-10-1985)**

Bayview Avenue, west side, from the northerly curbline of Atlantic Avenue north for a distance of 65 feet. **(Res. of 6-18-1990)**

Broadway, south side from the easterly curbline of North Main Street for a distance of 70 feet. **(Res. of 1-12-1987)**

Grand Avenue, north side, from the easterly curbline of North Columbus Avenue east for a distance of 130 feet. **(Res. of 6-10-1985)**

Grand Avenue, south side, from the easterly curbline of North Columbus Avenue east for a distance of 62 feet. **(Res. of 6-10-1985)**

Grand Avenue, south side, from the easterly curbline of North Main Street east for a distance of 100 feet. **(Res. of 6-10-1985)**

Guy Lombardo Avenue, east side, from the northerly curbline of Archer Street north for a distance of 80 feet. **(Res. of 6-10-1985; Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from the projected southerly curbline of Cedar Street south for a distance of 110 feet. **(Res. of 6-10-1985)**

Guy Lombardo Avenue, east side, from the southerly curbline of East Avenue south for a distance of 115 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, beginning at a point of 75 feet south of the southerly curbline of Merrick Road, south for a distance of 50 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, east side, from the northerly curbline of Southside Avenue north for a distance of 100 feet. **(Res. of 9-11-2006)**

Guy Lombardo Avenue, west side, from the southerly curbline of Merrick Road, south for a distance of 85 feet. **(Res. of 9-11-2006)**

Main Street, North, east side, from the northerly curbline of Seaman Avenue north for a distance of 80 feet. **(Res. of 9-10-1990)**

Main Street, North, east side, from the southerly curbline of Washburn Avenue south for a distance of 110 feet. **(Res. of 6-10-1985)**

Main Street, North, west side, from the southerly curbline of Seaman Avenue south for a distance of 100 feet.

Merrick Road, West, north side, from the westerly curbline of South Brookside Avenue west for a distance of 85 feet. **(Res. of 3-22-1993)**

Merrick Road, West, south side, from a point 135 feet west of the westerly curbline of South Brookside Avenue west for a distance of 75 feet. **(Res. of 3-22-1993)**

Editor's Note: Beginning with legislation enacted in 1971, amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history note at the beginning of the section.

Sec. 46.2. No stopping, standing or parking of commercial vehicles. (Res. of 4-23-2001)

No commercial vehicle is permitted to stop, stand, or park at any time unless otherwise indicated:

Miller Avenue, both sides, from Atlantic Avenue to Southside Avenue, between 10:00 p.m. and 6:00 a.m. **(Res. of 8-17-2009)**

Rev. E. Mitchell Mallette Drive, both sides, from Merrick Road to Sunrise Highway.

Sec. 46.3. No stopping or standing at any time, except for motorcycles. (Res. of 4-20-2015)

Sec. 47. Three-hour parking at all times unless otherwise indicated. (Res. of 10-24-1988)

No person shall park a vehicle for a period longer than three consecutive hours in the following places, at any time, or at the times indicated:

Brookside Avenue, North, east side, beginning at the southerly curbline of Terrace Avenue for a distance of 206 feet in a southerly direction. **(Res. of 12-19-1988)**

Century Court, north side, from 8:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays. **(Res. of 4-17-1972; Res. of 8-19-1996)**

Century Court, north side of the mall for its entire length. **(Res. of 6-26-1972)**

Commercial Street, south side, beginning at a point 200 feet east of Henry Street for a distance of 495 feet.

Commercial Street, south side, beginning at a point 296 feet west of the projected curbline of Mount Avenue for a distance of 160 feet in a westerly direction from 8:00 a.m. to 6:00 p.m., except Sunday. **(Res. of 6-17-1985)**

Freeport Plaza East, south side, between South Main Street and Henry Street, from 8:00 a.m. to 6:00 p.m., except Sundays and holidays. **(Res. of 2-27-1978)**

Henry Street, west side, beginning at a point 70 feet north of the northern curbline of Sunrise Highway for a distance of 74 feet in a northerly direction. **(Res. of 4-8-1985; Res. of 6-10-1985)**

Parking Field No. 1, all spaces adjacent to the two northerly freestanding median islands. **(Res. of 12-20-1982)**

Parking Field No. 2, the 6 parking spaces located on the south side of the eastern entrance to said parking field from Church Street, located immediately west of the five parking spaces reserved for Fire Department parking. **(Res. of 1-4-1978; Res. of 3-10-1986)**

Parking Field No. 2, the 96 unmetered parking spaces located in said parking field, between the hours of 8:00 a.m. and 6:00 p.m., except Sundays and holidays. **(Res. of 11-21-1977)**

Terrace Avenue, south side, the 27 parking spaces in the area immediately adjacent to the northerly boundary of William F. Glacken Park and established for head-in parking, Monday through Friday, between the hours of 9:00 a.m. and 1:00 p.m., except holidays as set forth in Section 81(b) of the Vehicle and Traffic Regulations. **(Res. of 5-18-1987)**

Editor's Note: Beginning with legislation enacted in 1971, amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history note at the beginning of the section.

Sec. 47.1. Four-hour parking at all times unless otherwise indicated. (Res. of 10-24-1988; Res. of 7-2-2001)

No person shall park a vehicle for a period longer than four consecutive hours in the following places, at any time, or at the times indicated:

Parking Field No. 11, east side of Church Street between Pine Street and Merrick Road, between the hours of 8:00 a.m. and 9:00 p.m., except Sundays.

Parking Field No. 12, west side of Henry Street between Newton Boulevard and Merrick Road, between the hours of 8:00 a.m. and 9:00 p.m., except Sundays.

Sec. 48. Twelve-hour parking at all times unless otherwise indicated. (Res. of 4-20-1998)

No person shall park a vehicle for a period longer than 12 consecutive hours in the following places, at any time, unless otherwise indicated:

Babylon Turnpike, south side, beginning at a point 708 feet easterly from Lakeview Avenue for a distance of 90 feet.

Gold Street, both sides, from the southern curbline of East Merrick Road to the northern curbline of Lee Place. **(Res. of 6-2-1986)**

Lee Place, both sides, from the eastern curbline of Gold Street to the western curbline of Liberty Avenue. **(Res. of 6-2-1986)**

Sec. 49. Tow-away zones.

No person shall park a vehicle within the designated areas in the following streets at any time unless otherwise indicated. Any vehicle parked in said designated areas shall be removed pursuant to Section 4.

Bayview Avenue, South, west side, from Atlantic Avenue to Ray Street. **(Res. of 9-20-1993)**

Broadway, both sides, from South Main Street to Henry Street. **(Res. of 3-27-2000)**

Brooklyn Avenue, both sides, from North Grove Street to North Main Street. **(Res. of 3-27-2000)**

Church Street, both sides, from Smith Street to Freeport Plaza East. **(Res. of 3-27-2000)**

Commercial Street, north side, from Broadway to Mount Avenue. **(Res. of 7-10-2000)**

Grove Street, North, both sides, from Freeport Plaza West to Brooklyn Avenue. **(Res. of 3-27-2000)**

Guy Lombardo Avenue, both sides, from East Merrick Road to Freeport Plaza West. **(Res. of 3-27-2000)**

Henry Street, both sides. **(Res. of 3-27-2000)**

Main Street, North, both sides. **(Res. of 3-27-2000)**

Main Street, South, both sides, from Henry Street to Freeport Plaza West. **(Res. of 3-27-2000)**

Merrick Road, East, both sides, from village line west to Henry Street. **(Res. of 3-27-2000)**

Merrick Road, West, both sides, from Henry Street to South Long Beach Avenue. **(Res. of 3-27-2000)**

Newton Boulevard, both sides. **(Res. of 3-27-2000)**

Sec. 49.1. Commercial vehicle tow-away zones. (Res. of 4-23-2001)

(a) No person shall stop, stand or park a commercial vehicle within the designated areas in the following streets at any time unless otherwise indicated. Any vehicle stopped, standing or parked in said designated areas shall be removed pursuant to Section 4, unless the said vehicle is making a delivery to a property that has no other means of access.

Rev. E. Mitchell Mallette Drive, both sides, from Merrick Road to Sunrise Highway.

(b) No person shall park a commercial vehicle or trailer in any municipal parking field at any time after the established limitations set forth in Section 61, Parking time limits, in the Vehicle and Traffic Regulations, unless otherwise indicated. Any commercial vehicle parked in said municipal parking field shall be removed pursuant to Section 4. **(Res. of 7-23-2001)**

Sec. 49.2. Reserved parking tow-away zones: areas designated by signage. (Res. of 6-2-2014)

No person shall stop. stand, or park a vehicle within the designated areas at the following locations at any time unless otherwise indicated. Any vehicle stopped, standing, or parked in said designated areas shall be removed pursuant to Section 4. unless said vehicle is placed by permission of the entity for whom the space is reserved:

Parking Field Nos. 30 and 31. adjacent to 220 Woodcleft Avenue. in those spaces indicated by signage only.

Richmond Street. south side, the head-in parking adjacent to Sea Breeze Park, in those spaces indicated by signage only.

Sec. 50. Business district permit parking: areas designated; tag required. (Res. of 5-18-1998)

(a) It shall be unlawful for any person to park an automobile or other vehicle or to permit an automobile or other vehicle to remain in or upon the following designated public parking places between the hours of 6:00 a.m. and 6:00 p.m. each day, except Sundays and holidays, unless the owner of such vehicle shall have a tag or license as hereinafter described:

In the spaces designated by the appropriate signage in Parking Field No. 2 located between Guy Lombardo Avenue and Church Street, north of Century Court.

In the spaces designated by the appropriate signage in Parking Field No. 10 located on South Ocean Avenue.

(b) It shall be unlawful to park a vehicle in the areas designated for business district permit parking unless the front of said vehicle is parked head in. This section shall not apply where the parking space is designated for parallel parking.

(c) It shall be unlawful for any person to park an automobile or other vehicle or to permit an automobile or other vehicle to remain in or upon those parking spaces within Municipal Parking Field No. 11, designated for the Main Street Mews. **(Res. of 6-4-2007)**

Editor's Note: Former Sec. 50, Fines, as amended, was repealed by Res. of 10-5-1992. For the fines currently in effect, see Sec. 6 of these Vehicle and Traffic Regulations.

Sec. 50.1. Business district permit parking: issuance and display of tag; fee; penalties for offenses. (Res. of 5-18-1998)

(a) Any person who owns a business or works for a business in the Village shall have the right to receive a tag or license upon making application to the Village Clerk. The Village Clerk will submit to the Superintendent of Buildings a copy of the application to verify the business. Upon the Superintendent of Buildings' approval, the Village Clerk will issue a tag or license to the applicant who exhibits a valid motor vehicle registration for the passenger vehicle and pays a semiannual fee, which fee shall be adopted and, from time to time, amended by resolution of the Board of Trustees. The tag or license shall entitle said applicant to park his/her automobile in the places and locations described in Section 50 hereof, if space shall be available. Said tag or license shall be exhibited in such a way as the Village Clerk shall prescribe. Said tag or license is not transferable and can only be used for the vehicle for which it was issued. Said tag or license shall be issued for a period of six months commencing March 1 and ending August 31, and commencing September 1 and ending the last day of February.

(b) It shall be unlawful for any person to display said tag or license on any other vehicle other than the vehicle for which it was issued. Any violation of this section shall be

punishable pursuant to § 1-10 of the Code of the Village of Freeport and by a fine of not less than $50.

(c) Any person who owns or rents a loft in the Main Street Mews Building shall have the right to receive a tag or license upon making application to the management at the Main Street Mews Building. Upon approval of the management, a tag or license will be issued to the applicant. The tag or license shall entitle said applicant to park his/her automobile in one of places and locations described in Section 50 hereof, if space shall be available. Said tag or license shall be affixed to the windshield of said automobile. **(Res. of 6-4-2007)**

Sec. 50.2. Business district permit parking: enforcement. (Res. of 5-18-1998)

(a) The enforcement of Sections 50 and 50.1 shall be entrusted to the Police Chief, who shall see that the proper signs are prepared and posted in the affected areas.

Sec. 51. Municipal employee parking; areas designated; tag required.

(a) It shall be unlawful for any person to park an automobile or other vehicle or to permit an automobile or other vehicle to remain in or upon the following public parking places between the hours of 7:00 a.m. and 5:00 p.m., each day, except Saturdays, Sundays and holidays, unless the owner of such vehicle shall have a tag or license as hereinafter described:

Parking field situated on the southeast corner of North Ocean Avenue and Randall Avenue north of Village Hall, the 30 parking spaces adjacent and south of the driveway entrance and designated by signage and striping "Village Hall Employees Parking" by permit only. **(Res. of 12-16-1996)**

Parking Field No. 13 situated on the west side of North Grove Street between Brooklyn Avenue and Randall Avenue to the rear of Village Hall.

Parking Field No. 18, the northerly 100 spaces, situated on the corner of Grove Street and Brooklyn Avenue. **(Res. of 12-16-1996)**

(b) Village employees shall receive a tag or license from the Village Clerk which shall entitle said employee to park his automobile or other vehicle in the places and locations described in Subsection (a) or (d) hereof. Said tag or license shall be exhibited in such a manner as the Village Clerk shall prescribe. Said tag or license is not transferable and can only be used for the vehicle for which it was issued. **(Res. of 2-23-1998)**

(c) The following areas, for which no tag or license is required, are designated as being reserved at all times for the parking of police vehicles, and of any vehicle assigned for the use of the Mayor:

Ocean Avenue, North, east side, beginning at the northerly curbline of Brooklyn Avenue and continuing for a distance of 325 feet in a northerly direction. **(Res. of 9-27-1971; Res. of 7-2-1973; Res. of 2-24-1986; Res. of 12-16-1996)**

(d) It shall be unlawful for any person to park an automobile or other vehicle or to permit an automobile or other vehicle to remain in or upon the Freeport Electric Department

Parking Field located on North Long Beach Avenue 100 feet north of West Sunrise Highway unless the owner of such vehicle shall have a tag or license affixed to the vehicle for which it was issued. **(Res. of 2-23-1998)**

Sec. 52. Commercial vehicles and trailers. (Res. of 6-12-1978; Res. of 10-5-1992)

(a) Parking restrictions. **(Res. of 6-12-1978)**

(1) It shall be unlawful to park a commercial vehicle or trailer on private property in any business or commercial zone unless said commercial vehicle or trailer is used in relation to the business or businesses at that location.

(2) It shall be unlawful to park a commercial vehicle or trailer in an empty lot within the Village of Freeport unless said lot is an approved private parking field pursuant to the Code of Ordinances of the Village of Freeport.

(3) It shall be unlawful to park a commercial vehicle or trailer on any public street within the village between the hours of 6:00 p.m. and 6:00 a.m., unless said vehicle is actually engaged in loading or unloading onto premises located in said street or is being used in connection with the construction, repairs or emergency services in connection with the premises located within said street. **(Res. of 11-13-1979)**

(b) For the purposes of this section, a commercial vehicle shall be defined as set forth in § 501-a of the Vehicle and Traffic Law of the State of New York. **(Res. of 6-19-1972; Res. of 6-5-1995)**

(c) (Reserved)

Sec. 53. Loading zones. (Res. of 2-25-1974; Res. of 6-24-1974; Res. of 9-9-1974; Res. of 3-15-1976; Res. of 6-19-1978; Res. of 4-30-1979; Res. of 12-10-1979; Res. of 7-13-1981; Res. of 2-24-1986; Res. of 6-18-1990; Res. of 9-24-1990; Res. of 7-6-1992; Res. of 9-21-1992; Res. of 12-5-1994; Res. of 5-5-1997; Res. of 3-19-2001; Res. of 5-3-2004; Res. of 9-11-2006)

It shall be unlawful for any person to park an automobile or other vehicle in any space designated and marked as a loading zone or loading area in the following streets at any time or at the times otherwise indicated, except that a vehicle from which goods are being discharged or into which goods are being loaded may occupy such a space for a reasonable time. If said loading areas are located in a parking meter zone, said meters shall be effective:

Buffalo Avenue, west side, north of Merrick Road for a distance starting 98 feet north of Merrick Road up to and including 165 feet from Merrick Road. **(Res. of 11-29-1965)**

Centre Street, north side, from the westerly curbline of Madison Avenue west for a distance of 184 feet. **(Res. of 1-22-1996)**

Guy Lombardo Avenue, west side, beginning at a point 180 feet north of the southerly curbline of Century Court for a distance of 22 feet in a northerly direction.

Henry Street, west side, beginning at a point 60 feet from the northerly curbline of West Merrick Road for a distance of 28 feet in a northerly direction.

Henry Street, west side, beginning at a point 26 feet south of the southerly curbline of West Merrick Road for a distance of 73 feet in a southerly direction.

Liberty Avenue, west side, beginning at a point 30 feet south of Merrick Road for a distance of 60 feet in a southerly direction. **(Res. of 7-12-1976)**

Merrick Road, East, north side, beginning at a point 124 feet west of the westerly curbline of Henry Street and continuing for a distance of 70 feet in a westerly direction, except Sunday. **(Res. of 2-28-1977; Res. of 12-22-1986)**

Merrick Road, East, south side, beginning at a point 22 feet east of the easterly curbline of South Main Street for a distance of 77 feet in an easterly direction.

Merrick Road, East, south side, beginning at a point 94 feet east of the easterly curbline of St. John's Place for a distance of 56 feet in an easterly direction, Monday through Friday. **(Res. of 9-19-1994)**

Newton Boulevard, north side, beginning at a point 104 feet east of the easterly curbline of South Main Street for a distance of 98 feet in an easterly direction. **(Res. of 9-21-1992)**

Parking Field No. 3, east side of Henry Street, entire north end of said field.

Sunrise Highway, south side, beginning at a point 183 feet east of the easterly curbline of Guy Lombardo Avenue for a distance of 44 feet in an easterly direction. **(Res. of 8-19-1996)**

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Sec. 54. Parking for handicapped. (Res. of 2-27-1978; Res. of 3-26-1979; Res. of 6-1-1981; Res. of 11-9-1981; Res. of 12-7-1981; Res. of 12-20-1982; Res. of 5-29-1985; Res. of 11-25-1985; Res. of 2-24-1986; Res. of 7-7-2008)

No person shall be permitted to stand, stop or park a vehicle in any parking stall designated "handicapped parking" unless such vehicle shall have conspicuously displayed thereon a sticker issued by the Nassau County Office for the Physically Challenged, or a license plate indicating that the operator or occupant of said vehicle is a handicapped person. The following locations shall be designated for handicapped parking:

North Main Street, east side, immediately south of Randall Avenue: the first two meter spaces. **(Res. of 11-25-1985)**

Parking Field No. 1: the two parking spaces located in the northerly row of parking spaces and immediately east of the walkway leading to Merrick Road from the northeastern portion of said lot. **(Res. of 2-24-1986)**

Parking Field No. 2: the two parking spaces located adjacent to the south side of Century Court, immediately east of Guy Lombardo Avenue. **(Res. of 12-20-1982)**

Parking Field No. 10: the two parking meter spaces located at the westerly end of the southerly row of parking spaces and adjacent to South Ocean Avenue.

Parking Field No. 11: one parking space located immediately north of the handicapped ramp and one parking space located immediately south of the handicapped ramp, which space is parallel to the curbline.

Parking Field No. 12: three parking spaces immediately north of the passageway and the curb indentation.

Parking Field No. 16, South Ocean Avenue, rear of the Memorial Library: the first two parking spaces located at the southern portion of the field, directly adjacent to South Ocean Avenue, with the parking meters to remain.

Parking Field No. 18, North Grove Street at the Village Hall: the first two parking spaces located at the western portion of the field at the beginning of the ramp leading to the Grove Street entrance to the Village Hall.

Parking Field, Recreation Center: the first 16 parking spaces located directly in front of the entrance to the Recreation Center.

Plaza Parking Field, Freeport Plaza East: the first four double parking spaces in the third aisle of said field, south of the railroad ticket office. **(Res. of 5-29-1985)**

Sec. 54.1. Handicapped parking on public streets. (Res. of 8-3-1998; Res. of 1-4-1999; Res. of 2-22-1999; Res. of 1-24-2005; Res. of 10-23-2006)

A. Any handicapped resident and/or property owner of the Incorporated Village of Freeport, New York, may submit a request to the Department of Public Works for a handicapped parking zone on any public street abutting their permanent residence. Said request shall be in writing and shall include the following:

(1) A copy of their handicapped parking permit application and handicapped parking permit.

(2) A doctor's letter stating the nature and extent of their disability.

(3) Proof of residence at the location where the handicapped parking spot is sought.

(4) A diagram of the property indicating why the person seeking said handicapped parking spot is unable to provide adequate on-site handicapped parking, together with a written narrative of the inability to provide adequate on-site handicapped parking.

(5) Any other information the applicant deems appropriate to assist this Board in making its determination.

B. The Superintendent of Public Works shall cause a survey of the area to be conducted to determine the following:

(1) The inability of the applicant to provide adequate on-site handicapped parking.

(2) The traffic conditions where the on-street handicapped parking spot is sought, considering safety factors for the applicant and persons using the street.

C. The Superintendent of Public Works shall then submit the entire application together with his findings and recommendation to the Board of Trustees for its consideration.

D. Any on-street handicapped parking spot shall automatically expire upon the applicant's change of residence or two years after it is granted by the Board of Trustees, whichever occurs first. The applicant may apply for the designation to be continued using the same procedures for the initial application.

E. Upon the grant of such an application the Superintendent of Public Works shall appropriately mark the spot for handicapped parking only.

F. No person shall be permitted to stand, stop or park a vehicle in any parking stall designated "handicapped parking," unless such vehicle shall have conspicuously displayed thereon a sticker issued by the Nassau County Office for the Handicapped indicating that the operator of said vehicle is a handicapped person. The following locations shall be designated for handicapped parking:

Frederick Avenue, west side, beginning at a point 36 feet from the southerly curbline of Gill Avenue for a distance of 22 feet in a southerly direction. **(Res. of 10-31-2005)**

Frederick Avenue, west side, beginning at a point 120 feet from the southerly curbline of Gill Avenue for a distance of 22 feet in a southwesterly direction; shall remain in effect until February 22, 2006. **(Res. of 4-29-2002; Res. of 1-31-2005)**

Liberty Park Drive, north side, beginning at a point 352 feet from the easterly curbline of Reverend E. Mitchell Mallette Drive for a distance of 22 feet in an easterly direction. **(Res. of 10-23-2006)**

South Ocean Avenue, west side, beginning at a point 100 feet from the southerly curbline of Smith Street for a distance of 22 feet in a southerly direction. **(Res. of 8-8-2003)**

Sportsmans Avenue, east side, beginning at a point 370 feet from the southerly curbline of Cornelius Street for a distance of 22 feet in a southerly direction. **(Res. of 8-18-2003)**

Sec. 55. Parking for handicapped on private property. (4-13-1981 by L.L. No. 1-1981)

No person shall be permitted to stand, stop or park a vehicle in any parking stall designated "handicapped parking," unless such vehicle shall have conspicuously displayed thereon a sticker issued by the Department of Motor Vehicles indicating that the operator of said vehicle is a handicapped person. The following spaces shall be designated for handicapped parking:

Two Guys Shopping Center, located south of Sunrise Highway, west of Liberty Avenue and north of Merrick Road.

Sec. 56. Fire Department parking, areas designated. (Res. of 2-24-1986)

It shall be unlawful for any person to park an automobile or other vehicle or to permit an automobile or other vehicle to remain in or upon the following public streets or public parking fields unless the operator of such vehicle is a member of the Freeport Volunteer Fire Department responding to the firehouse immediately adjacent thereto:

(a) Parking Field No. 2, the first five (5) parking spaces located on the south side of the eastern entrance to said parking field from Church Street. **(Res. of 3-10-1986)**

(b) Parking Field No. 9, the first four (4) parking spaces located on the north side of the western entrance to said parking field from South Bayview Avenue. **(Res. of 12-22-1986)**

(c) Broadway, south side, beginning at a point 20 feet west of the westerly curbline of Henry Street for a distance of 192 feet west in a westerly direction. **(Res. of 1-12-1987)**

(d) Parking Field No. 4, west side of the Broadway exit, beginning at a point 70 feet north of the northerly curbline of Broadway north for a distance of 143 feet. **(Res. of 7-24-1989)**

ARTICLE IV
Parking Fields

Sec. 57. Definitions.

As used in this Article, unless a different meaning clearly appears from the context, the following definitions apply:

(a) The term "municipal parking field" shall mean any place owned or leased by the village for the parking of motor vehicles by the public.

(b) The term "parking stall" shall mean a space in a municipal parking field marked or indicated by lines appearing on the pavement, within which a single motor vehicle is to be parked.

Sec. 58. Entrances, exits; use required.

The operator of a motor vehicle shall use only the respective entrance and exit passageways indicated by signs, for the respective purposes of entering into and from a municipal parking field.

Sec. 59. Manner of parking.

(a) **Unmarked stalls.** In any municipal parking field in which parking stalls are not marked out or indicated, all motor vehicles shall be parked with respect to any indicated line of parking as is designated on any sign therein. Each vehicle shall be parked so that there shall be a space of at least two feet and not more than three feet from any other vehicle already parked. No vehicle shall extend more than 18 feet from the said indicated line of parking.

(b) **Marked Stalls.** In any municipal parking field in which parking stalls are marked out or indicated, motor vehicles shall be parked within and parallel to the side lines of any such stall and shall not extend more than 18 feet from the front line of such stall.

Sec. 60. No-parking areas.

No motor vehicle shall be parked in any space designated by a sign as a no-parking area.

Sec. 61. Parking time limits.

(a) **General rules.** No passenger vehicle, motor truck, hearse, ambulance or vehicle bearing commercial license plates shall be parked in a municipal parking field for more than 24 consecutive hours. Specific provisions may be made for parking for less time by resolution of the Board of Trustees, in which case the limitations shall be clearly marked on signs erected under the supervision of the Police Chief, and any parking beyond the length of time thus specified shall constitute a violation of this Article.

(1) Limitations. No person shall park a vehicle within the following parking fields for a longer period of time than indicated:

Parking field situated on the southeast corner of North Ocean Avenue and Randall Avenue north of Village Hall for more than two consecutive hours on Sunday only. **(Res. of 10-29-1973)**

(b) **Limitations on commercial vehicles.**

(1) No motor truck, hearse, ambulance or vehicle bearing commercial license plates shall be parked on any municipal parking field between the hours of 6:00 p.m. and 8:00 a.m. unless said area is designated for parking of such vehicles by resolution of the Board of Trustees. Use of said specially designated areas shall be limited to those commercial vehicles displaying the proper parking permit. Said permit shall be issued by the Village Clerk in the same manner as required under Section 37 of the Vehicle and Traffic Regulations, except that the required fee shall be $100.

The following areas are designated for the parking of commercial vehicles:

(Reserved) **(Res. of 11-1-1976; Res. of 6-27-1983; Res. of 3-6-1989; Res. of 2-26-1990; Res. of 12-16-1996; Res. of 7-23-2001)**

(2) No motor truck or commercial truck weighing more than 10 tons gross shall be permitted to park on any municipal parking field at any time.

(3) No commercial vehicle of more than 25 feet gross length or more than eight feet in width shall be permitted to park on any municipal parking field at any time. **(Res. of 3-6-1999)**

(c) **Parking for Village Hall business.** In the employee parking field on North Ocean Avenue there shall be established a section of the field for parking for "Village Business Only."

This section north of the driveway entrance, where there are 21 spaces, to be designated "Two Hour Parking for Village Hall Business Only, Monday through Friday, 7:00 a.m. to 5:00 p.m. except holidays." **(Res. of 8-5-1996; Res. of 12-16-1996)**

Sec. 62. Use of lights on vehicles.

All lights on motor vehicles in municipal parking fields shall be extinguished except while such motor vehicles are in motion.

Sec. 63. Repair work prohibited.

No repair work on any motor vehicle, except emergency repairs, shall be done or performed in any municipal parking field.

Sec. 64. Promulgation of traffic regulations.

The Police Chief is authorized to designate by regulation any safety zone, parking spaces, parking areas or other traffic regulations within any public parking field in addition to those otherwise provided for in this Article and limiting or prohibiting parking in such zones, spaces and areas; and a violation of any such regulation, marked and indicated by suitable signs, shall constitute a violation of this Article.

Sec. 65. Privately owned parking fields.

(a) **License required.** No person shall maintain or conduct a privately owned field or space for the parking for hire of motor vehicles or any other vehicles without first obtaining a license therefor.

(b) **Fee for license.** The annual fee for any license or renewal hereunder shall be the sum of $0.25 multiplied by the number of cars such field can accommodate, whether the field be so used for all or any fractional part of a year. The Village Engineer shall compute the number of cars which can be accommodated, making due allowance for necessary roadways, and his estimate shall be final.

Sec. 66. Consumption of alcoholic beverages on municipal parking field prohibited.

It shall be unlawful for any person to use any part of a municipal parking field for the consumption of alcoholic beverages.

Sec. 67. Commercial vehicles prohibited in designated municipal parking fields. (Res. of 10-21-2002)

(a) No commercial vehicle is permitted to enter into, stop, stand, or park at any time unless otherwise indicated in the following municipal parking fields:

Municipal Parking Field No. 7 - located between Sunrise Highway, Henry Street, Freeport Plaza, and Benson Place.

(b) For the purposes of this section, a commercial vehicle shall be defined as set forth in § 501-a of the Vehicle and Traffic Law of the State of New York.

Sec. 67.1. Commercial vehicle tow-away zone in designated municipal parking fields. (Res. of 10-21-2002)

No person shall stop, stand or park a commercial vehicle within the designated areas in the following parking fields at any time unless otherwise indicated. Any commercial vehicle stopped, standing or parked in said designated areas shall be removed pursuant to Section 4,

unless the said vehicle is making a delivery to a property that has no other means of ingress or egress.

(a) Municipal Parking Field No. 7.

Sec. 68. through Sec. 72. (Reserved)

ARTICLE V
Parking Meters

Sec. 73. Scope of provisions.

Nothing in this article shall be construed as prohibiting the Village from providing for bus stops, for taxicab stands and similar matters, including the loading or 'unloading of trucks, vans or other commercial vehicles.

Sec. 74. Installation authorized; purpose

For the control of parking and traffic and the good and welfare of the Village, the installation, maintenance and operation of parking meters is authorized as more fully provided herein.

Sec. 75. Definitions.

(a) The term "parking meter" shall mean any mechanical device or meter, not inconsistent with this article, placed or erected for the regulation of parking by authority of this article. Each meter installed shall indicate by proper legend the legal parking time established by the Village and when operated shall at all times indicate the balance of legal parking time and at the expiration of such period shall indicate illegal or overtime parking.

(b) The term "parking meter space" shall mean any space within a parking meter zone adjacent to a parking 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 adjacent to or adjoining a parking meter.

(c) The term "parking meter zone" shall mean any and all streets set aside under provision of this Article for the installation and operation of parking meters and upon which parking meters have heretofore been installed and are in operation.

Sec. 76. Parking meter zones. (Res. of 1-4-1978; Res. of 12-10-1979; Res. of 12-22-1986; Res. of 10-23-2006)

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 by resolution of the Board of Trustees shall constitute a parking meter zone:

Atlantic Avenue, both sides, starting at a point 400 feet west of South Bayview Avenue and continuing east to a point midway between St. Marks Avenue and Westside Avenue.

Brooklyn Avenue, north side, from Grove Street to Main Street.

Church Street, from Smith Street to Railroad Avenue. Cottage Court, from Grove Street east to dead end. Grove Street, from Smith Street to Sunrise Highway.

Freeport Plaza West, north side, from North Grove Street to North Main Street. **(Res. of 8-17-2009)**

Guy Lombardo Avenue from Sunrise Highway to Smith Street. **(Res. of 9-11-2006)**

Helen Avenue, west side, beginning at a point 90 feet north of the northerly curbline of Sunrise Highway for a distance of 66 feet in a northerly direction. **(Res. of 6-23-1980)**

Main Street, from Smith Street to the railroad tracks.

Main Street, North, from Brooklyn Avenue to Seaman Avenue.

Merrick Road, south side, for a distance of 80 feet beginning 200 feet east from the southeast corner of Grove Street and Merrick Road.

Merrick Road, East, from the west property line to Freeport

Memorial Library, to Henry Street (east property line).

Merrick Road, west from the Freeport Memorial Library to South Bayview Avenue.

Newton Boulevard, from Henry Street northeast to Sunrise Highway.

Newton Boulevard, from Main Street to Henry Street.

Ocean Avenue, from Merrick Road to Sunrise Highway.

Parking Field No. 2, the 53 parking spaces, in two rows, located in the northerly half of said parking field. **(Res. of 11-21-1977)**

Parking Field No. 29, situated on the north side of the LIRR Station. **(Res. of 12-21-1992)**

Pine Street, south side beginning at a point 23 feet west of South Main Street a distance of 42 feet west. **(Res. of 6-28-1971)**

Pine Street, south side beginning at a point 122 feet west of South Main Street a distance of 35 feet west. **(Res. of 6-28-1971)**

Freeport Plaza West, south side, from Grove to Main Street.

Sunrise Highway, from Ocean Avenue to Henry Street.

Sunrise Highway, East, from Henry Street to the east Village line, except that portion on the north side of East Sunrise Highway beginning at the easterly curbline of Helen Avenue for a distance of 66 feet in an easterly direction. **(Res. of 6-23-1980)**

Sunrise Highway, West, from Ocean Avenue to Long Beach Avenue.

All frontages in said areas, streets or portions of streets defining said zones are to be included therein.

Editor's Note: Beginning with legislation enacted in 1971, amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history note following the section.

Sec. 77. Designation of parking spaces.

(a) **Generally.** The Police Chief is hereby directed and authorized to mark off individual parking spaces in the parking zones designated and described in Section 76 hereof and

in such other zones as may hereafter be established. Said parking spaces are to be designated by lines painted or durably marked upon the curbing or surface of the street. At each space so marked, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

(b) **Manner of parking.** All parking spaces either heretofore established or hereafter to be established within the Village, whether in the parking meter zone or not, shall be so marked as to require all vehicles to be parked parallel with the curb on Sunrise Highway and on any and all other state highways.

(c) **Compliance with state law required.** All parking meter spaces on any street within the Village shall be marked so that no vehicle will be parked in violation of the Vehicle and Traffic Law.

[3]Sec. 78. Installation of parking meters.

(a) **Duty of Police Chief.** In said parking meter zones, the Police Chief shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking space designated as provided in Section 76 hereof. Such installation shall be not more than two feet from the curb nor more than four feet from the front line of the parking space as indicated, and the Police Chief shall be responsible for the regulation, control, maintenance and use of such parking meters.

(b) **Setting meter.** Each parking meter shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America or a parking meter token issued by the Village of Freeport, for the period of time prescribed by resolution of the Board of Trustees. Each meter shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired, and in such cases the right of such vehicle to occupy such space shall cease, and the operator, owner or manager thereof shall be subject to the penalties hereinafter provided. **(Res. of 2-4-1974)**

Sec. 79. Operation of parking meters. (Res. of 2-4-1974; Res. of 5-12-2014)

(a) **Deposit of coin.** Except in a period of emergency determined by an officer of the Fire Department or Police Department, or in compliance with the directions of a police officer or traffic control signal, or when a prepaid metered parking permit is displayed for the Metered Parking Zone, when any vehicle shall be parked in any parking space alongside or next to which a parking meter is located the operator of such vehicle shall, upon entering said parking meter space, immediately deposit or cause to be deposited in said meter such proper coin of the United States, or a parking meter token issued by the Village of Freeport, as is required for such parking meter and as is designated by proper direction on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter in accordance with directions properly

3. State law references: Stopping, standing and parking prohibited in specified places. § 1202. vehicle and Traffic Law; authority to provide for and to regulate operation of parking meters, § 1640-a, subdivision 9. vehicle and Traffic Law.

appearing thereon, and failure to deposit such proper coin and to set the timing mechanism in operation when so required shall constitute a violation of this article.

(b) **Effect.** Upon deposit of such coin or token and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin or token so long as his occupancy of said space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking space beyond the parking time limit set for parking space and if the meter shall indicate such illegal parking, then and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this article.

(c) **Prepaid metered parking permit in parking meter zone: issuance and display of tag; fee.** Any person who owns a business in the Village may apply for permits for their employees and shall have the right to receive a tag or license upon making application to the Village Clerk. The Village Clerk will issue a tag or license for the vehicle once the applicant pays a semiannual fee. The fee shall be adopted and, from time to time, amended by resolution of the Board of Trustees. The tag or license shall entitle the vehicle to be parked in the places and locations described in § 76 hereof, if space shall be available, without having to pay the metered parking rate. Said tag or license shall be exhibited in such a way as the Village Clerk shall prescribe. Prepaid metered parking permit will be issued for a period of six months commencing May 1 and ending October 31, and commencing November 1 and ending April 30.

Sec. 80. Parking meter rates designated. (Amended 9-20-1982 by L.L. No. 10-1982; Res. of 7-23-2001)

Parking or standing a vehicle in a designated space in a parking zone shall be lawful for one hour upon a deposit of a $0.25 coin of the United States of America.

Sec. 81. Parking time limits; establishment, operation. (Res. of 1-4-1978)

(a) **Generally.** Except as provided in Section 40(d), parking or standing a vehicle in a designated space in a parking meter zone or in a municipal metered parking field shall be lawful only for the periods of time prescribed and upon the deposit of a coin, coins or token, as the Board of Trustees may hereafter by resolution prescribe from time to time.

(b) **Hours of operation generally; holidays.** Said parking meters shall be operated in said parking meter zones every day between the hours of 9:00 a.m. and 6:00 p.m., except Sundays and holidays, provided that within the meaning of this Article the term "holiday" shall include the following days in each year: the first day of January, known as New Year's Day; the 3rd Monday in January, known as Martin Luther King Jr. Day; the 12th day of February, known as Lincoln's Birthday; the 3rd Monday in February, known as President's Day; the 30th day of May, known as Memorial Day; the 4th day

of July, known as Independence Day; the first Monday of September, known as Labor Day; the 12th day of October, known as Columbus Day; the 11th day of November, known as Armistice Day; the 4th Thursday in November, known as Thanksgiving Day; the 25th day of December, known as Christmas Day; and if any of such days is a Sunday, the next day thereafter; each general election day and each day appointed by the President of the United States or by the Governor of this state as a day of general thanksgiving, general fasting and prayer or other general religious observances. **(Res. of 12-16-1996)**

(c) **Extended hours of operation:** 9:00 a. m. to 10:00 p.m. Said parking meters shall be operated in the parking meter zones between the hours of 9:00 a.m. and 10:00 p.m. on the following streets:

Church Street, both sides, from the railroad to Sunrise Highway.

Merrick Road, both sides, from Church Street to South Grove Street.

Newton Boulevard, both sides, for its entire length.

South Grove Street, both sides, from Merrick Road to the entrance to Municipal Parking Field No. 2.

South Main Street, both sides, from Railroad Avenue to Newton Boulevard.

Sunrise Highway, both sides, from South Main Street to Church Street.

(d) **Extended hours of operation:** 8:00 a.m. to 6:00 p.m. Parking meters shall be operated in the parking meter zones between the hours of 8:00 a.m. and 6:00 p.m., except Saturdays, Sundays and holidays, at the following locations: **(Res. of 11-21-1977; Res. of 1-16-1978; Res. of 8-7-1978)**

Parking Field No. 10.

Parking Field No. 29. **(Res. of 6-15-1992)**

(e) **Three-hour parking meter zones.** Parking meters shall be operated in the parking meter zones between the hours of 8:00 a.m. and 6:00 p.m., for a maximum of three hours, except Sundays and holidays, at the following locations: **(Res. of 11-21-1977))**

Editor's Note: Beginning with legislation enacted in 1971. amendatory legislation will be set out in a history note following each street. Deletions will be listed in the history note at the beginning of the section.

Sec. 82. Collection of meter receipts.

The Board of Trustees shall designate collectors to make regular collections of the money deposited in said meters, and it shall be the duty of such collectors to remove from the parking meters the sealed containers therein containing the coins so deposited therein and to deliver such containers with seals unbroken to the persons designated by the Board of Trustees who shall count the funds contained therein and deposit them with the Village Treasurer.

Sec. 83. Receipts to be deposited in general funds.

All coins collected from the parking meters turned over to the Village Treasurer shall be deposited by him in the general funds of the village.

Sec. 84. Prohibited acts.

It shall be unlawful and a violation of the provisions of this Article for any person:

(a) **Overtime parking.** 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 time established for any parking meter zone as herein described or to deposit in any parking meter any coin or token for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.

(b) **Failure to remove vehicle.** To permit any vehicle to remain in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has been parked beyond the period prescribed for such parking space.

(c) **Improper parking.** To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings. **(Res. of 4-19-1976)**

(d) **Tampering with meter.** To deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.

(e) **Depositing slugs.** To deposit or cause to be deposited in a parking meter any slug, device or metallic substitute for a coin of the United States, except for parking meter tokens issued by the Village of Freeport for use in Village parking meters. **(Res. of 2-4-1974)**

Sec. 85. Enforcement of provisions.

It shall be the duty of the Police Chief to enforce the provisions of this article.

Sec. 86. (Reserved)[4]

Editor's Note: The fines for violating a provision of this article have been amended. For fines currently in effect, see Sec. 6 of these Vehicle and Traffic Regulations.

ARTICLE VI

Freeport Recreation Center Parking Field

Sec. 87. Definitions.

As used in this article, unless a different meaning clearly appears from the context, the following definitions apply:

(a) The term "Freeport Recreation Center Parking Field" shall mean any parking area that is on the owned or leased land located at 130 East Merrick Road by the Village for the parking of motor vehicles by the patrons of the Freeport Recreation Center.

4. Editor's Note: Former Sec. 86, Penalties, as amended, was repealed by Res. of 12-6-2010.

(b) The term "Recreation Center parking stall" shall mean a space in the Freeport Recreation Center Parking Field marked or indicated by lines appearing on the pavement, within which a single motor vehicle is to be parked.

Sec. 88. Entrances and exits; use required.

The operator of a motor vehicle shall use only the respective entrance and exit passageways indicated by signs, for the respective purposes of entering into and from the Freeport Recreation Center Parking Field for the purpose of utilizing the Freeport Recreation Center facility, dropping off or picking up a patron, or making a delivery to the Freeport Recreation Center.

Sec. 89. Manner of parking.

All vehicles must be parked in a marked parking stall.

Sec. 90. No-parking areas.

No motor vehicle shall be parked in any space or location designated by a sign as a no-parking area or drop-off zone.

Sec. 91. Use of parking field.

It shall be unlawful for any person to park an automobile or other vehicle or to permit an automobile or other vehicle to remain in or upon the Freeport Recreation Center Parking Field unless the operator of such vehicle is using the facilities of the Freeport Recreation Center or has written approval from the Recreation Center Facility Manager.

Sec. 92. Parking time limits.

(a) **General rules.** No passenger vehicle, motor truck, hearse, ambulance or vehicle bearing commercial license plates shall be parked at Freeport Recreation Center Parking Field between the hours of 2:00 a.m. and 5:00 a.m., or any day that the Freeport Recreation is not open.

(b) No commercial vehicle of more than 25 feet gross length or more than eight feet in width shall be permitted to park in the Freeport Recreation Center Parking Field at any time.

Sec. 93. Repair work prohibited.

No repair work on any motor vehicle, except emergency repairs, shall be done or performed in the Freeport Recreation Center Parking Field.

Sec. 94. Consumption of alcoholic beverages prohibited.

It shall be unlawful for any person to use any part of the Freeport Recreation Center Parking Field for the consumption of alcoholic beverages.

Sec. 95. Drop-off zone.

It shall be unlawful for any person to park an automobile or other vehicle in the space designated and marked as a drop-off zone or loading area in the Freeport Recreation Center Parking Field at any time, except that a vehicle from which goods are being discharged or into which goods are being loaded may occupy such a space for a reasonable time.

Sec. 96. through Sec. 99. (Reserved)

ARTICLE VII

Enforcement and Penalties for Failure to Answer a Parking Summons (Res. of 12-6-2010)

Sec. 100. Entry of plea.

(a) Time of entry.

(1) A plea shall be entered within 15 days after service of the summons, or at the first business day thereafter, or such other time as is defined by § 63-2 of the Code of the Village of Freeport.

(2) A plea may be entered in person or by representative at the Freeport Traffic Violations Bureau, 40 North Ocean Avenue, Freeport, New York 11520, or by mail to the aforementioned address or such other address as is stated on the summons.

(3) A properly offered plea submitted by mail may not be rejected if received within 20 days after service of the summons. A plea is properly offered if it conforms to the form of plea requirements of Sec. 100(b). A rejected plea is treated as an unanswered summons for the purposes of the penalty provisions of the VTR.[5]

(b) Form of plea. The respondent shall enter the desired plea on the back of the summons by:

(1) Checking the appropriate box for not guilty or guilty.

(2) Entering his or her name and address in the space provided on the back of the summons.

(3) Signing the plea form.

(4) Serving the completed plea on the Bureau in a manner authorized by Sec 100(a) above.

5. Editor's Note: The Vehicle and Traffic Regulations.

(c) Guilty plea; payment.

(1) Pleas of guilty shall be accompanied by a check or money order for the payment in full of the scheduled fines as listed in Sec. 6 and the penalties as listed in Sec. 110. The Bureau may reject a guilty plea that is not accompanied by full payment or that results in a dishonored check. A rejected guilty plea is treated as an unanswered summons and may incur penalties in accordance with Sec. 110. The Bureau is authorized to toll the penalty statute to allow the respondent time to submit a proper plea and payment.

(2) A guilty plea once accepted by the Bureau is a final disposition of the charge, enforceable by judgment against the registered owner or representative.

(d) Not-guilty plea.

(1) The respondent may submit proof of registration, insurance, repair, handicap permit or other documentation as a defense to the alleged violation where said proof is relevant to the charge. Handicap permits must be accompanied by a copy of a valid registration and other proof as required by the Bureau.

(2) The Bureau shall advise the respondent of the sufficiency of the proof tendered, of the additional documentation necessary or that the issue cannot be resolved with documentary proof and instead requires a hearing.

Sec. 101. Conferences; hearings.

(a) Upon receipt of a plea of not guilty, the Bureau shall advise the respondent in person or by such form of first-class mail as the Village Justice shall prescribe of the date, time, and place on which the respondent must appear for a conference before the court.

(b) The respondent may provide at such conference such evidence or explanation either in defense of the violation charged or in mitigation of the fine and/or penalty.

(c) The Court may determine the disposition of the case at the conference as either a final disposition or mark the case for a hearing and subpoena the charging officer.

Sec. 102. through Sec. 109. (Reserved)

Sec. 110. Failure to answer; penalties.

(a) Any person who shall violate or fail to comply with any of the provisions of the VTR or who shall counsel, aid, or abet any such violation or failure to comply shall be deemed guilty of a traffic infraction.

(b) Upon the failure of a person or owner of a vehicle to appear or answer, on or before the return date or any subsequent adjourned date, a summons or summonses charging that said person or owner permitted a vehicle to be parked, stopped or standing in violation of provisions enumerated in Sec. 6 of this VTR and Chapter 63 of the Code of the Village of Freeport, late penalties shall be imposed as follows:

(1) If the aforementioned fine shall not be paid within 15 days from the date summons is returnable or adjourned, a late penalty equal to the original fine shall be added to the fine;

(2) If the fine is still not paid within 45 days from the return date or adjourned date, a second late penalty equal to the original fine shall be added to the fine;

(3) If the fine is still not paid within 75 days from the return date or adjourned date, a third late penalty equal to the original fine shall be added to the fine.

Sec. 111. Administration fee.

Upon failure to answer and/or default, the court may add an administration fee up to 30% of the outstanding balance.

COMPARATIVE TABLE

VEHICLE AND TRAFFIC REGULATIONS

COMPARATIVE TABLE

This table gives the disposition of the legislation enacted subsequent to publication of this pamphlet, and included therein.

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1-26-1970		41
4-27-1970		50

Resolution/Motion Date	Section		Disposition
4-6-1970			41
4-6-1970			46
6-15-1970			24(19)
6-22-1970			41
6-22-1970			42
6-22-1970			46
7-6-1970			24(20)
7-13-1970			24(21)
7-27-1970			41
8-17-1970			41
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9-14-1970			42
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10-19-1970 (two)			41
10-26-1970			27
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FREEPORT CODE

Resolution/Motion Date	Section		Disposition
6-4-1971			41
6-4-1971			46
6-28-1971			40(f)
6-28-1971			76
7-12-1971			43
9-22-1971			41
9-27-1971			39
9-27-1971			51
9-28-1971			26.1
11-15-1971			42
1-31-1972			41
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DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Village of Freeport adopted since January 1, 2005, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for disposition of prior legislation.

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§ DL-1. Disposition of legislation.

Local Law No.	Adoption Date	Subject	Disposition
1-2005	1-24-2005	Site plan review amendment	Ch. 209
2-2005	1-24-2005	Zoning amendment	Ch. 210
3-2005	11-21-2005	Zoning amendment (Golden Age Zone)	Ch. 210
1-2006	1-23-2006	Authorization to accept payment by credit card	Ch. 1, Art. I
2-2006	3-20-2006	Tow cars amendment	Ch. 191
3-2006	8-7-2006	Plumbing amendment	Ch. 162
4-2006	8-21-2006	Tax exemption for senior citizens amendment	Ch. 185, Art. II
5-2006	10-30-2006	Tax exemption for persons with disabilities	Ch. 185, Art. VIII
6-2006	11-20-2006	Housing standards amendment (real estate brokers, agents and salespersons)	Ch. 128
7-2006	12-11-2006	Peace and good order amendment (graffiti)	Ch. 155
1-2007	1-22-2007	Zoning amendment	Expired
2-2007	2-26-2007	Housing standards amendment (window guards)	Ch. 128
3-2007	6-4-2007	Zoning amendment	Expired
4-2007	6-18-2007	Tax exemption for veterans amendment	Ch. 185, Art. VI

Local Law No.	Adoption Date	Subject	Disposition
5-2007	6-18-2007	Tax exemption for volunteer fire fighters and volunteer ambulance workers amendment	Ch. 185, Art. VII
6-2007	12-17-2007	Site plan review amendment; zoning amendment	Chs. 209; 210
1-2008	1-8-2008	Storm sewers: illicit discharges, activities and connections	Ch. 212, Art. I
2-2008	5-12-2008	Zoning amendment	Ch. 210
3-2008	5-12-2008	Zoning amendment	Ch. 210
4-2008	7-7-2008	Tax exemption for Cold War veterans	Ch. 185, Art. IX
5-2008	12-15-2008	Zoning amendment	Expired
6-2008	4-28-2008	Peace and good order amendment	Ch. 155
1-2009	7-27-2009	Plumbing amendment	Ch. 162
2-2009	7-27-2009	Sex offenders	Ch. 196
3-2009	8-17-2009	Board of Park Commissioners repealer	Ch. 7, Art. III (footnote only)
4-2009	8-17-2009	Planning Board amendment	Ch. 7, Art. VI
5-2009	8-24-2009	Flood damage prevention	Ch. 87
6-2009	10-5-2009	Zoning amendment (Gasoline Service Station Overlay District)	Ch. 210
1-2010	5-24-2010	Peace and good order amendment	Ch. 155
2-2010	8-9-2010	Alarm systems	Ch. 72
1-2012	1-9-2012	Streets and sidewalks: dimensions and weights of vehicles	Ch. 180, Art. VIII
1-2013	6-3-2013	Waterfront properties amendment	Ch. 205
2-2013	7-8-2013	Zoning amendment	Ch. 210
3-2013	7-8-2013	Flood damage prevention amendment	Ch. 87
4-2013	11-18-2013	Streets and sidewalks: general regulations amendment	Ch. 180, Art. I
1-2014	1-27-2014	Plumbing amendment	Ch. 162
2-2014	3-10-2014	Building construction amendment	Ch. 86

Local Law No.	Adoption Date	Subject	Disposition
3-2014	6-16-2014	Landmarks preservation amendment	Ch. 134
4-2014	7-28-2014	Peace and good order amendment	Ch. 155
5-2014	9-9-2014	Buildings, vacant: registration	Ch. 88, Art. I
6-2014	8-18-2014	Tow cars amendment	Ch. 191
7-2014	8-18-2014	Lost and abandoned property amendment	Ch. 142
8-2014	10-20-2014	Zoning amendment	Ch. 210
1-2015	2-26-2015	Plumbing amendment	Ch. 162
2-2015	5-6-2015	Site plan review amendment	Ch. 209
3-2015	5-6-2015	Flood damage prevention amendment	Ch. 87
4-2015	5-18-2015	Plumbing amendment	Ch. 162
5-2015	7-13-2015	Garbage, rubbish and refuse amendment	Ch. 120
6-2015	9-8-2015	Health and sanitation amendment	Chs. 124, 165
7-2015	9-8-2015	Places of public assembly amendment	Ch. 165
1-2017	9-25-2017	Zoning amendment	Expired
2-2017	10-30-2017	Zoning amendment	Expired
1-2018	5-14-2018	Zoning amendment	Ch. 210
2-2018	12-17-2018	Animals and fowl amendment	Ch. 78
1-2019	12-16-2019	Tax cap override	NCM
1-2020	1-27-2020	Zoning amendment	Ch. 210
1-2021	3-9-2020	Animals and fowl amendment	Ch. 78
2-2021	12-28-2020	Zoning amendment	Expired
3-2021	6-7-2021	Salaries and compensation: Community Development Agency	Ch. 58, Art. I
4-2021	6-7-2021	Peace and good order amendment	Ch. 155
5-2021	6-7-2021	Peace and good order amendment	Ch. 155
6-2021	6-7-2021	Building construction amendment	Ch. 86
7-2021	8-23-2021	Peace and good order amendment	Ch. 155

Local Law No.	Adoption Date	Subject	Disposition
8-2021	11-29-2021	Zoning amendment	Ch. 210
1-2022	1-11-2022	Housing standards amendment	Ch. 128
2-2022	11-14-2022	Taxation: tax exemption for senior citizens amendment; tax exemption for persons with disabilities amendment	Ch. 185, Art. II; Ch. 185, Art. VIII
1-2023	1-23-2023	Housing standards amendment	Ch. 128
2-2023	1-23-2023	Housing standards amendment	Ch. 128
3-2023	5-1-2023	Peace and good order amendment	Ch. 155
4-2023	10-30-2023	Zoning amendment	Ch. 210
5-2023	11-27-2023	Peace and good order amendment	Ch. 155

INDEX

EXHIBIT J

ARTICLE I
Adoption of Code

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Freeport, as codified and consisting of Chapters 1 through 215, are hereby approved, adopted, and enacted as the Code of the Village of Freeport, hereinafter referred to as the "Code." 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. This local law and the Code adopted hereby shall supersede and replace the 1979 Code of the Village of Freeport, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

A. A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Village of Freeport by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Trustees to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Freeport" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Freeport shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment 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.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

All local laws and ordinances of a general and permanent nature of the Village of Freeport 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.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-5 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 Freeport 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 Freeport 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 Freeport.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Freeport.

E. Any local law or ordinance of the Village of Freeport 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 Freeport or any portion thereof.

F. Any local law or ordinance of the Village of Freeport 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 Freeport 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 Village 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 November 27, 2023.

O. Local Law 1-2019, regarding a tax cap override.

§ 1-7. Changes in previously adopted legislation.

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Freeport, 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.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Village of Freeport in any manner whatsoever which will cause the legislation of the Village of Freeport 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.

§ 1-10. When effective.

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

Village of Freeport
Code Adoption 2024 Local Law

Schedule A
Specific Revisions at Time of Adoption of Code

Chapter 1, General Provisions

Article I, Adoption of Code

A. Section 1-10, Penalties for offenses, is relocated to Art. II, General Penalty.

Article II, General Penalty

B. Article II is added.

Chapter 7, Boards and Commissions

Article VI, Planning Board

Section 7-18B is revised to read as follows:

> The Mayor shall appoint, subject to the approval by the Board of Trustees, two alternate members of the Planning Board. Said alternates shall serve one-year terms. An alternate member shall serve as a full voting member of the Planning Board where absences or conflicts of interest make it impossible to obtain a quorum.

Chapter 8, Tax Cap Override

Chapter 8 is deleted.

Chapter 16, Code of Ethics

A. Section 16-4 is revised to read as follows:

> § 16-4. Standards of conduct. [Amended 11-25-1971 by L.L. No. 2-1974; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
> Every officer or employee of the Incorporated Village of Freeport shall be subject to and abide by the following standards of conduct:
> A. Gifts. They shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value in excess of the amount permitted by General Municipal Law § 805-a, Subdivision 1, 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 them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.
B. Confidential information. They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.
C. Representation before one's agency. They 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 they are an officer, member or employee or of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.
D. Representation before any agency for a contingent fee. They 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 their municipality whereby their compensation is to be 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.
E. Disclosure of interest in legislation. To the extent that they know thereof, a member of the Board of Trustees and any officer or employee of the Incorporated Village of Freeport, 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 or on any matter being considered by any other official, board, agency, commission or officer of the Incorporated Village of Freeport shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

B. Section 16-6 is revised to add the following sentence to the end thereof:

Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

Chapter 27, Liability of Village

Section 27-1 is revised to delete the following from the reference to the General Municipal Law:

(added L. 1945, c. 694, § 1, effective September 1, 1945; amended L. 1950, c. 481, § 1, effective September 1, 1950; amended L. 1976, c. 745, § 2, effective September 1, 1976)

Chapter 42, Personnel Benefits and Regulations.

Article V, Early Retirement Program

Former Art. V, Early Retirement Program, is repealed.

Chapter 46, Police

Article II, Special Policemen

Former Art. II, Special Policemen, is repealed.

Chapter 70, Access to Records

Article I, Village Access to Criminal History Records

A. Sections 70-1 and 70-2 are revised to delete references to “Special Police.”

B. Section 70-2, definition of "pernicious offender," is repealed.

C. Section 70-3:

(1) Subsection A(2) is revised to read as follows:

> A separate permit is required for each premises protected by an alarm system, said permit to have a duration of one or three years, depending on the option selected.

(2) Subsection A(3) is revised to read as follows:

> A permit shall expire one or three years from the date of issuance and may be renewed for additional one- or three-year periods, depending on the option selected, by the submission of a renewal application and payment of permit renewal fees as required by this chapter. Subpermits may be issued at any time for up to one or three years, but the duration may not extend beyond the expiration date of the permit.

D. Section 72-4C(2)(c), regarding conviction as a pernicious offender, is repealed.

E. Section 72-6B, Fees, is repealed.

F. Section 72-8A(2) is revised to read as follows:

> Failure to return a report of service repair within said fifteen-day period, which is reasonably satisfactory to the commanding officer, is a violation subject to the penalties under §72-16.

G. Section 72-12A(6) is added to read as follows:

> *Elevators and elevator control rooms.*

H. Section 72-15A and B are repealed and replaced with the following:

> The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for an alarm permit or a renewal thereof.

I. Section 72-16A and B are repealed and replaced with the following:

> A violation of any of the provisions of this chapter shall constitute a violation as said term is defined by the Penal Law of the State of New York and be punishable

as such by a fine of $750 for a first offense, $1,000 for a second offense, and $2,000 for any additional offenses, imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment. Each day's (twenty-four-hour period) continued violation of this chapter shall constitute a separate and distinct additional violation.

Chapter 73, Security Systems

Article I, Security Gates within Business Districts

Section 73-7 is revised to change “$250” to “$1,000.”

Chapter 74, Licensing Amusements

A. Section 74-3 is revised to read as follows:

> It shall be unlawful to keep any premises licensed hereunder open for business between the hours of 12:00 midnight and 8:00 a.m., but a bowling alley may be kept open for business at any time, provided that in so doing the peace and quiet of the neighborhood is not disturbed.

B. Section 74-6 is revised to read as follows:

> Before any license shall be issued for any performance or amusement hereunder, a public liability insurance policy shall be filed with the Village Clerk, executed by the applicant and conditioned that the Village will be saved harmless for any injury to person or property because of fault or default by the licensee, said policy to be issued by a bonding company authorized to do business in New York State and in form approved by the Claims Examiner. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of liability insurance required.

C. Section 74-8 is revised to read as follows:

> Under no circumstances shall any of the activities hereunder comprehended be conducted in any portion of the Village zoned for residential purpose or in any other zone within 300 feet of any residence unless the owner thereof grants his consent thereto in writing, which shall be filed with the Village Clerk not less than three days before an exhibition or performance is given.

D. Sections 74-17 through 74-20 are repealed.

E. Section 74-17, Additional license for theater admitting children; Section 74-18, Issuance of license to admit children; Section 74-19, Seating of unaccompanied children; and Section 74-20, Licensing of theater matrons; duties; are repealed.

Chapter 78, Animals and Fowl

A. Section 78-11, Keeping of bees, is repealed.

B. Section 78-12, Penalties for other offenses, is relocated to the end of the chapter and renumbered as § 78-15. As a consequence of this move, §§ 78-13 through 78-15 were moved up and renumbered as §§ 78-12 to 78-14.

C. Section 78-14, which was renumbered as Section 78-13:

(1) Subsection A is revised to read as follows:

> Any dog four months of age or older harbored or otherwise kept within the Village of Freeport shall have a dog license. No license shall be required for any dog which is under the age of four months and which is not at large. The related identification tag shall be suspended from a dog's collar and worn at all times both on and off the dog owner's premises. A license shall be renewed after a period of one year, beginning with the first day of the month following the date of issuance, and shall be renewable annually thereafter prior to the expiration date. All applications for a dog license must be made to the Town of Hempstead.

(2) Subsection C is repealed.

Chapter 82, Bicycles

Sections 82-1, Applicability and purpose, through 82-2, Reports of transfers of ownership, codified as Article I, Licensing and Regulation, are repealed.

Chapter 86, Building Construction

A. Section 86-7A(1) is revised to read as follows:

> It shall be the duty of the superintendent of buildings (or their designee) to examine applications for permits or amendments thereto within a reasonable time after filing.

B. Section 86-10L(6)(a) is revised as indicated:

> All owners of commercial buildings, ~~as defined in § 86-12A(3), and~~ mercantile buildings, ~~as defined in § 86-12A(3)(a),~~ and multiple dwellings~~, as defined in § 86-12A(4)(a), (b), and (c),~~ shall post in a conspicuous place in a public area in said building a permanent sign indicating the name and street address of a person, firm or corporation within the confines of the incorporated Village of Freeport upon whom process can be served or upon whom any notice of violation, notice to make safe, notice of survey, a summons, a mandate or any other paper or process issued under the provision of this code may be served with regard to said building or structure.

C. Section 86-10M(1)(a) is revised to change $1,000 to $4,000 and/or 15 days in both places.

D. Section 86-11, Word usage and definitions, codified as Article III, Definitions, is repealed. Model code is added as Article III as follows:

ARTICLE III

Uniform Code Administration and Enforcement[9]

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 86-11. Purpose and intent.

A. This chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Village. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law.

B. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this chapter.

§ 86-12. Definitions.
In this chapter, the following terms shall have the meanings shown in this section:
ASSEMBLY AREA — An area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering 50 or more persons for uses, including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.
BUILDING PERMIT — A building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "building permit" shall also include a building permit which is renewed, amended, or extended pursuant to any provision of this chapter.
CERTIFICATE OF COMPLIANCE — A document issued by the Village stating that work was done in compliance with approved construction documents and the Codes.
CERTIFICATE OF OCCUPANCY — A document issued by the Village certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Village, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.
CODE ENFORCEMENT PERSONNEL — Includes the Superintendent of Buildings and all Inspectors.
CODES — The Uniform Code and Energy Code.
COMMERCIAL BUILDING — Any building that is nonresidential, with the exception of a multiple dwelling, which is also deemed to be a commercial building.
ENERGY CODE — The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.
FCNYS — The 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION — An inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.
HAZARDOUS PRODUCTION MATERIALS — A solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.
INSPECTOR — An inspector appointed pursuant to § 86-13 of this chapter.
OPERATING PERMIT — A permit issued pursuant to § 86-20 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended, or extended pursuant to any provision of this chapter.
ORDER TO REMEDY — An order issued by the Superintendent of Buildings pursuant to § 86-27A of this chapter.
PERMIT HOLDER — The person to whom a building permit has been issued.
PERSON — Includes an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.
PMCNYS — The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.
RCNYS — The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.
REPAIR — The reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.
STOP-WORK ORDER — An order issued pursuant to § 86-16 of this chapter.
SUGARHOUSE — A building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.
SUPERINTENDENT OF BUILDINGS — The Superintendent of Buildings appointed pursuant to § 86-13B of this chapter.
TEMPORARY CERTIFICATE OF OCCUPANCY — A certificate issued pursuant to § 86- 17H of this chapter.
UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.
VILLAGE — The Village of Freeport.

§ 86-13. Superintendent of buildings and inspectors.
A. The Office of Superintendent of Buildings is hereby created. The Superintendent of Buildings shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this chapter. The Superintendent of Buildings shall have the following powers and duties:
(1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits, and the plans, specifications, and construction documents submitted with such applications;

(2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits, and to include in terms and conditions as the Superintendent of Buildings may determine to be appropriate building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits;
(3) To conduct construction inspections; inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this chapter;
(4) To issue stop-work orders;
(5) To review and investigate complaints;
(6) To issue orders pursuant to § 86-27A of this chapter;
(7) To maintain records;
(8) To collect fees as set by the Board of Trustees of this Village;
(9) To pursue administrative enforcement actions and proceedings;
(10) In consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this chapter; and
(11) To exercise all other powers and fulfill all other duties conferred upon the Superintendent of Buildings by this chapter.
B. The Superintendent of Buildings shall be appointed by the Board of Trustees. The Superintendent of Buildings shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for Code Enforcement Personnel, and the Superintendent of Buildings shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
C. In the event that the Superintendent of Buildings is unable to serve as such for any reason, another individual shall be appointed by the Board of Trustees to serve as Acting Superintendent of Buildings. The Acting Superintendent of Buildings shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Superintendent of Buildings by this chapter.
D. One or more Inspectors may be appointed by the Board of Trustees to act under the supervision and direction of the Superintendent of Buildings and to assist the Superintendent of Buildings in the exercise of the powers and fulfillment of the duties conferred upon the Superintendent of Buildings by this chapter. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for Code Enforcement Personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
E. The compensation for the Superintendent of Buildings and Inspectors shall be fixed from time to time by the Board of Trustees of this Village.

§ 86-14. Building permits.
A. Building permits required. Except as otherwise provided in Subsection B, a building permit shall be required for any work which must conform to the Uniform Code and/or

the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Village. B. Exemptions. No building permit shall be required for work in any of the following categories:
(1) Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
(2) Installation of partitions or movable cases less than five feet nine inches in height;
(3) Painting, wallpapering, tiling, carpeting, or other similar finish work;
(4) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
(5) Repairs, provided that the work does not have an impact on fire and life safety, such as:
(a) Any part of the structural system;
(b) The required means of egress; or
(c) The fire protection system or the removal from service of any part of the fire protection system for any period of time.
C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Superintendent of Buildings. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Superintendent of Buildings deems sufficient to permit a determination by the Superintendent of Buildings that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
(1) A description of the location, nature, extent, and scope of the proposed work;
(2) The Tax Map number and the street address of any affected building or structure;
(3) The occupancy classification of any affected building or structure;
(4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
(5) At least two sets of construction documents (drawings and/or specifications) which:
(a) Describe the location, nature, extent, and scope of the proposed work;
(b) Show that the proposed work will conform to the applicable provisions of the Codes;
(c) Show the location, construction, size, and character of all portions of the means of egress;
(d) Show a representation of the building thermal envelope;
(e) Show structural information, including, but not limited to, braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;
(f) Show the proposed structural, electrical, plumbing, mechanical, fire protection, and other service systems of the building;
(g) Include a written statement indicating compliance with the Energy Code;

(h) Include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and
(i) Evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including, but not limited to, the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's certificate of authorization number.
(6) In the case of an interior alteration or a minor exterior alteration to an existing structure, the filing of a lot diagram shall not be required unless the Superintendent of Buildings deems it to be necessary because of special conditions.
(7) In the case of minor alterations which do not involve a structural change and which, in the opinion of the Superintendent of Buildings, do not require the filing of plans, a statement describing such minor alterations shall be submitted to the Superintendent on such form as he may designate.
E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5). Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Superintendent of Buildings, in writing or by stamp or, in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Superintendent of Buildings, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.
F. Application for modification.
(1) If there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the law, the licensed architect or licensed professional engineer employed by the owner or lessee shall submit to the Superintendent of Buildings as statement in triplicate, on appropriate blanks furnished by the Superintendent, stating the nature of such difficulties or hardships and the proposed means to overcome them.
(2) The Superintendent of Buildings shall have the power to modify a provision of the code with respect to a particular structure and may grant such a modification, provided that the spirit of the law shall be observed and public safety secured, and provided further that the particulars of each application and of the decision of the Superintendent of Buildings thereon shall be entered upon the records of the Department of Buildings.
G. Amendments to applications. Nothing in this Code shall prohibit the filing of amendments to any application at any time before the completion of the work for which a

permit was sought, and such amendments, after approval, shall be made part of the application and filed as such.
H. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Superintendent of Buildings shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. If said examination reveals otherwise, said Superintendent shall reject such application at once, giving the applicant a written statement of his reason or reasons for rejection.
I. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed. J. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Superintendent of Buildings of any change occurring during the course of the work. The building permit shall contain such a directive. If the Superintendent of Buildings determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
K. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. building permits shall expire 24 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Superintendent of Buildings.
L. Revocation or suspension of building permits. If the Superintendent of Buildings determines that a building permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Superintendent of Buildings shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that 1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and 2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
M. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

§ 86-15. Construction inspections.
A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Superintendent of Buildings or by an Inspector authorized by the Superintendent of Buildings. The permit holder shall notify the Superintendent of Buildings, in writing, at least 24 hours in advance, when any element of work described in Subsection B is ready for inspection.
B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
(1) Work site prior to the issuance of a building permit;
(2) Footing and foundation;
(3) Preparation for concrete slab;

(4) Framing;
(5) Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
(6) Fire-resistant construction;
(7) Fire-resistant penetrations;
(8) Solid-fuel-burning heating appliances, chimneys, flues, or gas vents;
(9) Inspections required to demonstrate Energy Code compliance, including, but not limited to, insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
(10) Installation, connection, and assembly of factor manufactured buildings and manufactured homes; and
(11) A final inspection after all work authorized by the building permit has been completed.
C. Remote inspections. At the discretion of the Superintendent of Buildings or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Superintendent of Buildings or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Superintendent of Buildings or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Superintendent of Buildings or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 86-16. Stop-work orders.
A. Authority to issue. Code Enforcement Personnel are authorized to issue stop-work orders pursuant to this section. Code Enforcement Personnel shall issue a stop-work order to halt:
(1) Any work that is determined by Code Enforcement Personnel to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of Code Enforcement Personnel, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.
B. Content of stop-work orders. Stop-work orders shall:
(1) Be in writing;
(2) Be dated and signed by Code Enforcement Personnel;
(3) State the reason or reasons for issuance; and
(4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.
C. Service of stop-work orders. The Superintendent of Buildings shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by first class mail. Code Enforcement Personnel shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by first class mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.
D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder, and any other person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the stop-work order, other than work expressly authorized by Code Enforcement Personnel to correct the reason for issuing the stop-work order.
E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 86-27, Violations, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 86-17. Certificates of occupancy and certificates of compliance.
A. Certificates of occupancy and certificates of compliance required. A certificate of occupancy or certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy or certificate of compliance.
B. Issuance of certificates of occupancy and certificates of compliance. The Superintendent of Buildings shall issue a certificate of occupancy or certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Superintendent of Buildings or an Inspector authorized by the Superintendent of Buildings shall inspect the building, structure, or work prior to the issuance of a certificate of occupancy or certificate of compliance. In addition, where applicable, the following documents,

prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Superintendent of Buildings, at the expense of the applicant for the certificate of occupancy or certificate of compliance, shall be provided to the Superintendent of Buildings prior to the issuance of the certificate of occupancy or certificate of compliance:

(1) Upon completion of the installation of foundation walls on all new construction, the owner or his agent shall submit a diagram, prepared by a licensed land surveyor, of the lot or plot on which the foundation has been placed, showing the exact location of newly completed foundations and all other existing structures, and no superstructure shall be erected upon such new foundations until the Superintendent of Buildings shall have approved, in writing, said diagram.

(2) Before such certificate of occupancy shall be issued, the owner or his agent shall submit a diagram, prepared by a licensed land surveyor, of the lot or plot on which the construction has been made, showing the exact location of the newly completed structure and all other existing structures, street grades, sidewalk and curb locations and elevation: the finished grade elevation at the front wall of the structure; and first floor elevation. No such certificate shall be issued until a sidewalk, in full conformity with Village requirements, has been laid or, in the alternative, unless a bond covering the full cost of such sidewalk shall have been posted with the Village for the completion thereof within a reasonable time and certification has been made by the Water Department to the Superintendent of Buildings that the bill for the water used for construction has been paid in full.

(3) A written statement of structural observations and/or a final report of special inspections;

(4) Flood hazard certifications;

(5) A written statement of the results of tests performed to show compliance with the Energy Code; and

(6) Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(7) No certificate of occupancy shall be issued until water rents for the water consumed during construction have been fully paid nor until the Water Department certifies that a water meter has been duly installed upon the premises.

C. Certificates of completion for altered structures. The occupancy or use, in whole or in part, for any purpose whatsoever of any structure hereafter altered, which was vacant during the progress of the work of alteration, is forbidden until a certificate of completion shall have been issued by the Superintendent of Buildings, certifying that the work for which the permit was issued has been completed substantially in accordance with the approved plans and specifications and the provisions of the laws governing building construction applying to such an alteration, and when the occupancy or use of a structure has continued during the work of alteration, the occupancy or use of the structure shall not continue for more than 30 days after completion of the alteration, unless such certificate shall have been issued.

D. Certificates of occupancy for existing structures. The present legal occupancy and use of any existing structure may continue, except as may be specifically prescribed by this Code or as may be necessary for the safety of life, health or property. Upon written request from the owner, the Superintendent of Buildings shall issue a certificate of occupancy for any existing structure that currently does not have a certificate of occupancy, where sufficient documentation is provided and approved by the

Superintendent of Buildings that certifies that the existing structure complies with the Building Code at the time of the request.
10. Editor's Note: See Ch. 210, Zoning, of this Code.
E. Letters in lieu of a certificate of occupancy for existing structures. The present legal occupancy and use of any existing structure may continue, except as may be specifically prescribed by this Code or as may be necessary for the safety of life, health or property. Upon written request from the owner, the Superintendent of Buildings shall issue a letter in lieu of a certificate of occupancy for any structure constructed prior to 1935 upon submission of an electrical underwriter's certificate for a survey of the electrical system throughout the entire structure.
F. Change of occupancy. Changes of occupancy or use inconsistent with the last issued certificate of occupancy are forbidden in any structure. Any change of occupancy in an existing structure must be submitted in a building permit application describing the change of use and the interior layout of the structure. No change of occupancy will be permitted when the proposed use is in conflict with any provisions of the laws of the State of New York or the Zoning Code.10
G. Contents of certificates of occupancy and certificates of compliance. A certificate of occupancy or certificate of compliance shall contain the following information:
(1) The building permit number, if any;
(2) The date of issuance of the building permit, if any;
(3) The name (if any), address and Tax Map number of the property;
(4) If the certificate of occupancy or certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy or certificate of compliance is issued;
(5) The use and occupancy classification of the structure;
(6) The type of construction of the structure;
(7) The occupant load of the assembly areas in the structure, if any;
(8) Any special conditions imposed in connection with the issuance of the building permit; and
(9) The signature of the Superintendent of Buildings issuing the certificate of occupancy or certificate of compliance and the date of issuance.
H. Temporary certificate of occupancy. The Superintendent of Buildings shall be permitted to issue a temporary certificate of occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Superintendent of Buildings issue a temporary certificate of occupancy unless the Superintendent of Buildings determines 1) that the building or structure, or the portion thereof covered by the temporary certificate of occupancy, may be occupied safely, 2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and 3) that all required means of egress from the structure have been provided. The Superintendent of Buildings may include in a temporary certificate of occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A temporary certificate of occupancy shall be effective for a period of time not to exceed 90 days. Upon request of the owner or his authorized representative, the Superintendent of Buildings shall issue a temporary certificate of occupancy for part of a structure, provided that such temporary occupancy or use does not in any way jeopardize life or

property. Original temporary certificates of occupancy shall be granted for periods of not more than 90 days and be subject to renewal by the Superintendent of Buildings for similar periods of not more than 90 days at the discretion of the Superintendent months, which shall be determined by the Superintendent of Buildings and specified in the temporary certificate of occupancy. During the specified period of effectiveness of the temporary certificate of occupancy, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
I. Revocation or suspension of certificates. If the Superintendent of Buildings determines that a certificate of occupancy, certification of compliance, or a temporary certificate of occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Superintendent of Buildings within such period of time as shall be specified by the Superintendent of Buildings, the Superintendent of Buildings shall revoke or suspend such certificate.
J. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy, certificate of compliance, or for temporary certificate of occupancy.

§ 86-18. Notification regarding fire or explosion.
The Chief of any fire department providing firefighting services for a property within this Village shall promptly notify the Superintendent of Buildings of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

§ 86-19. Unsafe buildings, structures, and equipment and conditions of imminent danger.
Unsafe buildings, structures, and equipment and conditions of imminent danger in this Village shall be identified and addressed in accordance with the procedures established by Chapters 95 and 128, as now in effect or as hereafter amended from time to time.

§ 86-20. Operating permits.
A. Operating permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below. The operating permit must be obtained prior to commencing such activities or operations listed below:
(1) Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;
(2) Buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:
(a) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;
(b) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;
(c) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;
(d) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(e) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
(f) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
(g) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire by-products or operating a tire rebuilding plant;
(h) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
(i) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
(j) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law § 270;
(k) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
(l) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
(3) Energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in Section R327.5 of the RCNYS.
(4) Buildings containing one or more assembly areas;
(5) Outdoor events where the planned attendance exceeds 1,000 persons;
(6) Facilities that store, handle or use hazardous production materials;
(7) Parking garages as defined in § 86-23A of this chapter;
(8) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village; and
(9) Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Trustees of this Village.
B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Superintendent of Buildings. Such application shall include such information as the Superintendent of Buildings deems sufficient to permit a determination by the Superintendent of Buildings that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Superintendent of Buildings determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Superintendent of Buildings, at the expense of the applicant.
C. (Reserved)
D. Inspections. The Superintendent of Buildings or an Inspector authorized by the Superintendent of Buildings shall inspect the subject premises prior to the issuance of an operating permit. Such inspections shall be performed either in-person or remotely.

Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Superintendent of Buildings or an Inspector authorized by the Superintendent of Buildings, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Superintendent of Buildings or Inspector authorized by the Superintendent of Buildings that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

E. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Superintendent of Buildings may require a separate operating permit for each such activity, or the Superintendent of Buildings may, in their discretion, issue a single operating permit to apply to all such activities.

F. Duration of operating permits.

(1) Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

(a) Thirty days for tents, special event structures, and other membrane structures;

(b) Sixty days for alternative activities at a sugarhouse;

(c) One year for the activities, structures, and operations determined per Subsection A(9); and

(d) One year for all other activities, structures, and operations identified in Subsection A.

(2) The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Superintendent of Buildings, payment of the applicable fee, and approval of such application by the Superintendent of Buildings.

G. Revocation or suspension of operating permits. If the Superintendent of Buildings determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid at the time submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 86-21. Fire safety and property maintenance inspections.

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Superintendent of Buildings or an Inspector designated by the Superintendent of Buildings at the following intervals:

(1) At least once every 12 months for buildings which contain an assembly area;

(2) At least once every 12 months for multiple dwellings and all nonresidential occupancies.

B. Remote inspections. At the discretion of the Superintendent of Buildings or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the

Superintendent of Buildings or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Superintendent of Buildings or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Superintendent of Buildings or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

C. Inspections permitted. In addition to the inspections required by Subsection A, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Superintendent of Buildings or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

(1) The request of the owner of the property to be inspected or an authorized agent of such owner;

(2) Receipt by the Superintendent of Buildings of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) Receipt by the Superintendent of Buildings of any other information, reasonably believed by the Superintendent of Buildings to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

D. OFPC inspections.

(1) Nothing in this section or in any other provision of this chapter shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law § 156-e and Education Law § 807-b.

(2) Notwithstanding any other provision of this section to the contrary, the Superintendent of Buildings may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to §§ 807-a and 807-b of the Education Law and/or § 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Superintendent of Buildings or by an Inspector, provided that:

(a) The Superintendent of Buildings is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR § 1203.2(e);

(b) The Superintendent of Buildings is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;

(c) Such inspections are performed no less frequently than once a year;

(d) A true and complete copy of the report of each such inspection is provided to the Superintendent of Buildings; and

(e) Upon receipt of each such report, the Superintendent of Buildings takes the appropriate action prescribed by § 86-27, Violations, of this chapter.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 86-22. Complaints.
A. The Superintendent of Buildings shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code.
B. The process for responding to a complaint shall include such of the following steps as the Superintendent of Buildings may deem to be appropriate:
(1) Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
(2) If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 86-27, Violations, of this chapter;
(3) If appropriate, issuing a stop-work order;
(4) If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 86-23. Condition assessments of parking garages.
A. Definitions. For the purposes of this section:
CONDITION ASSESSMENT — An on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure.
DETERIORATION — The weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.
PARKING GARAGE — Any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
(1) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
(2) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
(3) A townhouse unit with attached parking exclusively for such unit.
PROFESSIONAL ENGINEER — An individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.
RESPONSIBLE PROFESSIONAL ENGINEER — The professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term "responsible professional engineer" shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

UNSAFE CONDITION — Includes the conditions identified as "unsafe" in §§ 304.1.1, 305.1.1, and 306.1.1 of the PMCNYS.
UNSAFE STRUCTURE — A structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
B. Condition assessments; general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in Subsection C, periodic condition assessments as described in Subsection D, and such additional condition assessments as may be required under Subsection E. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Village, in accordance with the requirements of Subsection F. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
C. Initial condition assessment. Each parking garage shall undergo an initial condition assessment as follows:
(1) Parking garages constructed on or after the effective date of this chapter, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
(2) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six months after the effective date of this chapter.
D. Periodic condition assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed one year.
E. Additional condition assessments.
(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under Subsection C, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
(2) If the Village becomes aware of any new or increased deterioration which, in the judgment of the Village, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under Subsection C, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Village to be appropriate.
F. Condition assessment reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Village within a time frame to be set

by the Superintendent of Buildings. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
(1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
(2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
(3) An evaluation and description of the unsafe conditions;
(4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
(5) An evaluation and description of the corrective options available, including the recommended time frame for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
(6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
(7) The responsible professional engineer's recommendation regarding preventative maintenance;
(8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
(9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.
G. Review condition assessment reports. The Village shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Village shall, by this chapter or such other means of enforcement as the Village may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to Subsection F(2) and (3). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Village to take any other enforcement action, including, but not limited to, suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
H. The Village shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Village with a written statement attesting to the fact that he or she has been so engaged, the Village shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Village shall be permitted to

require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

I. This section shall not limit or impair the right or the obligation of the Village:

(1) To perform such construction inspections as are required by § 86-15, Construction inspections, of this chapter;

(2) To perform such periodic fire safety and property maintenance inspections as are required by § 86-21, Fire safety and property maintenance inspections, of this chapter; and/or

(3) To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Village by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment. § 86-24. Climatic and geographic design criteria.

A. The Superintendent of Buildings shall determine the climatic and geographic design criteria for buildings and structures constructed within this Village as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) Design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) Heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) Flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(a) The accompanying Flood Insurance Rate Map (FIRM);

(b) Flood Boundary and Floodway Map (FBFM); and

(c) Related supporting data along with any revisions thereto.

B. The Superintendent of Buildings shall prepare a written record of the climatic and geographic design criteria determined, pursuant to Subsection A, shall maintain such record within the office of the Superintendent of Buildings, and shall make such record readily available to the public.

§ 86-25. Recordkeeping.

A. The Superintendent of Buildings shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) All applications received, reviewed and approved or denied;

(2) All plans, specifications and construction documents approved;

(3) All building permits, certificates of occupancy, certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;

(4) All inspections and tests performed;

(5) All statements and reports issued;

(6) All complaints received;
(7) All investigations conducted;
(8) All condition assessment reports received;
(9) All fees charged and collected; and
(10) All other features and activities specified in or contemplated by §§ 86-14 through 86-24, inclusive, of this chapter.
B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 86-26. Program review and reporting.
A. The Superintendent of Buildings shall annually submit to Board of Trustees of this Village a written report and summary of all business conducted by the Superintendent of Buildings and the Inspectors, including a report and summary of all transactions and activities described in § 86-25, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.
B. The Superintendent of Buildings shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.
C. The Superintendent of Buildings shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Village is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§ 86-27. Violations.
A. Orders to remedy.
(1) The Superintendent of Buildings is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. An order to remedy shall be in writing; shall be dated and signed by the Superintendent of Buildings; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:
"The person or entity served with this order to remedy must completely remedy each violation described in this order to remedy by [specify date], which is 30 days after the date of this order to remedy."
(2) The order to remedy may include provisions ordering the person or entity served with such order to remedy (1) to begin to remedy the violations described in the order to remedy immediately, or within some other specified period of time which may be less than 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within 30 days of the date of such order to remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist)

which are authorized by this chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Superintendent of Buildings may deem appropriate, during the period while such violations are being remedied. The Superintendent of Buildings shall cause the order to remedy, or a copy thereof, to be served on the owner of the affected property personally or by first class mail within five days after the date of the order to remedy. The Superintendent of Buildings shall be permitted, but not required, to cause the order to remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by first class mail within five days after the date of the order to remedy; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B. Appearance tickets. The Superintendent of Buildings and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Penalties. In addition to such other penalties as may be prescribed by State law:

(1) Any person who violates any provision of this chapter or any term, condition, or provision of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Superintendent of Buildings pursuant to any provision of this chapter, shall be punishable by a fine of not more than $1000 per day of violation, or imprisonment not exceeding 15 days, or both; and

(2) Any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Superintendent of Buildings pursuant to any provision of this chapter, shall be liable to pay a civil penalty of not more than $500 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Village.

D. Injunctive relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit, order to remedy, or other notice or order issued by the Superintendent of Buildings pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, order to remedy or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Trustees of this Village.

E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 86-16, Stop-work orders, of this chapter, in any other section of this chapter, or in

any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 86-16, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.
11. Editor's Note: Former Articles IV, Classification of Structures and Occupancies; V, Building Restrictions in General; VI, Light, Ventilation and Insulation Standards; VII, Means of Egress; VIII, Materials, Loads and Stresses; IX, Construction; X, Safeguards During Construction; XI, Fire-Resistive Construction; and XII, Chimneys and Heating Appliances; of the 1979 Code, adopted 5-9-1966, as amended 5-7-1973, 3-7-1977 by L.L. No. 4-1977, 10-27-1980 by L.L. No. 10-1980, and 1-24-1994 by L.L. No. 1-1994, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 86-28. Fees.
A fee schedule shall be established by resolution of the Board of Trustees of this Village. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, certificates of compliance, temporary certificates, operating permits, fire safety and property maintenance inspections, and other actions of the Superintendent of Buildings described in or contemplated by this chapter.

§ 86-29. Intermunicipal agreements.
The Board of Trustees of this Village may, by resolution, enter into an agreement, in the name of this Village, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 86-30. Partial invalidity. If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

§ 86-31. Inconsistencies.
Where any inconsistencies occur between the provisions of any section of the Code of the Village of Freeport and this article, the more restrictive provisions shall prevail.

§ 86-32. Effective date.
This chapter shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.

E. Section 86-12, definition of "inspector," is revised as indicated:

An inspector appointed pursuant to <u>§ 86-13D of this chapter</u>~~subdivision (d) of section 3 of this local law~~.

F. Former Article III, Definitions; Article IV, Classification of Structures and Occupancies; Article V, Building Restrictions in General; Article VI, Light, Ventilation and Insulation Standards; Article VII, Means of Egress; Article VIII, Materials, Loads and Stresses; Article IX, Construction; Article X, Safeguards During Construction; Article XI, Fire-Resistive Construction; Article XII, Chimneys and Heating Appliances; Article XIII, Special Occupancies; Article XIV, Elevators and Amusement Devices; Article XV, Fire-Extinguishing and -Detecting Equipment; Article XVI, Plumbing and Gas Piping; Article XVII, Multiple Dwellings; Article XVIII, Air-Supported Structures; Article XIX, Interim Development No. 1; Article XX, Interim Development No. 2; Article XXI, Interim Development Law No. 3; are repealed.

Chapter 87, Flood Damage Prevention

A. Section 87-4:

(1) Definition of “area of special flood hazard” is revised to read as follows:

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, Coastal A Zone (a.k.a. “limited of moderate wave action” – LIMWA), 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."

(2) Definition of “design flood elevation” is added as follows:

DESIGN FLOOD ELEVATION — The base flood elevation plus the freeboard requirement.

(3) Definition of “freeboard” is added as follows:

FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater.

B. Section 87-4 is revised to read as follows:

For nonsubstantially damaged or nonsubstantially improved structures. New and replacement electrical equipment, wiring and outlets, switches, junction boxes and panels, heating, ventilating, air conditioning, plumbing connections and other service equipment shall be located two feet 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, unless technically unfeasible. NAVD88 Datum required.

Chapter 88, Vacant Buildings

Article I, Registration

Section 88-3B is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for the annual registration of a vacant building.

Chapter 90, Moving of Buildings

A. Chapter title is revised to read "Moving of Buildings and/or Structures."

B. Section 90-2A is revised to read as follows:

Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance in to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The policy shall also protect the Village, against any damages caused to any street or other public property by reason of such house moving. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage, property damage insurance, and street damage or other public property damage insurance required.

C. Section 90-5, Penalties, is added to read as follows:

Anyone who shall be deemed in violation of this chapter shall be subject to a penalty not to exceed $10,000 or imprisonment of not more than 15 days, or both.

Chapter 91, Outdoor Burning

Section 91-2, Penalties for offenses, is revised to change "$250" to "$1,000."

Chapter 92, Business Hours

Section 92-2, Excepted businesses, is revised to read as follows:

This chapter shall not apply to restaurants, ice cream parlors, bars and grills, billiard parlors, gasoline stations, fishing stations, drugstores, and convenience stores.

Chapter 95, Commercial Building Standards

Chapter 95 is added to read as follows:

ARTICLE I
General Regulations
§ 95-1. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:
COMMERCIAL BUILDING — Any building that is nonresidential.
MIXED-USE BUILDING — Any building that is a mix of residential and nonresidential.
NUISANCE — Embraces public nuisances known at common law or in equity jurisprudence and whatever is dangerous to human life or detrimental to health and whatever building is overcrowded or is not provided with adequate means of ingress and egress or is not sufficiently supported, ventilated, sewered, drained or cleaned and whatever renders the air or human food or drink unwholesome are also severally, in contemplation of this chapter, nuisances. All such nuisances are hereby declared illegal.
OCCUPIED or OCCUPANCY — As applied to any commercial or mixed-use building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or occupancy."

OWNER — The record owner of the title to any premises and also anyone exercising the rights of ownership therein at the time of the making of any order with regard thereto by the Village Board and shall include a lessee of the entire building or structure, other than a single-family private dwelling, or a mortgagee in possession.
PERSONS INTERESTED — The owner, as herein defined, and all other persons interested in the property to which such words refer.
RENTAL PREMISES — Any premises occupied under or by virtue of a rental or lease agreement, verbal or written, or where any sum or thing is paid for occupancy or charge is made for use and/or occupancy or where occupancy is pursuant to a contract of purchase or installment payment contract or free of payment by the occupant where payment is made by another or any other occupancy or arrangement for charge of any kind.
REPAIR — Any alteration, structural change or the performance of any act necessary or requisite to make any building or structure or any part thereof, found by the Village Board or Superintendent of Buildings to be a dangerous building or a substandard building, within the purview of this chapter.
§ 95-2. Dangerous commercial or mixed-use buildings.
All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:
A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle 1/3 of its base.
B. Those which have been damaged or have deteriorated so as to have become, in the judgment of the Village Board, dangerous to the life, health, morals or general welfare of the occupants thereof or to the people of the Village. Any building or structure which,

exclusive of the foundation, shows 33 1/3% or more damage to or deterioration of the supporting members or 50% or more damage to or deterioration of the nonsupporting enclosing or outside walls or coverings shall be deemed a dangerous building.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose. Those having inadequate facilities for ingress or egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication used.

E. Those which have parts thereof which are so attached that they may fall and injure the occupants thereof or members of the public or property.

F. Those buildings existing in violation of any provision of the building code of the Village[1] or any provision of the fire prevention laws or regulations of said Village[2] or other ordinances of the Village.

§ 95-3. Removal or repair of dangerous commercial or mixed-use buildings. All dangerous buildings, within the terms of § 95-2 of this chapter, are hereby declared to be public nuisances and shall be repaired or removed as herein provided.

§ 95-4. Inconsistent provisions.

Whenever the provisions of any local ordinance, resolution or regulation imposes requirements with regard to commercial or mixed-use buildings inconsistent with the terms and provisions of this chapter or any part thereof, the provisions of this chapter shall govern, provided that, should any such ordinance, resolution or regulation impose more stringent requirements with regard to dangerous buildings, as herein defined, than the provisions of this chapter impose, then such more stringent requirements shall be construed to apply.

§ 95-5. Requests for inspections of buildings.

A. Right of inspection; certificate to issue. The owner of any building used, in whole or in part, for human occupancy and against whom no proceedings hereunder are pending with regard to such building may request the Superintendent of Buildings to cause an inspection thereof to be made, whereupon the Superintendent of Buildings shall cause an inspection of such building to be made and if, upon such inspection and a report thereon to the Village Board, it shall be disclosed that the same is not a dangerous building, the Village Board will direct the Superintendent of Buildings to issue a certificate to that effect to such applicant. The issuance of such certificate is not to be construed as a finding that such building is not a dangerous building beyond the date of issuance thereof. Should, however, such inspection disclose said building or structure to be a dangerous building, the Village Board will direct the Superintendent of Buildings to give written notice to the applicant to appear before them on a certain date within 15 days from the date of said notice and shall thereupon proceed in the same manner as prescribed in § 95-7B, C, D, E and F of this chapter. Such notice shall contain the same particulars as are required by § 95-6D hereof.

B. Effect of application for inspection. No qualified owner who has applied for inspection, pursuant to Subsection A of this section, shall be prosecuted under § 95-15 hereof with regard to any building of which inspection has been requested unless he fails to comply with the order of the Village Board made pursuant to Subsection A hereof.

1. Editor's Note: See Ch. 86, Building Construction, of this Code.
2. Editor's Note: See Ch. 115, Fire Prevention, of this Code.

ARTICLE II
Duties of Officials; Administration
§ 95-6. Superintendent of buildings.
The Superintendent of Buildings shall:
A. Inspections, generally. Inspect or cause to be inspected, as often as may be necessary to ensure the enforcement of this chapter, all buildings in the Village for the purpose of determining whether any conditions exist therein which render such places dangerous buildings within the terms of § 95-2 of this chapter and whether any conditions exist therein not in compliance with the standards of this chapter.
B. Inspections upon complaint. Inspect any building, wall or structure about which a complaint is filed by a person to the effect that the same is or may be existing in violation of the terms of this chapter.
C. Issuance of notice to comply. Notify, in writing, the owner of any building found by him to be a dangerous building within the standards set forth in § 95-2 of this chapter and of any building found by him not conforming to the standards set forth in Article III hereof that he must repair or remove said building, in accordance with the terms of the notice and this chapter, or otherwise comply with the standards set forth in this chapter within a reasonable time to be fixed by said notice.
D. Contents of notice. Set forth, in the notice provided for in Subsection C hereof, a description of the building or structure or parts thereof deemed to violate the provisions of this chapter, a statement of the particulars in which the building is dangerous or fails to comply with the standards set forth in Article III hereof and a direction requiring compliance with the standards set forth in this chapter or that the building or structure be put in such condition as to comply with the terms of this chapter or that said building or structure be removed.
E. Report to Village Board. Report to the Village Board any noncompliance with the notice provided for in Subsections C and D.
F. Appearance; testimony at hearings. Appear at all hearings conducted by the Village Board and testify as to the condition of the dangerous building.
G. Institution of actions; proceedings. With the assistance of the Village Counsel, do such acts and take such proceedings as may be required to bring about the repair or removal of buildings as ordered by the Village Board and take such steps as may be required by the provisions of the Village Law § 4-412 to cause the removal or repair of any building which is dangerous or unsafe to the public and to cause the assessment of all costs and expenses incidental thereto against the land on which said buildings are located.
H. Posting notice. Firmly affix a notice, in a conspicuous place, in front of all dangerous buildings immediately after the issuance of the order provided for in § 95-7D of this chapter as follows: This building has been found to be a dangerous building by the Board of Trustees of the Village of Freeport. This notice is to remain on this building until it is repaired or removed or made to comply with the direction which has been given the owner. It is unlawful to remove this notice until such direction has been complied with.
§ 95-7. Board of Trustees.
The Village Board shall:
A. Issuance of notice to appear. Upon receipt of a report of the Superintendent of Buildings as provided for in § 95-6E hereof, give written notice to the persons interested in said building to appear before them on a certain date, within 15 days of the date of notice, to show cause why compliance with the standards set forth in this chapter should not be made or why the building or structure reported to be a dangerous building should

not be repaired or removed in accordance with a statement of particulars set forth in the Superintendent of Buildings' notice provided for by § 95-6C and D of this chapter.

B. Hearing. Hold a hearing and hear testimony as to whatever evidence the persons interested in said building may offer relative to the dangerous building.

C. Written findings. Make a written finding of facts as to whether or not the building in question is a dangerous building within the meaning of § 195-2 hereof.

D. Issuance of orders. Issue an order commanding the persons interested in said building to repair or remove any building found to be a dangerous building within the terms of this chapter or to comply with the standards set forth in this chapter. Such order shall fix the time when compliance therewith shall commence, not more than 10 days after the making thereof, and shall fix a reasonable time within which such compliance shall be so completed. The Village Board may, in its discretion and upon good cause shown, extend the time for full compliance with said order.

E. Effect of noncompliance with order.

(1) If the owner fails to comply with the order provided for in Subsection D hereof or any extension thereof, the Village Board may direct the Superintendent of Buildings to cause such dangerous building or structure to be repaired or removed, as the facts may warrant, under the standards hereinbefore set forth, provided that, before proceeding to repair or to remove or cause the repair or removal of any dangerous or unsafe building, the Superintendent of Buildings may, with the advice and assistance of the Village Counsel, proceed in accordance with the provisions of Village Law § 4-412 and institute appropriate proceedings before a court of competent jurisdiction to obtain an order or judgment directing or authorizing such repair or removal. The Superintendent, of Buildings shall, with the assistance of the Village Counsel, take such legal action as may be necessary to cause the costs of such repair or removal, and all costs and expenses incurred by the Village in connection with said proceedings shall be charged against the land on which the building stands or did stand as a municipal lien, or such costs shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or did stand.

(2) The lien of the Village or any expense incurred with regard to the repair or removal of any dangerous building shall have priority over all other liens and encumbrances, except taxes, assessments and water rates. Except as to the liens imposed for expenses incurred as a result of the repair or removal of any dangerous building, nothing herein contained shall be construed as placing upon the property a lien which supersedes or is superior to the lien of any mortgage with regard to any building and property executed and recorded prior to the existence of such lien.

F. Report to Village Counsel. Report to the Village Counsel the names of all persons not complying with the order provided for in Subsection D hereof.

G. Authority to initiate proceedings. The Village Board may, in the first instance and without service of any notice by the Superintendent of Buildings, give notice to the persons interested in any building, which they have reason to believe may be a dangerous building, to appear before them on a certain date, within 15 days from the date of such notice, to show cause why the building or structure specified in such notice should not be repaired or removed or otherwise made to comply with the provisions of this chapter. Such notice shall contain the same particulars as are required by § 95-6D of this chapter. Upon the return day of said notice, the Village Board shall thereupon proceed in the same manner as prescribed in Subsections B, C, D, E and F of this section.

H. Vacation; amendment of order. The Village Board may from time to time and upon due notice vacate, modify or amend any order made by them, as herein provided, and may, either on their own motion or upon the motion of any person interested, reopen any proceedings in which they have made an order for the purpose of taking further testimony and, upon such rehearing, render any decision and make any order consistent with the provisions of this chapter that they shall deem just and equitable.

§ 95-8. Review of order of Board of Trustees.

Any person deeming himself aggrieved by any order or direction of the Village Board may have the determination reviewed by the Supreme Court in the manner prescribed by the Civil Practice Law and Rules.

§ 95-9. Village Counsel.

The Village Counsel shall:

A. Prosecute violations of orders. Prosecute all persons failing to comply with the terms of any order granted to be given under § 95-7D.

B. Prosecute violations of chapter. Prosecute all persons who shall in any way violate the terms of this chapter.

C. Appear at hearings. Appear at all hearings before the Village Board with regard to dangerous buildings.

D. Institute actions. In his discretion, bring suit to correct all municipal liens, assessments or costs incurred by the Village for repairing or causing to be removed dangerous buildings.

E. Enforcement, generally. Take such other legal action as is necessary to carry out the terms and provisions of this chapter, including actions to abate nuisances, or for the enforcement of this chapter by injunction or otherwise.

§ 95-10. Fire and Police Departments.

The employees of the Fire Department and the employees of the Police Department of the Village shall make a report, in writing, to the Superintendent of Buildings of all buildings and structures which, in the discharge of their respective duties, are found or may be suspected to be dangerous or substandard buildings within the terms of this chapter. Such reports must be delivered to the Superintendent of Buildings within 24 hours of the discovery of such building by an employee of said Fire Department and/or Police Department.

§ 95-11. Service of notices or orders.

All notices or orders required to be given hereunder may be served by delivering to and leaving a copy of the same with the person entitled to such notice. In cases where any such person is absent from the Village, all notices or orders provided for herein shall be sent by registered mail to said person so absent to the last known address of said person or to the last address of said person as shown by the records of the receiver of taxes and/or in the office of the County Clerk of Nassau County. Whenever such service is made by registered mail, a copy of such notice or order shall also be posted in a conspicuous place on the front of the dangerous building or substandard building to which it relates. Such mailing and posting shall be deemed adequate service.

§ 95-12. Nonliability of officials.

No officer, agent or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Village Counsel until the final determination of the proceedings therein.

§ 95-13. Removal or repair of buildings.

The following remedies shall be applied in substance by the Superintendent of Buildings and the Village Board in ordering removal or repair:

A. Repair. If the dangerous building can be reasonably repaired so that it will no longer exist in violation of this chapter, it shall be ordered repaired. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered removed. All repairs are to be performed in a workmanlike manner to the minimum standards of the respective trade.

B. Removal. In all cases where a dangerous building is a fire hazard, existing or erected in violation of any ordinance of this Village or statute of the State of New York, it shall be ordered removed unless such hazard or violation can be cured, in which event the building shall be ordered repaired.

C. Unsafe structures. Any structures or part of a structure or premises that from any cause may at any time become dangerous or unsafe structurally or as a fire hazard shall be repaired and secured or taken down and removed. A vacant building that is unguarded or open at door or window shall be deemed dangerous or unsafe as a fire hazard within the meaning of this section.

§ 95-14. Cumulative nature of remedies.

The several remedies herein provided with respect to the repair or removal of dangerous buildings or of substandard buildings or the assessment and recovery of the cost of repair or removal thereof incurred by the Village and any other remedies, legal or equitable, available shall be deemed cumulative, and any and all thereof may be pursued concurrently or consecutively. The pursuit of any remedy shall not be construed as an election or waiver of the right to pursue any and all of the others.

§ 95-15. Penalties for offenses.

A. Responsibility of owner. The owner of any dangerous building who knowingly permits such dangerous building to be used for commercial purposes or human occupancy or who shall fail to comply with any order of the Village Board to repair or remove said building or otherwise make it comply with the standards set forth in this chapter shall be guilty of a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of not more than $5,000, or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

B. Effect of a continuing violation. For the purposes of Subsection A of this section, each day during which there is a failure to comply with the provisions of this chapter or of any order issued by the Village Board shall constitute a separate offense.

C. Effect of occupancy. In any prosecution under this section, the fact that any dangerous building or any part of said building was used for commercial purposes or human occupancy shall be presumptive evidence that the same was so used with the knowledge and consent of the owner.

D. Removal of notice. Any person removing the notice provided for in § 95-6H hereof shall be fined a sum not to exceed $250 for each offense.

E. Disposition of penalties. All penalties collected under this chapter shall be the property of the Village, but no provision of this chapter shall be construed to prohibit the Village from creating and maintaining a separate revolving fund out of such penalties, not to exceed the sum of $10,000 and out of which payment may be made for repairs or removals made or caused to be made as provided herein.

ARTICLE III
Stairwells

§ 95-16. Identification of stairwells.
In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.

Chapter 98, Disclosure of Interest

Section 98-4A is revised to read as follows:

It shall be unlawful for any applicant to violate the provisions of this chapter and any violations thereof shall be punishable by a fine not to exceed $1000.

Chapter102, Drains and Bulkheads

Section 102-1 is revised to read as follows:

DRAINS AND BULKHEADS
§ 102-1. Statutory provisions amended.
[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 6-26-1967 by L.L. No. 3-1967. Amendments noted where applicable.]
§ 102-1. Statutory provisions amended.
Section 89, Subdivision 15, of the Village Law is hereby amended by renumbering the existing Subdivision 15 as § 102-1A and adding thereto a new Subsection B, Bulkheads in the Incorporated Village of Freeport.
A. Drains. The Board of Trustees may, for the purpose of arresting and preventing damage to property within the Village resulting from floods or erosion, construct drains, culverts, dams and bulkheads, and dredge channels, and regulate water courses, ponds and watering places within or without the Village. Power and authority is hereby conferred upon the Board of Trustees of a village, in the name of the Village, to acquire property necessary for such public improvements, whether located within or without such village, by purchase or by condemnation in the manner provided by the Condemnation Law. No property shall be acquired or such a public improvement constructed without the corporate limits of a village except with the consent of the governing board or body of the city, town or village in which such property is situated or such public improvement is proposed to be constructed. Such consent may only be given after a public hearing held within such city, town or village pursuant to notice published at least once and at least ten days prior to the hearing in a newspaper having general circulation in the municipality in which the hearing is to be held. Consent given by the governing board or body by any such municipality shall not impose a liability against the city, town or village and the maintenance and repair of any such improvement shall remain the responsibility of the Village making the improvement. The cost of the work, including the acquisition of property, shall be a charge against the Village, except that, in respect of improvements wholly within the Village, or that part thereof located therein, the work may be done wholly at the expense of the Village or of the owners of the property benefited, or partly at the expense of each as a local improvement. The term "property" as used in this section is defined to include lands, structures, rights in lands, including lands under water, riparian rights and any and all other things and rights usually included within the said town, and shall include also easements, rights of way, uses, leases, licenses and any and all interests in such property less than full title.

B. Bulkheads in the Incorporated Village of Freeport. Notwithstanding the preceding subsection, the Board of Trustees of the incorporated Village of Freeport may construct, repair, maintain and care for bulkheads on public waterways in the Incorporated Village of Freeport; any direct and order such work to be done by the owner or occupant of any property abutting such a public waterway where the existing bulkhead or the absence of a bulkhead constitutes a dangerous or unsafe condition; may direct and order any such work to be done by the property owner or occupant of the property in accordance with specifications furnished by the Village and on default may have the same done by contract or performed by the Village; may pay for same from Village funds and assess such total cost against the property benefited; and may provide that the cost of any such work or improvements be paid at a specified time or in annual installments.

Chapter 106, Electricity

A. Section 106-3 is revised to read as follows:

All electrical wiring, apparatus, fittings, appliances and equipment shall conform in all respects to the regulations for controlling electrical installations for service adopted by the Department, together with the applicable rules and regulations of the National Electrical Code and with the NYS Building Codes current at the time of installation.

B. Section 106-10A(1) is revised to read as follows:

Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

Chapter 110, Environmental Quality Review

Section 110-6 is revised to change “15 days” to “20 days.”

Chapter 115, Fire Prevention

A. Article I is amended to read as follows:

General Regulations
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
§ 115-1. Interference at fires.
No person shall interfere with, obstruct or hinder any firefighter, or member of the Fire Department while performing their duties at the scene of a fire, emergency or during training or drill. There shall be no interference or obstruction that will hinder the operations of the Fire Department in any way at any time.
§ 115-2. Yielding right-of-way to fire apparatus.

Upon the approach of any fire apparatus, while in response to an alarm, the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall immediately yield the right of way by moving to the right and placing said vehicle close to and parallel with the nearest curb, bringing said vehicle to a complete stop, and remaining there until the fire apparatus has moved from the vicinity.

§ 115-3. Parking near hydrants during alarms.

During any alarm that a fire apparatus is responding to, or operating at, no person operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall stop said vehicle within fifty (50) feet of any fire hydrant that is situated within a 500-foot radius of the alarm.

§ 115-4. Moving vehicles from vicinity of hydrants.

No person, while operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, shall fail to move said vehicle from the vicinity of any fire hydrant upon request to do so from any member of the Fire Department.

§ 115-5. Driving over fire hose.

At no time shall the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, drive said vehicle over any fire hose lying on any street, driveway, sidewalk or pathway of any type at any time unless instructed to do so, only by a member of the Fire Department.

§ 115-6. Obstructing or damaging hydrants.

At no time shall any fire hydrant be obstructed or damaged by any person in any way. No hydrant shall be obstructed from its full use by snow, ice, garbage cans or any substances or materials that are piled or stored in close proximity to said hydrant. See § 201-21 for other rules regarding fire hydrants.

§ 115-7. False alarms.

At no time shall any person willfully give any false alarm of fire or any other type of an emergency by use of phone, cell phone, radio or any type of social media outlet, or other method or device that would create a response from the Fire Department.

§ 115-8. Fire lines, going or remaining within.

The Incident Commander shall establish fire lines to create an area of operation that shall help provide safety to firefighters and civilians; at no time shall any person go into or remain inside of the fire lines without permission of the Incident Commander. Any person within the fire lines without permission shall be removed at the request of the Incident Commander by the Freeport Police Department.

§ 115-9. False indication of membership.

At no time shall any person indicate or make any reference to being a member of the Freeport Fire Department by placing, displaying or maintaining any insignia, emblem, placard or letters on any privately owned and operated motor vehicle, motorcycle, bicycle, scooter or any other mobility device. No person shall have in their possession, any form of identification, card, badge or other instrument indicating membership in the Freeport Fire Department without being approved by and having permission from the Fire Chief, Fire Council and the Board of Fire Commissioners.

1. Editor's Note: Former §§ 115-11, Accessibility of gas stopcock, and 115-12, Accessibility of safety valve for ammonia tank, of the 1979 Code, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 115-10. Fires outside Village limits.

A. Authorized. The Fire Department of the Village or any or more fire companies thereof are hereby authorized and permitted to go to the aid of another city, village, town, county or fire district outside of the Village limits to provide assistance in the extinguishment of

fires or any other emergency or public disaster. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.
B. Power vested in the Chief. The Chief of the Department is empowered to direct that mutual aid be extended to another city, village, town, county or fire district as herein provided. For the purpose of this section, the Chain of Command, as set forth in the Freeport Fire Department By-Laws shall be followed, and that in the absence or disability of the Fire Chief the next highest-ranking officer shall have the power to direct that such mutual aid be extended. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.
C. Privileges of firefighters. While extending such mutual aid, the members of the Fire Department shall have the same immunities and privileges as though they were performing the same duties within the Village.
§ 115-11. through § 115-12. (Reserved)1

Article II is amended to read as follows:

Bureau of Fire Prevention; Fire Safety
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
§ 115-13. Fire Prevention/Safety Bureau.
The Board of Fire Commissioners shall hereby authorize the Fire Prevention/Safety Bureau to operate under the supervision of the Superintendent of the Building Department.
§ 115-14. Fire Prevention/Safety Inspector; Inspector's appointment.
The Board of Fire Commissioners shall appoint as many inspectors as it deems necessary for its proper duties. Inspectors shall be appointed from within the Building Department at the Superintendent’s request. Said Board shall adopt rules and regulations as may be necessary for its proper administration.
§ 115-15. Duties of Bureau.
It shall be the duty of the Fire Prevention/Safety Bureau, in cooperation with Nassau County Fire Marshal’s Office and the Chief of the Freeport Fire Department, to enforce all laws, codes and ordinances of the State of New York, County of Nassau and the Village of Freeport regarding to, but not limited to, the following:
A. The prevention of fires, education through schools and use of social media outlets to help educate the residents of the Village on fire prevention methods.
B. Fire alarm systems. Assist the Village and the Fire Chief on keeping records on fire alarm system activations and inspections for proper installation, maintenance and licensing.
C. Fire escapes, the maintenance and regulations of fire escapes and exits.
D. Schools, to work with the Freeport school system, as well as preschools, private and parochial schools, and any other educational institute to ensure safe exits that do not cause any interference with, or impede firefighting operations in any way.
E. Commercial and industrial. To coordinate inspections with the Nassau County Fire Marshal’s office, this will enable the Fire Department and the Building Department to have a better knowledge of the hazards within these occupancies and how to deal with them during true emergencies.
F. Additional powers. The Fire Prevention/Safety Bureau shall have such other powers and perform such other duties as set forth herein or as directed by the Board of Fire Commissioners, the Superintendent of Buildings or the Fire Chief in regard to conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Freeport.

G. Fire Safety Inspections. It shall be the duty of the Fire Prevention/Safety Bureau to conduct all fire safety inspections regarding new and renewing business licenses.

§ 115-16. Investigation of fires; reports.

A. The Fire Prevention/Safety Bureau shall assist the Fire Chief, when requested to do so, perform an investigation and determine the cause, origin and circumstances of every fire within the Village of Freeport by which property has been damaged or destroyed. If the Bureau is unable to assist, the Fire Chief shall be notified immediately.

B. The Fire Chief shall respond to all fires and emergencies within the Village of Freeport. Immediately upon the occurrence, the Chief shall determine the cause, origin and circumstances of every fire and shall determine whether the fire was the result of carelessness or design. If the Fire Chief has reason to believe that a fire is of suspicious origin, or other reason or factors that the Chief deems necessary, he shall take charge of any physical evidence available and shall immediately notify the authorities designated by law to pursue the investigation, Nassau County Fire Marshal's Office, Nassau County Police Arson/Bomb Squad and Freeport Police. The Fire Chief may also request assistance from the Fire Prevention/Safety Bureau, Superintendent of Buildings and the Village Counsel and, when requested, they shall comply with the full extent of their ability.

C. Report Required. There shall be a report of every incident, including, but not limited to, all fires and emergencies that the Fire Department responds to. The Fire Chief shall prepare and submit a report and statement to the National Fire Incident Reporting System (NFIRS) within seven days of incident.

(1) House fires. Time, date and address/location, any death or injury to civilian or Fire Department member. All damage to house, contents and personal property as well as any other private or public property involved. The cause, origin and circumstances of the fire and whether or not the fire is being investigated by any, and all authorities designated by law.

(2) Vehicle fires. Including, but not limited to, cars, trucks, motorcycles, boats and all electric mobility devices. Time, date and location of incident, any death or injury to civilian or Fire Department member. All damage to vehicle as well as any other private or public property involved. All registration information, including, but not limited to, year make and model, registration number and registered owner and user of vehicle.

(3) All other fires, including, but not limited to. Fence, garbage can, dumpster, grass, tree, mailbox, electric transformer or pole and any other fire that the Fire Department responds to. Time, date and location of incident, any death or injury to civilian or Fire Department member.

(4) Fire Department Units. The Chief shall list all Fire Department units that were notified to respond to and operate at the incident, as well as all mutual aid units operating at or standing by, all police and ambulance service and all other agencies that responded to, and operated at any incident.

(5) Cost of loss. The Chief shall estimate the dollar amount of the total loss as a result of a fire.

(6) Notification. The Chief shall notify the Freeport Police Department to make notification to property owners or responsible caretakers, such as the postmaster, electric and water departments and for when forcible entry is needed to investigate the nature of an alarm. The Chief shall make notification to Fire Com, regardless of the cause and origin of any fire, when there is a death or serious injury to a civilian or anyone involved with the fire, or any type of incident.

§ 115-17. False alarms, nuisance alarms.

A. It shall be the duty of the Fire Chief to determine if an alarm is a false alarm as set forth in § 72-9 of the Code of the Village, and to document said alarms.
B. It shall be the duty of the Fire Chief to determine if an alarm is a nuisance alarm, as set forth in § 72-8 of the Code of the Village, and to document said alarms.
§ 115-18. Inspection of various premises.
Upon direction of the Fire Chief or the Superintendent of Buildings, the Fire Prevention/ Safety Bureau, the Fire Chief, or duly designated inspector shall inspect:
A. All manufacturing plants, and or all places where acetylene or other gases, chemicals, oils, solvents, explosives and inflammable materials are used, stored or sold; the interior of all structures equipped with fire alarm or automatic fire sprinkler systems; and such other places as may be designated by the Fire Chief and the Nassau County Fire Marshal's Office as fire hazards.
B. All premises and thoroughfares, enclosed or unenclosed, except private dwellings, to determine whether there exists any condition conducive to danger from fire, such as improper accumulations of waste paper, boxes, shavings, trash or other types of inflammable or explosive materials, or whether there are obstructions to property, fire escapes, stairs, passageways, doors, windows which may impede Fire Department operations or block the means of egress in the event of a fire. In addition, any structures which, because of disrepair, structural defects or lack of proper installation, are of such nature as to create a danger to life and property in the event of a fire.
C. It shall be the duty of the Fire Chief, while in response to a complaint or upon his own initiative, to enter and to inspect boardinghouses, rooming houses, tourist homes, hotels, motels, boatels and any paying guest houses when there is reason to believe there are fire safety hazards and/or conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the guests and the people of the Village of Freeport.
§ 115-19. Quarterly inspections.
It shall be the duty of the Fire Chief to provide for inspections, as required in § 115-18 of this article, and any other inspection as authorized by the Fire Chief or the Superintendent of the Building Department, to be conducted by the Fire Prevention/Safety Bureau or duly designated inspector, at intervals of no more than three months.
§ 115-20. Violations of safety rules.
Whenever a violation of rules of reasonable safety is found to exist, the Fire Chief shall order the owner or occupant to remove dangerous materials or remedy other hazardous conditions as he may direct within 24 hours.
§ 115-21. Illumination of vestibules in public buildings.
Illumination of vestibules in public buildings to be in accordance with New York State Building Code.
§ 115-22. School fire and lock-down drills.
The principal, teachers or other persons in charge of any public, private, preschool or parochial school or other educational institution shall conduct fire and lock-down drills in accordance with Education Law §§ 807, Subdivisions 1 through 4. The Fire Prevention/ Safety Bureau shall work with the schools to ensure that, during these drills, as well as during true emergencies, there is no interference with Fire Department operations as set forth in §§ 115-1 through 115-6 of the Code of the Village of Freeport, as well as provide for the safety of all students, teachers and all occupants of the building.
2. Editor's Note: Former § 115-23, Signs regarding location of fire alarm boxes, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Former § 115-25, Inspection of tank vehicles, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Section 115-58B(11) is added to read as follows:

Outside tanks in a flood zone as shown on a FEMA FIRM map must be properly anchored on a concrete slab.

Chapter 120, Garbage, Rubbish and Refuse

A. Section 120-1 is revised to read as follows:

§ 120-1. Accumulation of rubbish; growth of weeds; abandoned vehicles; vacant properties. [Amended 11-10-1969; 6-13-1972; 7-23-1973; 4-21-1975 by L.L. No. 3-1975; 11-13-1978 by L.L. No. 19-1978; 1-3-2000 by L.L. No. 1-2000; 7-13-2015 by L.L. No. 5-2015; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
A. It shall be unlawful for any owner of real property within the Village or agent of such owner, person, occupant, firm or corporation lawfully occupying any real property within the Village to permit:
(1) Uncut grass, weeds, brush or any portion of said growth to obtain a height in excess of eight inches.
(2) Rubbish or rubble to accumulate thereon.
(3) Boats, watercraft or motor vehicles or portions thereof to be stored for unreasonable periods of time or abandoned on the premises.

B. The Village Clerk or the Superintendent of Buildings is hereby empowered to notify, in writing, the owner of any such property to cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper. Such notice shall be by ordinary mail properly addressed and posted to the owner of the subject premises as the same appears in the office of the Freeport Village Assessor.
C. Upon failure to comply with the terms of such notice within five days of the date said notice is postmarked, the Village or its agents may cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper and assess the cost together with statutory interest thereof upon the real property upon which said grass, weeds, brush, rubble, motor vehicle or boat is found. The Village Treasurer may provide that the cost of any such work be paid at a specified time or shall be assessable against the property as a tax thereon.
D. Designated vacant properties. For those properties that are deemed vacant wherein due diligence has been performed in ascertaining ownership, and Village records indicate said property is vacant, an initial lot clearance notice will be sent as outlined in § 120- 1C. Thereafter said vacant properties will have lot clearances performed on a two-week rotation or as needed without a five-day notice.

B. Section 120-2(A) is revised to read as follows:

Prohibited. No owner, lessee or occupant of real property shall cause or permit any dried grass, weeds, brush, wastepaper, rags, boxes, barrels or other flammable

or combustible waste material to accumulate or remain on the premises under his control or care.

C. Article IV, Refuse and Disposal District, is repealed.

Chapter 122, Games of Chance

Section 122-3 is revised to update "New York State Racing and Wagering Board" to "New York State Gaming Commission."

Chapter 124, Health and Sanitation

A. Sections 124-3 through 124-6, codified as Article II, Restaurants and Eating Places, are relocated as §§ 165-19 through 165-22.

B. Article IV, Abortions, is repealed.

C. Section 124-14B is revised to read as follows:

Said storage of firewood or woodpile is raised at least six inches off the ground.

Chapter 128, Housing Standards

Article II, Duties of Officials; Administration

A. Section 128-15A is revised to change $1,000 to $4,000.

B. Section 128-15D is revised to read as follows:

Removal of notice. Any person removing the notice provided for in § 128-6H hereof shall be guilty of a violation and, upon conviction thereof, shall be fined a sum not to exceed $250 for each offense.

Article III, Standards for Residence Buildings

C. Section 128-21B is revised to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestrooms on terms, either expressed or implied, is required to furnish heat to the occupants thereof shall supply heat as required by the New York State Property Maintenance Code.

D. Section 128-24, Painting, screening and insect extermination:

(1) Subsection A is revised to read as follows:

Painting. Exterior surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.

(2) Subsection C is revised to read as follows:

> Infestation. Grounds, buildings and structures shall be maintained free of insect, raccoon, vermin, and rodent harborage and infestation. Methods used for exterminating insects, raccoon, vermin and rodents shall conform with generally accepted practice. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

Article IV, Rental Premises

E. Section 128-25, Preservation of existing remedies, is revised to read as follows:

> Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, county or state or existing requirements of any other provision of local laws or ordinances of the Village or county or state laws and regulations. In the case of a conflict between this article and other regulations, that which sets the more stringent requirement will prevail.

F. Section 128-29A is revised to update the maximum fine from $1,000 to $5,000.

G. Section 128-37B is revised to read as follows:

> Owners of premises shall be responsible for proper maintenance, condition and operation of service facilities and for furnishing a hot-water supply, smoke and carbon monoxide detectors and window guards in multiple dwellings or rented premises. Furthermore, owners shall be responsible for making ordinary repairs as ordered by the Superintendent of Buildings, including, but not limited to, the repair or replacement of deteriorated windows and doors, defective plumbing and repair or replacement of outdated electrical systems. No separate charge shall be made for any required safety devices.

H. Section 128-37E is added to read as follows:

> *Wherever there shall be more than 12 families living in a multiple dwelling in which the owner thereof does not reside, the owner must provide for a janitor, housekeeper or superintendent who shall reside on the premises and have charge of same.*

I. Section 128-37F is added to read as follows:

> *In any multiple dwelling subject to the requirements of § 128-37E, the owner of the property must, by March 1 of each year, provide to the Building Department a list of phone numbers for responsible parties to be contacted in the event that the janitor, housekeeper or superintendent cannot be located on the property.*

J. Section 128-38, introductory paragraph, is amended as indicated:

> Owners or occupants of dwelling units shall be responsible for compliance with this article in regard to the following:

Article VII, Stairwells

K. Article VII, Stairwells, is added to include new § 128-58, Identification of stairwells, to read as follows:

> *In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.*

Chapter 130, Insurance

Article I, Claims Against Fire Insurance Proceeds

A. Section 130-1, definition of "real property," is revised to read as follows:

> Property upon which there is erected any residential, commercial or industrial building or structure except an owner-occupied single-family residential structure and owner-occupied two-family residential structures.

B. Section 130-2 is revised to change "Superintendent of Insurance" to "Superintendent of Financial Services" and to update the statutory reference "§ 33 of the Insurance Law" to "§ 331 of the Insurance Law."

C. Section 130-3 is revised to update the statutory reference "§ 33-a of the Insurance Law" to "§ 3410 of the Insurance Law."

Chapter 134, Landmarks Preservation

Section 134-14A is revised to update the fine amount from $250 to $1,000.

Chapter 136, Laundromats

Section 136-5A is revised to update the fine amount from $250 to $1,000.

Chapter 138, Licensing of Business

D. Section 138-13A and B are revised to change "of $25" to "as set from time to time by resolution of the Board of Trustees."

E. Section 138-14 is revised to change "of $5" to "as set from time to time by resolution of the Board of Trustees."

F. Section 138-20 is revised to change "of $25" to "as set from time to time by resolution of the Board of Trustees."

G. Section 138-35A is revised to change "$250" to "$1,000."

Chapter 142, Lost and Abandoned Property

Chapter 142 is reorganized to add a new article (Article I, Lost and Abandoned Property on Public Streets, Sidewalks, Municipal Parking Fields, and Municipal Property); all sections of chapter are added to said article.

Chapter 145, Mail Area Assessment District

Chapter 145 is repealed and its number reserved.

Chapter 146, Memorial and Independence Days

Chapter 146 is repealed and its number reserved.

Chapter 155, Peace and Good Order

A. Section 155-8B is revised to read as follows:

> Any person who, without authority, enters or attempts to enter or who trespasses or attempts to trespass or who damages or attempts to damage any private property or any property owned by or under the control of the Village or who willfully violates, upon Village property, any regulation established by or under the authority of the Board of Trustees of the Village to maintain order and to preserve or safeguard said property shall be punishable by a fine not to exceed $1,000 for each offense, and such violation shall constitute disorderly conduct.

B. Section 155-10 is revised to add the following terms and definitions:

> *INTENT TO CONSUME –*
>
> *Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.*
>
> *OPEN BOTTLE, CAN OR OTHER CONTAINER –*
>
> *Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.*

C. Section 155-11A is revised to add the following to the end thereof:

> *This section shall be construed in conjunction with Vehicle and Traffic Law § 1227 as to enforcement on public highways or a right-of-way public highway.*

D. Section 155-14 is revised to change “$250” to “$1,000.”

E. Section 155-47.1A is revised to read as follows:

> Fines, imprisonment, and enforcement. Any person violating this article shall be punished by a fine of $500 for the first offense; $1,000 for the second offense; and $1,500 for each subsequent offense.

F. Section 155-47.4B(1) is revised to read as follows:

> In the event that the owner, tenant and/or person in control of such a building, property or personal property shall fail or refuse to remove graffiti from his property, then such person or persons may be notified in writing, mailed to the property address, by the Superintendent of Buildings or his designated agent, that such person shall have a period of up to 48 hours from the receipt of such notice to complete removal or coverage of such graffiti. If weather conditions do not allow for the removal of said graffiti, the Superintendent of Buildings and/or their designated agent shall be permitted to extend the forty-eight-hour time frame for a period of time until weather conditions permit the removal of said graffiti.

G. Section 155-83 is revised to change “$250” to “$1,000.”

H. Section 155-93 is revised as follows:

(1) Subsection E is revised to read as follows:

> All temporary storage containers must be placed in a driveway. The storage container shall be set back from any side yard a minimum of three feet, from the front yard by a minimum of three feet, and also be a minimum of three feet away from any structures on the property. In granting the permit, the Superintendent of Buildings, or his duly authorized representative, shall consider the rights of adjacent property owners so that there shall not be any unreasonable deprivation of light, air or reasonable use of adjoining property. In properties without a driveway, a temporary storage container may be placed in the street in front of the property for a period of time not to exceed 72 hours, if, in the sole determination of the Superintendent of Buildings, the placement of the storage container in the street would not cause a dangerous condition.

(2) Subsection H is revised to change “$250” to “$1,000.”

Chapter 158, Peddling and Soliciting

A. Section 158-7A is revised to read as follows:

> Generally. An annual fee shall be paid before a license is issued hereunder. All annual licenses shall expire on May 31 and shall thereafter be renewable as provided in § 138-10. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by applicants for hawkers and peddlers licenses or a renewal thereof.

B. Section 158-9J is revised to read as follows:

Enter upon private property for the purpose of carrying or transporting goods, wares or merchandise and/or offering same for sale, except upon the invitation of the owner or occupant. Any person found in violation of this subsection shall be subject to a fine of not more than $1,000.

C. Section 158-11B is revised to change “$250” to “$1,000.”

D. Section 158-17 is revised to change “$250” to “$1,000.”

Chapter 162, Plumbing

A. Section 162-29(A) is revised to read as follows:

Comprehensive general liability coverage ("CGL"), to include premises operations, contractual liability, completed operations, personal injury, medical payments and fire legal liability. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of coverage required.

B. Section 162-116 is revised to read as follows:

Diameters of branches to any fixtures must not be less than 1/2 inch except when used to supply water closets, cisterns or lavatories. When the material used is pex, brass or copper pipe, the minimum diameter may be 3/8 inch. Branches for flush valves for water closets must not be less than one inch in diameter, and for urinals, not less than 1/2 inch in diameter.

C. Section 162-178 is revised to read as follows:

Each water closet and urinal must be flushed from a separate cistern, the water from which is used for no other purpose, or may be flushed through separate flushometer valves. The floor flange shall be soldered to a copper bend ready for inspection.

D. Section 162-195 is revised to read as follows:

All water service pipe must be copper to the property line.

Chapter 165, Places of Public Assembly

A. Section 165-5 is revised as follows:

(1) Subsection B is revised as indicated:

Annual fees for public assembly licenses shall be a fee as set from time to time by resolution of the Board of Trustees.~~determined pursuant to the following table:~~

~~Capacity in Persons~~	~~Fee Per Year or Fraction Thereof~~
~~1 to 100~~	~~$40.00~~

~~Capacity in Persons~~	~~Fee Per Year or Fraction Thereof~~
~~101 to 300~~	~~125.00~~
~~301 to 600~~	~~150.00~~
~~601 to 1,000~~	~~250.00~~

~~An additional fee of $25 shall be charged for each 100 persons or fraction thereof in exce exceed $500 per year.~~

(2) Subsection D is revised as indicated:

The fee required for filing an application under this chapter shall be ~~$25~~an amount as set from time to time by resolution of the Board of Trustees. If the application is disapproved, the filing fee shall be retained to cover the cost of processing. If the application is approved, the filing fee shall be credited and applied to the total fee.

(3) Subsection E is revised as indicated:

The fee for the extension of a temporary license shall be ~~$10~~ an amount as set from time to time by resolution of the Board of Trustees for each 30 days or fraction thereof and shall be payable to the Village Clerk upon application for each extension. Any fees paid for an extension of a temporary license shall be nonreturnable and shall not be applicable to the total fee required.

(4) Subsection F is revised as indicated:

A fee of ~~$10~~ an amount as set from time to time by resolution of the Board of Trustees shall be charged for the replacement or substitute copy of a temporary or approved license or occupancy poster.

B. Section 165-13, introductory paragraph, is revised to read as follows:

All places of public assembly, as defined in § 165-1 of this chapter shall be subject to all provisions of this chapter, including obtaining a license, except that the fee may be waived for:

C. Section 165-16 is revised to change “$250” to “$1,000.”

Chapter 167, Real Property Transactions

Section 167-4 is revised as indicated:

Any person, individual, corporation, partnership or organization convicted of violating any provision of this article shall be guilty of a misdemeanor and subject to a ~~fine of not more than $250 and/or imprisonment, or both~~ fine, at a minimum, of $500, up to a maximum of $2,500, and/or 150 days’ imprisonment.

Chapter 171, Rooming and Lodging Houses

Chapter 171 is repealed in its entirety.

Chapter 173, Secondhand Dealers

A. Section 173-1B(7) is revised to read as follows:

> Antiques, which shall mean secondhand articles over 75 years of age, having a value of less than $1,000 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

B. Section 173-4 is revised as follows:

(1) Subsection A(1) is revised to read as follows:

> The name and description of the applicant. Individuals operating under a trade name must present a certified copy of the trade name certificate filed in the Nassau County Clerk's office. A partnership conducting a business, whether or not under a trade name, must submit a certified copy of the partnership certificate filed in the Nassau County Clerk's office when the partnership was formed. A corporation must furnish a copy of the filing receipt for the certificate of incorporation from the New York State Secretary of State. A corporation from outside New York State must furnish a copy of its certificate of authority to do business in New York State from the New York State Secretary of State.

(2) Subsection A(4) is revised to read as follows:

> That the applicant is a citizen of the United States and whether citizenship was obtained by birth or naturalization and, if by naturalization, the date and place where obtained. The naturalization certificate may be used as proof of citizenship.

C. Section 173-6 (title and substance) is revised to read as follows:

> Section 173-6. Availability of records.
>
> Every dealer in secondhand articles and all duly licensed dealers in antiques shall maintain all records as required to be kept under this chapter. Said records shall be made available to the Chief of Police or his designee on demand.

Chapter 176, Sewers and Sewage

A. Section 176-2

(1) Subsection B is revised to read as follows:

It shall be unlawful to discharge into any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters.

(2) Subsection C is revised to read as follows:

There being a public sewer physically available to all properties within the boundaries of the Village, it is mandatory that all said properties be connected to said public sewer. No private sewage disposal systems are now allowed, nor shall be allowed, within the sewer district.

B. Section 176-18 is revised to read as follows:

Any person found in violation of this chapter shall be subject to a fine of not more than $1,000, and such person shall be deemed a disorderly person. Each day in which any such offense shall continue shall be deemed a separate offense.

Chapter 180, Streets and Sidewalks

A. Section 180-2 is revised as follows:

(1) Subsection A is revised to read as follows:

It shall be the duty of every property owner and occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition. For failure, upon notice by the Village Clerk of not less than 24 hours, to make such repairs as are specified as to place and manner, the Village Clerk or Superintendent of Public Works may cause the same to be done and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

(2) Subsection B is revised to read as follows:

The Department of Public Works or its agents may construct, build, flag, surface, resurface, alter, repair, grade, regrade, maintain, care for and clean sidewalks, curbs and gutters in public streets. The Department of Public Works may regulate and prescribe the grade, width, materials, construction and other specifications of any such work. The Village Clerk or Superintendent of Public Works may direct and order any such work, repair or improvement to be done by the property owner and occupant of the property and on default may cause the same to be done by the Village and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

(3) Subsection C(1) is revised to read as follows:

The sidewalks and curbs, abutting or in front of every building or lot, and also the gutter and street area adjacent to the curb to a distance of at least 18 inches from the curb, before 10:00 a.m. each day in residential areas of the Incorporated Village of Freeport, shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, except in proper containers and at proper times for collection, by the owner, tenant, occupant or person in charge of each such building or lot.

(4) Subsection D(1) is revised to read as follows:

The sidewalks, curbs and gutters adjacent to and abutting upon each and every commercial, mercantile, business or other establishment in the Incorporated Village of Freeport shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, by the owner, operator or licensee of each such establishment. Each owner, operator or licensee of a commercial, mercantile, business or other establishment shall sweep such sidewalk, curb or gutter, and also the gutter and street area adjacent to the curb to a distance of at least 18 inches from the curb, before 10:00 a.m. each day that such business or establishment is open or operated. All sweepings and other debris shall be collected and removed to private containers by such owner, operator or licensee.

(5) Subsection D(2) is revised to read as follows:

Each person, corporation or business entity violating any provision of this section shall be guilty of a violation punishable by a fine of not more than $250 for a first offense, $500 for a second offense, and $1000 for any subsequent offenses or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment for each such violation.

B. Section 180-5.2A is revised to read as follows:

No person shall deposit a roll-off container in a driveway or within a Village street or right-of-way unless a permit has been issued therefor.

C. Section 180-5.2C(9) is added to read as follows:

No roll-off container may be placed on a soft surface, obstruct any portion of a sidewalk or block any portion of a curb cut.

D. Section 180-5.2C(10) is added to read as follows:

All permits to be issued for a duration of a maximum of 30 days with an option to renew the permit for an additional 30 days upon submission of a new permit application.

E. Section 180-6 is revised to read as follows:

Each application under § 180-5 shall be accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property

damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

F. Section 180-14 is revised to read as follows:

Each application for a permit shall be further accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default of the person to whom the permit is issued or by anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

G. Section 180-28A(1) is revised to read as follows:

Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

H. Section 180-28A(1)(a) and (b) are repealed.

I. Section 180-33.1C is revised to read as follows:

A parking area may be a soft-surface area consisting of bluestone, clamshell or other suitable material, to be reviewed via a Building Permit application to the Freeport Building Department and with final approval by the Site Plan Board. Such soft surface shall provide drainage so that the surface waters do not flow into the public streets, the municipal storm drainage system or upon adjacent properties. The Superintendent of Buildings may, however, permit an overflow from an on-site drainage system to the municipal storm drainage system if he deems it necessary for the proper operation of said parking field.

J. Section 180-39C is revised to read as follows:

Penalties. Any owner who has been notified by the Village Clerk that the trees or shrubs on their premises are in violation of either Subsection A or B hereof and shall fail to correct the condition within five days of the sending of such notice to their last known address by mail shall be in violation of this section, and in addition to the penalties otherwise enforceable, the Village or its agents may thereafter trim offending trees and hedges to correct the prohibited conditions and

assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

K. Section 180-42A is revised to read as follows:

The Superintendent of Public Works will maintain a list of approved trees which will be on file in the Village Clerk's Office.

L. Section 180-145B is revised to read as follows:

Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Village Clerk and issued by an insurance company authorized to do business in this state, running to the Village providing coverage for public liability (for personal injury) and property damage. Such certificate of insurance shall contain a provision that coverage will not be reduced, canceled or nonrenewed unless the Village of Freeport Village Clerk is given at least 10 days' written notice thereof. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence public liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

M. Section 180-50B is revised to read as follows:

For failure, upon notice by the Village Clerk of not less than 48 hours, to trim or remove any tree, including its stump, or any branch or limb of a tree as specified as to place and manner, the Village or its agents may cause the same to be done and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

N. Section 180-51 is revised as indicated:

Any violation of the provisions of this article shall render each offender liable to a ~~fine of not less than $10 nor more than $100 or to be prosecuted as and declared a disorderly person, or both,~~ maximum fine of $1,000 for each offense. In addition, the Village reserves the right to seize, remove or otherwise dispose of any planting in violation thereof.

O. Article VII is repealed.

Chapter 185, Taxation

Article I Tax on Income of Utilities

A. Section 185-1 is revised to update the statutory reference “Village Law Article 6, § 6-640” to “Village Law § 5-530.”

B. Section 185-2 is revised to read as follows:

> Words and phrases used in this article, unless otherwise noted, shall have the same meanings as ascribed to them in § 186-a of the Tax Law

C. Section 185-9 is revised to change “shall not be added” to “may be added.”

Article III Tax Exemption for Property Improvement for Physically Disabled

D. Sections 185-23 and 185-24 are revised to change “State Board of equalization and Assessment” to “Commissioner, State Board of equalization and Assessment.”

Article IV Home Improvement Tax Exemption

E. Section 185-31A is revised to change “State Board of equalization and Assessment” to “Commissioner, State Board of equalization and Assessment.”

Chapter 188, Taxicabs

A. Section 188-5 is revised to read as follows:

> No taxicab shall be operated upon the streets of the Village unless there are displayed in such taxicab the taxicab operator's license, with their picture in an illuminated holder in a manner in which it is clearly visible and can readily be observed by all passengers therein, and the rate card and a copy of the Taxicab Rate Zone Map as set forth in § 188-9 hereof.

B. Section 188-13 is revised to read as follows:

> Any person violating any of the provisions of this chapter shall be liable to a fine of not more than $1,000 or by imprisonment for a period not exceeding 15 days or both.

C. Section 188-18 is revised to read as follows:

> No license shall be issued to operate a taxicab or taxicabs unless and until the applicant shall file, with the Village Clerk and have approved by the Claims, an insurance policy or a certificate thereof of standard form, issued by an insurance company for such taxicab or taxicabs and provided minimum coverage for personal injuries or death of any persons and for property damage in any one accident. Such insurance policy or certificate shall provide that the Village will be given 10 days' prior notice of cancellation. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of minimum insurance required.

D. Section 188-22 is revised to read as follows:

> The Village Clerk and Police Department shall keep a record of every taxicab owner's license issued under this article. Such registration shall show the date and number of such licenses and all renewals, suspensions and revocations thereof and a record of each taxicab license, stating the make, model, passenger seating

capacity, name of manufacturer, New York State registration number, motor number and the name and address of the person or persons owning said taxicab. Such registration shall also show each driver's license issued hereunder, showing the name and address of such driver, their New York State chauffeur's license number, the number of his taxicab license issued hereunder and the date of issue and of renewal of such driver's license.

E. Section 188-23 is revised to read as follows:

Every person driving a taxicab licensed under the provisions of this article must be licensed as a taxicab driver.

F. Section 188-24 is revised to read as follows:

§ 188-24. Application for driver's license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every person desiring to obtain a taxicab driver's license shall comply with the following:

A. Applicant for a taxicab driver's license must be over the age of 18.

B. Contents of application. They shall make application for license on a blank furnished by the Village Clerk, which application shall state the full name and residence of the applicant; their place of residence during the five years previous to their present address; their age, height, weight, color of eyes, color of hair, place of birth and whether a citizen of the United States either by birth or naturalization; places of previous employment; whether they are married or single; whether they have been convicted of a felony or misdemeanor; whether they have previously been licensed as a driver or chauffeur and, if so, when, where and whether their license has ever been revoked or suspended and for what cause; and the number of their state driver's license. C. State license. Applicant shall exhibit current New York State Class E license or CDL for inspection.
D. Character reference. They shall file testimonials of at least two reputable persons as to good character and reliability with their application.
E. All applicants for a taxicab driver's license must furnish a certificate from a reputable physician certifying that, in their opinion, the applicant is not afflicted with any disease or infirmity which might make applicant an unsafe or unsatisfactory driver.
F. Photographs. They shall file with their application two photographs, 1 1/2 inches by 1 1/2 inches, taken within 30 days prior to the date of application, and such photo must be a true likeness of the applicant and must show only neck and shoulders and uncovered head. One of the photographs shall be attached to their license and the other shall be filed with their application. Such photographs shall be attached to the license in such a manner that it cannot be removed and another photograph substituted without the probability of detection.
G. Fingerprinting and examination. Applicant shall submit fingerprints to DCJS. Applicant shall be examined by the Chairman of the Board of Police Commissioners or an officer or officers designated as to applicant's knowledge of and compliance with all the provisions of this article, the traffic regulations and geography of the Village and the laws of the State of New York relative to the operation of motor vehicles, and if the result of such examination is not satisfactory, applicant shall be denied a license.

G. Section 188-25 is revised to read as follows:

A license to drive a taxicab shall be issued by the Mayor upon the satisfactory fulfillment of the requirements of §§ 188-23 and 188-24. Such license shall be in such form as to contain a brief description, the photograph and the signature of the licensee. Such license shall be clearly displayed at all times in the taxicab operated by the licensee and in such manner as to be readily examined by the police or passengers.

H. Section 188-27 is revised to read as follows:

Every taxicab driver licensed pursuant to this article shall, within 48 hours, notify the Village Clerk of any change of address or loss of either their taxicab driver's license or their chauffeur's license.

Chapter 197, Abandoned Vehicles

A. Section 197-1 is revised to read as follows:

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to deposit or cause to be permitted to be deposited an abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle, trailer, boat or camper, on any private land within the corporate limits of the Village of Freeport, except when permitted by resolution of the Village Board on findings that the enforcement of this prohibition would cause any of the aforementioned persons occupying the land undue hardship and is not required in the public interest.

B. Section 197-4 is revised to read as indicated:

Any owner, occupant, lessee, agent, tenant or otherwise who shall neglect and refuse to remove said abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked vehicle, cycle or trailer as directed by this section; who shall fail or refuse to comply with the provisions of any notice; or who shall violate any of the provisions of law; or who shall resist or obstruct authorized agents, servants, officers or employees of the Village of Freeport in the removal of any such abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer shall be deemed in violation of this chapter and shall be subject to a penalty not to exceed ~~$100~~ $1,000 for each and every violation. ~~In addition thereto, a violation of this chapter shall constitute disorderly conduct, and a person violating same shall be deemed a disorderly person.~~

Chapter 201, Water

A. Section 201-9G is revised to read as follows:

Size of taps. New and replacement taps shall be one inch or greater. Connections two inches and larger shall have a three-valve cluster. The minimum service line

for residential, commercial and industrial use shall be one inch. For residential use, the size of the tap or multiples thereof and the size of the service shall conform. One-inch connections shall be provided to receive a one-inch meter. For business and industrial use, the size of the tap or multiples thereof, the size of the service and the size of the meter shall conform, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal headers, two gate valves for each meter and angle-type back pressure valves for all but one of the meters.

B. Section 201-11B is revised as indicated:

B. Sizes, main limitations.

(1) Steel mains: ~~three-fourths-inch tap only~~ <u>One-inch tap or larger.</u>

(2) Transite mains~~.~~ <u>: One-inch tap or larger.</u>

~~(a) Three-fourths-inch tap in any size main.~~

~~(b) One-inch tap in an eight-inch main and larger.~~

(3) Cast-iron mains~~.~~ <u>: One-inch tap or larger.</u>

~~(a) Three-fourths-inch tap in any size main.~~

~~(b) One-inch tap in a six-inch main and larger.~~

C. Section 201-13 is revised as follows:

(1) Subsection B is revised to read as follows:

Size. For residential installations (single-family dwellings), one-inch fittings shall be provided to receive one-inch meter couplings furnished by the Water Department. For multiple dwellings, business, commercial and industrial installations, the size of the meter shall conform to the size of the water service, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal headers, two gate valves for each meter and back pressure valves for all but one of the meters.

(2) Subsection D is revised to read as follows:

Facilities. The owner shall provide facilities and support for the setting of the meter in each installation or alteration of water service according to the Water Department Ordinance and the Plumbing Code.

D. Section 201-21 is revised as follows:

(1) Subsection C is revised to read as follows:

Charge. The charge for any special permit for the use of any hydrant shall be in accordance with its intended use as determined by the Water Department. The minimum charge shall be $50. The cost of repairing any damage caused to a hydrant by such a user shall be paid to the Water Department by said user at the office of the Village Treasurer.

(2) Subsection D is revised to read as follows:

> Connections. No connection shall be made in hydrant outlets except by valves or couplings which are readily detachable in an emergency. The connection shall have a control valve and backflow device and all connections must be detached immediately after use has ceased and always at the end of the work day.

E. Section 201-22A is repealed and its number reserved.

F. Section 201-34 is added to read as follows:

> *Any person, firm or corporation violating any of the provisions of this chapter shall be subject to the penalties set forth in § 1-14 of the Code of the Village of Freeport.*

Chapter 205, Waterfront Properties and Watercraft

A. Section 205-1, the definition of "pierhead line" is revised to read as follows:

> In all navigable waters within the harbor line where such waters abut property which has been zoned for residential, business, manufacturing or industrial use, in the absence of any other pierhead line fixed by the Village, there is deemed to have been established a pierhead line parallel with the property or bulkhead line adjoining such water and removed from such property or bulkhead line a distance equal to 20% of the width of said navigable water at the point in question, said distance, however, not to exceed 25 feet.

B. Section 205-5 is revised to read as follows:

> The owner, lessee or occupant of waterfront property shall keep the same cleaned and in good repair, and he shall keep the slips adjacent thereto properly dredged so as not to constitute a menace to navigation or to the health and well-being of the community or in any way be a nuisance. The area between the bulkhead line and the pierhead line shall also be the responsibility of the land owner to remove any aquatic vessels, slips, docks, floats or other items that may pose a danger or nuisance to navigable waters.

C. Section 205-8D is added to read as follows:

> *For purposes of calculating buildable area, only the portion of land between the street line and the bulkhead line can be considered for the construction of a primary or secondary structure.*

D. Section 205-9 is revised to read as follows:

> No person shall carry on or conduct a bathing beach or bathing pool in the Village where a charge is made for the use thereof without first having obtained a license in conformity with the provisions of §§ 138-1 through 138-11 of Ch. 138, Licensing of Businesses, and as further provided herein.

E. Section 205-11 is revised to read as follows:

> The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a license to operate a bathing beach or bathing pool.

F. Section 205-13 is repealed.

G. Section 205-17D is revised to read as follows:

> D. Properties owned or operated by the Village of Freeport
>
> [Added 6-3-2013 by L.L. No. 1-2013, amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
>
> (1) No vessel shall be moored or docked at the marina portion of Sea Breeze Park, the boat slips located at the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park without proper authorization, in the form of a placard or permit, from the Village of Freeport. The Board of Trustees, from time to time, shall set the fees for the docking and mooring of vessels at Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park.
>
> (a) Notwithstanding any other provisions of law to the contrary, the failure to have proper authorization to moor or dock a vessel at the Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park shall be a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of $500 for the first infraction, $1,000 for the second infraction, and not more than $1,500 for the third and any violations thereafter or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

H. Section 205-18G is revised to read as follows:

> Penalties. There shall be a fine not to exceed $1,000 for a conviction of any provision of this section.

Chapter 209, Site Plan Review

A. Section 209-4 is revised as follows:

(1) Subsection A is revised to change “Site Plan Review Board” to “Planning Board.

(2) Subsection B(3) is revised as follows:

> Repair and replacement of existing driveways, curb cuts, aprons and sidewalks in which no change is being made to the width or length of the existing driveway.

(3) Subsection B(6) is revised as follows:

Fences which do not extend beyond the front line of the building or principal structure with the exception of fences made of or designed as metallic in nature.

(4) Subsection B(7) is revised as follows:

Decks which are six feet or less above grade.

(5) Subsection B(9) is added as follows:

Residential handicap ramps.

B. Section 209-5 is revised to read as follows:

§ 209-5. Concept plan conferences and preliminary meetings.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. A preliminary conference or conferences may be held between the Planning Board, a representative of the Building Department and the applicant and his/her representatives upon written request to the Clerk of the Planning Board prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, to advise the applicant as to potential problems and concerns and to determine generally the type of information to be shown on and submitted with the site plan. In order to accomplish these objectives, the applicant shall provide the following:

(1) A statement and site map showing the location and dimensions of all structures, buildings, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features on the site, anticipated changes in the site's existing topography and natural features, and, where applicable, measures and features to comply with other applicable state and/or local regulations, including, but not limited to, tidal wetlands, freshwater wetlands and flood hazard areas.

(2) A map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, water bodies, shorelines (with high-water line), easements and other pertinent features.

(3) A topographic or contour map of adequate scale and detail to show site topography.

B. A preliminary meeting is required for all new residential and new commercial construction. The intent of such a meeting is to allow the Planning Board to review the completed application with the applicant and provide feedback in an informal setting prior to the public hearing.

C. Section 209-6 is revised as follows:

(1) Subsection A is revised to read as follows:

All applications for approval of a site plan shall be submitted on a form prescribed by rule or regulation of the Planning Board. Twelve copies of the site plan application and any related information shall be submitted to the Planning Board. No application shall be accepted by the Clerk of the Planning Board unless it is complete. Within 30 days of receipt of the application, the Planning Board shall determine whether said application is complete. If the Planning Board determines that said application is incomplete, it shall promptly notify the applicant wherein said application is deficient.

(2) Subsection C(1) is repealed.

(3) Subsection 209-6C(3)(o) is revised to read as follows:

Approximate locations and dimensions of areas proposed for neighborhood parks, playgrounds or other permanent open space.

D. Section 209-7A(2) is revised to read as follows:

Various on-site structures and uses within the development shall be harmonious and in scale to one another and with the neighborhood. No open design foundation system will be permitted for residential structures within an AE flood zone. Open design foundation systems shall only be permitted in FEMA-designated V (Velocity) zones and FEMA-designated Coastal A Zones, also known as the LIMWA Zone

Chapter 210, Zoning

A. Sections 210-3, 210-171C, D and F, 210-207, 210-300C, and 210-326 are revised to change “Site Plan Review Board” with “Planning Board.

B. Section 210-3 is revised as follows:

(1) Definition of “adjusted grade” is revised to read as follows:

Only in areas mapped in a floodplain by FEMA FIRM maps. Adjusted grade is the average of established grade and the design flood elevation as established by FEMA, the Incorporated Village of Freeport, and the North American Vertical Datum of 1988 (NAVD88).

(2) Definition of “design flood elevation” is added to read as follows:

The base flood elevation plus the freeboard requirement.

(3) Definition of “freeboard” is added to read as follows:

An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard

requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater.

(4) Definition of "lot, plot or parcel" is revised to read as follows:

A portion of land considered as a unit or occupied by a building or a group of buildings which are united by a common interest or use and the customary accessories and open spaces belonging to the same, provided that said portion of land is not dissected by a street, dedicated or not, a public or private way or by any easement over which the public has a right of passage. In the case of a waterfront property for the purpose of calculating buildable area, only the portion of terrestrial land between the streetline and the bulkhead line may be considered for a primary or secondary building.

(5) Definition of "NAVD 1988" is added to read as follows:

North American Vertical Datum of 1988 Plane. Elevation datum currently used by FEMA and the Incorporated Village of Freeport for the determination of flood elevations, FIRM Maps, and mean high tide.

C. Sections 210-4 and 210-260A are revised to change "Marine Apartment-Boatel and Condominium district" to "Marine Apartment-Boatel Condominium and Cooperative District."

D. Section 210-9 is revised to change $1,000 to read $4,000.

E. Sections 210-9.1, 210-9.2, 210-9.3, 210-9.4, 210-9.5, various moratoria, are repealed due to their expiration.

F. Section 210-29F is revised to read as follows:

Customary home occupations, such as the office of a physician, dentist, surgeon, real estate broker or other professional person, provided that such use is incidental to the primary residence use of such professional persons, and provided that such use shall be conducted in the principal building.

G. Section 210-47A is revised to read as follows:

Generally. All buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of more than 35 feet nor have more than three stories, and apartment houses shall not exceed 50 feet in height nor have more than four stories, including the basement.

H. Section 210-170 is revised to read as follows:

On corner lots in any Residence AA, Residence A or Residence Apartment District, no hedge or other structure or plant, other than shade trees, more than three feet in height above established grade, shall be erected, placed or maintained within a triangular area formed by the intersecting street lines and a straight line joining the street lines at points 20 feet distant from the point of intersection and measured along the street lines.

I. Section 210-177B(4) is revised as indicated:

The minimum fine for a violation of this subsection shall be ~~$25~~$250.

J. Section 210-204, definition of "temporary sign" is revised to read as follows:

TEMPORARY SIGN –

A sign which is designed to advertise or announce a particular event or series of events, to solicit political support or to announce the availability for sale of any type of property. Such temporary signs may be maintained for a period of no greater than 60 calendar days.

K. Section 210-204, definition of "wall sign" is revised to read as follows:

WALL SIGN –

Any sign which is attached directly to or painted on the building wall and is parallel to the building wall.

L. Section 210-206A(14) is added to read as follows:

The material of all signs shall be no thinner than 1/4-inch thick, shall be made of solid plastic, metal, or wood, and shall not be of flexible banner-type material.

M. Section 210-221 is revised to read as follows:

§ 210-221. Display of street numerals and business name.

[Added 1-23-1978 by L.L. No. 2-1978; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Any provision of this Code to the contrary notwithstanding, all structures situate within the Village of Freeport shall prominently display the numerals of the street address of said premises. Such numbers are to be clearly visible from the street adjacent thereto.

B. Any provision of this Code to the contrary notwithstanding, all businesses occupying a streetfront within the Village of Freeport shall have a code-compliant sign prominently displaying the business name of said business.

C. Any provision of this Code to the contrary notwithstanding, all businesses within the Village of Freeport containing a rear door shall have the business name and/or address displayed on said rear door.

N. Section 210-223A is revised to read as follows:

Location. Such pool is installed in the rear or side yard of the premises.

O. Section 210-260F and G are repealed.

P. Section 210-272 is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time and may amend a schedule of fees payable by an applicant for a special use permit for an

Artist/Professional Live/Work Overlay District and for the annual compliance inspection provided for in § 210-270 of this chapter.

Q. Section 210-295A is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a petition for a Golden Age Zone Classification.

EXHIBIT K

VILLAGE OF FREEPORT

RESOLUTION TO ENACT LOCAL LAW NO. 1-2024

WHEREAS a public hearing was held the 23rd day of September, 2024 by the Board of Trustees of the Village of Freeport, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York;

WHEREAS at said public hearing the Board of Trustees considered the enactment of proposed Local Law No. 1-2024, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF FREEPORT INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF FREEPORT"; and

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1-2024 be enacted as follows:

(copy of local law attached)

VOTE OF BOARD OF TRUSTEES

AYE:
NO:

DATE:

ARTICLE I
Adoption of Code

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Freeport, as codified and consisting of Chapters 1 through 215, are hereby approved, adopted, and enacted as the Code of the Village of Freeport, hereinafter referred to as the "Code." 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. This local law and the Code adopted hereby shall supersede and replace the 1979 Code of the Village of Freeport, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

A. A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Village of Freeport by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Trustees to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Freeport" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Freeport shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment 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.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

All local laws and ordinances of a general and permanent nature of the Village of Freeport 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.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-5 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 Freeport 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 Freeport 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 Freeport.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Freeport.

E. Any local law or ordinance of the Village of Freeport 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 Freeport or any portion thereof.

F. Any local law or ordinance of the Village of Freeport 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 Freeport 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 Village 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 November 27, 2023.

O. Local Law 1-2019, regarding a tax cap override.

§ 1-7. Changes in previously adopted legislation.

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Freeport, 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.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Village of Freeport in any manner whatsoever which will cause the legislation of the Village of Freeport 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.

§ 1-10. When effective.

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

Village of Freeport
Code Adoption 2024 Local Law

Schedule A
Specific Revisions at Time of Adoption of Code

Chapter 1, General Provisions

Article I, Adoption of Code

A. Section 1-10, Penalties for offenses, is relocated to Art. II, General Penalty.

Article II, General Penalty

B. Article II is added.

Chapter 7, Boards and Commissions

Article VI, Planning Board

Section 7-18B is revised to read as follows:

> The Mayor shall appoint, subject to the approval by the Board of Trustees, two alternate members of the Planning Board. Said alternates shall serve one-year terms. An alternate member shall serve as a full voting member of the Planning Board where absences or conflicts of interest make it impossible to obtain a quorum.

Chapter 8, Tax Cap Override

Chapter 8 is deleted.

Chapter 16, Code of Ethics

A. Section 16-4 is revised to read as follows:

> § 16-4. Standards of conduct. [Amended 11-25-1971 by L.L. No. 2-1974; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
> Every officer or employee of the Incorporated Village of Freeport shall be subject to and abide by the following standards of conduct:
> A. Gifts. They shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value in excess of the amount permitted by General Municipal Law § 805-a, Subdivision 1, 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 them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.

B. Confidential information. They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.

C. Representation before one's agency. They 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 they are an officer, member or employee or of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. They 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 their municipality whereby their compensation is to be 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.

E. Disclosure of interest in legislation. To the extent that they know thereof, a member of the Board of Trustees and any officer or employee of the Incorporated Village of Freeport, 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 or on any matter being considered by any other official, board, agency, commission or officer of the Incorporated Village of Freeport shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

B. Section 16-6 is revised to add the following sentence to the end thereof:

Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

Chapter 27, Liability of Village

Section 27-1 is revised to delete the following from the reference to the General Municipal Law:

(added L. 1945, c. 694, § 1, effective September 1, 1945; amended L. 1950, c. 481, § 1, effective September 1, 1950; amended L. 1976, c. 745, § 2, effective September 1, 1976)

Chapter 42, Personnel Benefits and Regulations.

Article V, Early Retirement Program

Former Art. V, Early Retirement Program, is repealed.

Chapter 46, Police

Article II, Special Policemen

Former Art. II, Special Policemen, is repealed.

Chapter 70, Access to Records

Article I, Village Access to Criminal History Records

A. Sections 70-1 and 70-2 are revised to delete references to "Special Police."

B. Section 70-2, definition of "pernicious offender," is repealed.

C. Section 70-3:

(1) Subsection A(2) is revised to read as follows:

> A separate permit is required for each premises protected by an alarm system, said permit to have a duration of one or three years, depending on the option selected.

(2) Subsection A(3) is revised to read as follows:

> A permit shall expire one or three years from the date of issuance and may be renewed for additional one- or three-year periods, depending on the option selected, by the submission of a renewal application and payment of permit renewal fees as required by this chapter. Subpermits may be issued at any time for up to one or three years, but the duration may not extend beyond the expiration date of the permit.

D. Section 72-4C(2)(c), regarding conviction as a pernicious offender, is repealed.

E. Section 72-6B, Fees, is repealed.

F. Section 72-8A(2) is revised to read as follows:

> Failure to return a report of service repair within said fifteen-day period, which is reasonably satisfactory to the commanding officer, is a violation subject to the penalties under §72-16.

G. Section 72-12A(6) is added to read as follows:

> *Elevators and elevator control rooms.*

H. Section 72-15A and B are repealed and replaced with the following:

> The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for an alarm permit or a renewal thereof.

I. Section 72-16A and B are repealed and replaced with the following:

> A violation of any of the provisions of this chapter shall constitute a violation as said term is defined by the Penal Law of the State of New York and be punishable

as such by a fine of $750 for a first offense, $1,000 for a second offense, and $2,000 for any additional offenses, imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment. Each day's (twenty-four-hour period) continued violation of this chapter shall constitute a separate and distinct additional violation.

Chapter 73, Security Systems

Article I, Security Gates within Business Districts

Section 73-7 is revised to change "$250" to "$1,000."

Chapter 74, Licensing Amusements

A. Section 74-3 is revised to read as follows:

> It shall be unlawful to keep any premises licensed hereunder open for business between the hours of 12:00 midnight and 8:00 a.m., but a bowling alley may be kept open for business at any time, provided that in so doing the peace and quiet of the neighborhood is not disturbed.

B. Section 74-6 is revised to read as follows:

> Before any license shall be issued for any performance or amusement hereunder, a public liability insurance policy shall be filed with the Village Clerk, executed by the applicant and conditioned that the Village will be saved harmless for any injury to person or property because of fault or default by the licensee, said policy to be issued by a bonding company authorized to do business in New York State and in form approved by the Claims Examiner. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of liability insurance required.

C. Section 74-8 is revised to read as follows:

> Under no circumstances shall any of the activities hereunder comprehended be conducted in any portion of the Village zoned for residential purpose or in any other zone within 300 feet of any residence unless the owner thereof grants his consent thereto in writing, which shall be filed with the Village Clerk not less than three days before an exhibition or performance is given.

D. Sections 74-17 through 74-20 are repealed.

E. Section 74-17, Additional license for theater admitting children; Section 74-18, Issuance of license to admit children; Section 74-19, Seating of unaccompanied children; and Section 74-20, Licensing of theater matrons; duties; are repealed.

Chapter 78, Animals and Fowl

A. Section 78-11, Keeping of bees, is repealed.

B. Section 78-12, Penalties for other offenses, is relocated to the end of the chapter and renumbered as § 78-15. As a consequence of this move, §§ 78-13 through 78-15 were moved up and renumbered as §§ 78-12 to 78-14.

C. Section 78-14, which was renumbered as Section 78-13:

(1) Subsection A is revised to read as follows:

> Any dog four months of age or older harbored or otherwise kept within the Village of Freeport shall have a dog license. No license shall be required for any dog which is under the age of four months and which is not at large. The related identification tag shall be suspended from a dog's collar and worn at all times both on and off the dog owner's premises. A license shall be renewed after a period of one year, beginning with the first day of the month following the date of issuance, and shall be renewable annually thereafter prior to the expiration date. All applications for a dog license must be made to the Town of Hempstead.

(2) Subsection C is repealed.

Chapter 82, Bicycles

Sections 82-1, Applicability and purpose, through 82-2, Reports of transfers of ownership, codified as Article I, Licensing and Regulation, are repealed.

Chapter 86, Building Construction

A. Section 86-7A(1) is revised to read as follows:

> It shall be the duty of the superintendent of buildings (or their designee) to examine applications for permits or amendments thereto within a reasonable time after filing.

B. Section 86-10L(6)(a) is revised as indicated:

> All owners of commercial buildings, ~~as defined in § 86-12A(3), and~~ mercantile buildings, ~~as defined in § 86-12A(3)(a),~~ and multiple dwellings~~, as defined in § 86-12A(4)(a), (b), and (c),~~ shall post in a conspicuous place in a public area in said building a permanent sign indicating the name and street address of a person, firm or corporation within the confines of the incorporated Village of Freeport upon whom process can be served or upon whom any notice of violation, notice to make safe, notice of survey, a summons, a mandate or any other paper or process issued under the provision of this code may be served with regard to said building or structure.

C. Section 86-10M(1)(a) is revised to change $1,000 to $4,000 and/or 15 days in both places.

D. Section 86-11, Word usage and definitions, codified as Article III, Definitions, is repealed. Model code is added as Article III as follows:

ARTICLE III

Uniform Code Administration and Enforcement

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 86-11. Purpose and intent.

A. This chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Village. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law.

B. Except as otherwise provided in the Uniform Code, the Energy Code other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this chapter.

§ 86-12. Definitions.

In this chapter, the following terms shall have the meanings shown in this section:
ASSEMBLY AREA — An area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering 50 or more persons for uses, including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.
BUILDING PERMIT — A building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "building permit" shall also include a building permit which is renewed, amended, or extended pursuant to any provision of this chapter.
CERTIFICATE OF COMPLIANCE — A document issued by the Village stating that work was done in compliance with approved construction documents and the Codes.
CERTIFICATE OF OCCUPANCY — A document issued by the Village certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Village, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.
CODE ENFORCEMENT PERSONNEL — Includes the Superintendent of Buildings and all Inspectors.
CODES — The Uniform Code and Energy Code.
COMMERCIAL BUILDING — Any building that is nonresidential, with the exception of a multiple dwelling, which is also deemed to be a commercial building.
ENERGY CODE — The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.
FCNYS — The 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTION — An inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.
HAZARDOUS PRODUCTION MATERIALS — A solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.
INSPECTOR — An inspector appointed pursuant to § 86-13 of this chapter.
OPERATING PERMIT — A permit issued pursuant to § 86-20 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended, or extended pursuant to any provision of this chapter.
ORDER TO REMEDY — An order issued by the Superintendent of Buildings pursuant to § 86-27A of this chapter.
PERMIT HOLDER — The person to whom a building permit has been issued.
PERSON — Includes an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.
PMCNYS — The 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.
RCNYS — The 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.
REPAIR — The reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.
STOP-WORK ORDER — An order issued pursuant to § 86-16 of this chapter.
SUGARHOUSE — A building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.
SUPERINTENDENT OF BUILDINGS — The Superintendent of Buildings appointed pursuant to § 86-13B of this chapter.
TEMPORARY CERTIFICATE OF OCCUPANCY — A certificate issued pursuant to § 86- 17H of this chapter.
UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.
VILLAGE — The Village of Freeport.

§ 86-13. Superintendent of buildings and inspectors.
A. The Office of Superintendent of Buildings is hereby created. The Superintendent of Buildings shall administer and enforce all the provisions of the Uniform Code, the Energy Code, and this chapter. The Superintendent of Buildings shall have the following powers and duties:
(1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits, and the plans, specifications, and construction documents submitted with such applications;

(2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits, and to include in terms and conditions as the Superintendent of Buildings may determine to be appropriate building permits, certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits;
(3) To conduct construction inspections; inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, temporary certificates of occupancy, and operating permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this chapter;
(4) To issue stop-work orders;
(5) To review and investigate complaints;
(6) To issue orders pursuant to § 86-27A of this chapter;
(7) To maintain records;
(8) To collect fees as set by the Board of Trustees of this Village;
(9) To pursue administrative enforcement actions and proceedings;
(10) In consultation with this Village's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code, and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code, or this chapter; and
(11) To exercise all other powers and fulfill all other duties conferred upon the Superintendent of Buildings by this chapter.
B. The Superintendent of Buildings shall be appointed by the Board of Trustees. The Superintendent of Buildings shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for Code Enforcement Personnel, and the Superintendent of Buildings shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
C. In the event that the Superintendent of Buildings is unable to serve as such for any reason, another individual shall be appointed by the Board of Trustees to serve as Acting Superintendent of Buildings. The Acting Superintendent of Buildings shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Superintendent of Buildings by this chapter.
D. One or more Inspectors may be appointed by the Board of Trustees to act under the supervision and direction of the Superintendent of Buildings and to assist the Superintendent of Buildings in the exercise of the powers and fulfillment of the duties conferred upon the Superintendent of Buildings by this chapter. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training, and other training as the State of New York shall require for Code Enforcement Personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.
E. The compensation for the Superintendent of Buildings and Inspectors shall be fixed from time to time by the Board of Trustees of this Village.

§ 86-14. Building permits.
A. Building permits required. Except as otherwise provided in Subsection B, a building permit shall be required for any work which must conform to the Uniform Code and/or

the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation, or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney, or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Village. B. Exemptions. No building permit shall be required for work in any of the following categories:

(1) Construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(2) Installation of partitions or movable cases less than five feet nine inches in height;

(3) Painting, wallpapering, tiling, carpeting, or other similar finish work;

(4) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(5) Repairs, provided that the work does not have an impact on fire and life safety, such as:

(a) Any part of the structural system;

(b) The required means of egress; or

(c) The fire protection system or the removal from service of any part of the fire protection system for any period of time.

C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Superintendent of Buildings. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Superintendent of Buildings deems sufficient to permit a determination by the Superintendent of Buildings that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) A description of the location, nature, extent, and scope of the proposed work;

(2) The Tax Map number and the street address of any affected building or structure;

(3) The occupancy classification of any affected building or structure;

(4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(5) At least two sets of construction documents (drawings and/or specifications) which:

(a) Describe the location, nature, extent, and scope of the proposed work;

(b) Show that the proposed work will conform to the applicable provisions of the Codes;

(c) Show the location, construction, size, and character of all portions of the means of egress;

(d) Show a representation of the building thermal envelope;

(e) Show structural information, including, but not limited to, braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;

(f) Show the proposed structural, electrical, plumbing, mechanical, fire protection, and other service systems of the building;

(g) Include a written statement indicating compliance with the Energy Code;

(h) Include a site plan, drawn to scale and drawn in accordance with an accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and

(i) Evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including, but not limited to, the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's certificate of authorization number.

(6) In the case of an interior alteration or a minor exterior alteration to an existing structure, the filing of a lot diagram shall not be required unless the Superintendent of Buildings deems it to be necessary because of special conditions.

(7) In the case of minor alterations which do not involve a structural change and which, in the opinion of the Superintendent of Buildings, do not require the filing of plans, a statement describing such minor alterations shall be submitted to the Superintendent on such form as he may designate.

E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5). Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Superintendent of Buildings, in writing or by stamp or, in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Superintendent of Buildings, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.

F. Application for modification.

(1) If there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the law, the licensed architect or licensed professional engineer employed by the owner or lessee shall submit to the Superintendent of Buildings as statement in triplicate, on appropriate blanks furnished by the Superintendent, stating the nature of such difficulties or hardships and the proposed means to overcome them.

(2) The Superintendent of Buildings shall have the power to modify a provision of the code with respect to a particular structure and may grant such a modification, provided that the spirit of the law shall be observed and public safety secured, and provided further that the particulars of each application and of the decision of the Superintendent of Buildings thereon shall be entered upon the records of the Department of Buildings.

G. Amendments to applications. Nothing in this Code shall prohibit the filing of amendments to any application at any time before the completion of the work for which a

permit was sought, and such amendments, after approval, shall be made part of the application and filed as such.

H. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Superintendent of Buildings shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. If said examination reveals otherwise, said Superintendent shall reject such application at once, giving the applicant a written statement of his reason or reasons for rejection.

I. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed. J. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Superintendent of Buildings of any change occurring during the course of the work. The building permit shall contain such a directive. If the Superintendent of Buildings determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

K. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. building permits shall expire 24 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Superintendent of Buildings.

L. Revocation or suspension of building permits. If the Superintendent of Buildings determines that a building permit was issued in error because of incorrect, inaccurate, or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Superintendent of Buildings shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that 1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and 2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

M. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

§ 86-15. Construction inspections.

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Superintendent of Buildings or by an Inspector authorized by the Superintendent of Buildings. The permit holder shall notify the Superintendent of Buildings, in writing, at least 24 hours in advance, when any element of work described in Subsection B is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

(1) Work site prior to the issuance of a building permit;

(2) Footing and foundation;

(3) Preparation for concrete slab;

(4) Framing;
(5) Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
(6) Fire-resistant construction;
(7) Fire-resistant penetrations;
(8) Solid-fuel-burning heating appliances, chimneys, flues, or gas vents;
(9) Inspections required to demonstrate Energy Code compliance, including, but not limited to, insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
(10) Installation, connection, and assembly of factor manufactured buildings and manufactured homes; and
(11) A final inspection after all work authorized by the building permit has been completed.
C. Remote inspections. At the discretion of the Superintendent of Buildings or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Superintendent of Buildings or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Superintendent of Buildings or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Superintendent of Buildings or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.
D. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 86-16. Stop-work orders.
A. Authority to issue. Code Enforcement Personnel are authorized to issue stop-work orders pursuant to this section. Code Enforcement Personnel shall issue a stop-work order to halt:
(1) Any work that is determined by Code Enforcement Personnel to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of Code Enforcement Personnel, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.
B. Content of stop-work orders. Stop-work orders shall:
(1) Be in writing;
(2) Be dated and signed by Code Enforcement Personnel;
(3) State the reason or reasons for issuance; and
(4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.
C. Service of stop-work orders. The Superintendent of Buildings shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by first class mail. Code Enforcement Personnel shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by first class mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.
D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder, and any other person performing, taking part in, or assisting in the work shall immediately cease all work which is the subject of the stop-work order, other than work expressly authorized by Code Enforcement Personnel to correct the reason for issuing the stop-work order.
E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 86-27, Violations, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 86-17. Certificates of occupancy and certificates of compliance.
A. Certificates of occupancy and certificates of compliance required. A certificate of occupancy or certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy or certificate of compliance.
B. Issuance of certificates of occupancy and certificates of compliance. The Superintendent of Buildings shall issue a certificate of occupancy or certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Superintendent of Buildings or an Inspector authorized by the Superintendent of Buildings shall inspect the building, structure, or work prior to the issuance of a certificate of occupancy or certificate of compliance. In addition, where applicable, the following documents,

prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Superintendent of Buildings, at the expense of the applicant for the certificate of occupancy or certificate of compliance, shall be provided to the Superintendent of Buildings prior to the issuance of the certificate of occupancy or certificate of compliance:

(1) Upon completion of the installation of foundation walls on all new construction, the owner or his agent shall submit a diagram, prepared by a licensed land surveyor, of the lot or plot on which the foundation has been placed, showing the exact location of newly completed foundations and all other existing structures, and no superstructure shall be erected upon such new foundations until the Superintendent of Buildings shall have approved, in writing, said diagram.

(2) Before such certificate of occupancy shall be issued, the owner or his agent shall submit a diagram, prepared by a licensed land surveyor, of the lot or plot on which the construction has been made, showing the exact location of the newly completed structure and all other existing structures, street grades, sidewalk and curb locations and elevation: the finished grade elevation at the front wall of the structure; and first floor elevation. No such certificate shall be issued until a sidewalk, in full conformity with Village requirements, has been laid or, in the alternative, unless a bond covering the full cost of such sidewalk shall have been posted with the Village for the completion thereof within a reasonable time and certification has been made by the Water Department to the Superintendent of Buildings that the bill for the water used for construction has been paid in full.

(3) A written statement of structural observations and/or a final report of special inspections;

(4) Flood hazard certifications;

(5) A written statement of the results of tests performed to show compliance with the Energy Code; and

(6) Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(7) No certificate of occupancy shall be issued until water rents for the water consumed during construction have been fully paid nor until the Water Department certifies that a water meter has been duly installed upon the premises.

C. Certificates of completion for altered structures. The occupancy or use, in whole or in part, for any purpose whatsoever of any structure hereafter altered, which was vacant during the progress of the work of alteration, is forbidden until a certificate of completion shall have been issued by the Superintendent of Buildings, certifying that the work for which the permit was issued has been completed substantially in accordance with the approved plans and specifications and the provisions of the laws governing building construction applying to such an alteration, and when the occupancy or use of a structure has continued during the work of alteration, the occupancy or use of the structure shall not continue for more than 30 days after completion of the alteration, unless such certificate shall have been issued.

D. Certificates of occupancy for existing structures. The present legal occupancy and use of any existing structure may continue, except as may be specifically prescribed by this Code or as may be necessary for the safety of life, health or property. Upon written request from the owner, the Superintendent of Buildings shall issue a certificate of occupancy for any existing structure that currently does not have a certificate of occupancy, where sufficient documentation is provided and approved by the

Superintendent of Buildings that certifies that the existing structure complies with the Building Code at the time of the request.
10. Editor's Note: See Ch. 210, Zoning, of this Code.
E. Letters in lieu of a certificate of occupancy for existing structures. The present legal occupancy and use of any existing structure may continue, except as may be specifically prescribed by this Code or as may be necessary for the safety of life, health or property. Upon written request from the owner, the Superintendent of Buildings shall issue a letter in lieu of a certificate of occupancy for any structure constructed prior to 1935 upon submission of an electrical underwriter's certificate for a survey of the electrical system throughout the entire structure.
F. Change of occupancy. Changes of occupancy or use inconsistent with the last issued certificate of occupancy are forbidden in any structure. Any change of occupancy in an existing structure must be submitted in a building permit application describing the change of use and the interior layout of the structure. No change of occupancy will be permitted when the proposed use is in conflict with any provisions of the laws of the State of New York or the Zoning Code.10
G. Contents of certificates of occupancy and certificates of compliance. A certificate of occupancy or certificate of compliance shall contain the following information:
(1) The building permit number, if any;
(2) The date of issuance of the building permit, if any;
(3) The name (if any), address and Tax Map number of the property;
(4) If the certificate of occupancy or certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy or certificate of compliance is issued;
(5) The use and occupancy classification of the structure;
(6) The type of construction of the structure;
(7) The occupant load of the assembly areas in the structure, if any;
(8) Any special conditions imposed in connection with the issuance of the building permit; and
(9) The signature of the Superintendent of Buildings issuing the certificate of occupancy or certificate of compliance and the date of issuance.
H. Temporary certificate of occupancy. The Superintendent of Buildings shall be permitted to issue a temporary certificate of occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Superintendent of Buildings issue a temporary certificate of occupancy unless the Superintendent of Buildings determines 1) that the building or structure, or the portion thereof covered by the temporary certificate of occupancy, may be occupied safely, 2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and 3) that all required means of egress from the structure have been provided. The Superintendent of Buildings may include in a temporary certificate of occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A temporary certificate of occupancy shall be effective for a period of time not to exceed 90 days. Upon request of the owner or his authorized representative, the Superintendent of Buildings shall issue a temporary certificate of occupancy for part of a structure, provided that such temporary occupancy or use does not in any way jeopardize life or

property. Original temporary certificates of occupancy shall be granted for periods of not more than 90 days and be subject to renewal by the Superintendent of Buildings for similar periods of not more than 90 days at the discretion of the Superintendent months, which shall be determined by the Superintendent of Buildings and specified in the temporary certificate of occupancy. During the specified period of effectiveness of the temporary certificate of occupancy, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

I. Revocation or suspension of certificates. If the Superintendent of Buildings determines that a certificate of occupancy, certification of compliance, or a temporary certificate of occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Superintendent of Buildings within such period of time as shall be specified by the Superintendent of Buildings, the Superintendent of Buildings shall revoke or suspend such certificate.

J. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy, certificate of compliance, or for temporary certificate of occupancy.

§ 86-18. Notification regarding fire or explosion.

The Chief of any fire department providing firefighting services for a property within this Village shall promptly notify the Superintendent of Buildings of any fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent.

§ 86-19. Unsafe buildings, structures, and equipment and conditions of imminent danger.

Unsafe buildings, structures, and equipment and conditions of imminent danger in this Village shall be identified and addressed in accordance with the procedures established by Chapters 95 and 128, as now in effect or as hereafter amended from time to time.

§ 86-20. Operating permits.

A. Operating permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below. The operating permit must be obtained prior to commencing such activities or operations listed below:

(1) Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) Buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(a) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(b) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(c) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(d) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(e) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;
(f) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;
(g) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire by-products or operating a tire rebuilding plant;
(h) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;
(i) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;
(j) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law § 270;
(k) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;
(l) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and
(3) Energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in Section R327.5 of the RCNYS.
(4) Buildings containing one or more assembly areas;
(5) Outdoor events where the planned attendance exceeds 1,000 persons;
(6) Facilities that store, handle or use hazardous production materials;
(7) Parking garages as defined in § 86-23A of this chapter;
(8) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees of this Village; and
(9) Other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by the Board of Trustees of this Village.
B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Superintendent of Buildings. Such application shall include such information as the Superintendent of Buildings deems sufficient to permit a determination by the Superintendent of Buildings that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Superintendent of Buildings determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Superintendent of Buildings, at the expense of the applicant.
C. (Reserved)
D. Inspections. The Superintendent of Buildings or an Inspector authorized by the Superintendent of Buildings shall inspect the subject premises prior to the issuance of an operating permit. Such inspections shall be performed either in-person or remotely.

Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Superintendent of Buildings or an Inspector authorized by the Superintendent of Buildings, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Superintendent of Buildings or Inspector authorized by the Superintendent of Buildings that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the Village sufficient information to make a determination, an in-person inspection shall be performed. After inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

E. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Superintendent of Buildings may require a separate operating permit for each such activity, or the Superintendent of Buildings may, in their discretion, issue a single operating permit to apply to all such activities.

F. Duration of operating permits.

(1) Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

(a) Thirty days for tents, special event structures, and other membrane structures;

(b) Sixty days for alternative activities at a sugarhouse;

(c) One year for the activities, structures, and operations determined per Subsection A(9); and

(d) One year for all other activities, structures, and operations identified in Subsection A.

(2) The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Superintendent of Buildings, payment of the applicable fee, and approval of such application by the Superintendent of Buildings.

G. Revocation or suspension of operating permits. If the Superintendent of Buildings determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid at the time submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 86-21. Fire safety and property maintenance inspections.

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Superintendent of Buildings or an Inspector designated by the Superintendent of Buildings at the following intervals:

(1) At least once every 12 months for buildings which contain an assembly area;

(2) At least once every 12 months for multiple dwellings and all nonresidential occupancies.

B. Remote inspections. At the discretion of the Superintendent of Buildings or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the

Superintendent of Buildings or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Superintendent of Buildings or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Superintendent of Buildings or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

C. Inspections permitted. In addition to the inspections required by Subsection A, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Superintendent of Buildings or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

(1) The request of the owner of the property to be inspected or an authorized agent of such owner;

(2) Receipt by the Superintendent of Buildings of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) Receipt by the Superintendent of Buildings of any other information, reasonably believed by the Superintendent of Buildings to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

D. OFPC inspections.

(1) Nothing in this section or in any other provision of this chapter shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator or other authorized entity under Executive Law § 156-e and Education Law § 807-b.

(2) Notwithstanding any other provision of this section to the contrary, the Superintendent of Buildings may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to §§ 807-a and 807-b of the Education Law and/or § 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Superintendent of Buildings or by an Inspector, provided that:

(a) The Superintendent of Buildings is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR § 1203.2(e);

(b) The Superintendent of Buildings is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;

(c) Such inspections are performed no less frequently than once a year;

(d) A true and complete copy of the report of each such inspection is provided to the Superintendent of Buildings; and

(e) Upon receipt of each such report, the Superintendent of Buildings takes the appropriate action prescribed by § 86-27, Violations, of this chapter.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-28, Fees, of this chapter must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 86-22. Complaints.
A. The Superintendent of Buildings shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code.
B. The process for responding to a complaint shall include such of the following steps as the Superintendent of Buildings may deem to be appropriate:
(1) Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
(2) If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 86-27, Violations, of this chapter;
(3) If appropriate, issuing a stop-work order;
(4) If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 86-23. Condition assessments of parking garages.
A. Definitions. For the purposes of this section:
CONDITION ASSESSMENT — An on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure.
DETERIORATION — The weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component.
PARKING GARAGE — Any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
(1) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
(2) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
(3) A townhouse unit with attached parking exclusively for such unit.
PROFESSIONAL ENGINEER — An individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.
RESPONSIBLE PROFESSIONAL ENGINEER — The professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term "responsible professional engineer" shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

UNSAFE CONDITION — Includes the conditions identified as "unsafe" in §§ 304.1.1, 305.1.1, and 306.1.1 of the PMCNYS.
UNSAFE STRUCTURE — A structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
B. Condition assessments; general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in Subsection C, periodic condition assessments as described in Subsection D, and such additional condition assessments as may be required under Subsection E. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Village, in accordance with the requirements of Subsection F. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
C. Initial condition assessment. Each parking garage shall undergo an initial condition assessment as follows:
(1) Parking garages constructed on or after the effective date of this chapter, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.
(2) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to six months after the effective date of this chapter.
D. Periodic condition assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed one year.
E. Additional condition assessments.
(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under Subsection C, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
(2) If the Village becomes aware of any new or increased deterioration which, in the judgment of the Village, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under Subsection C, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Village to be appropriate.
F. Condition assessment reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Village within a time frame to be set

by the Superintendent of Buildings. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) An evaluation and description of the unsafe conditions;

(4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) An evaluation and description of the corrective options available, including the recommended time frame for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) The responsible professional engineer's recommendation regarding preventative maintenance;

(8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

G. Review condition assessment reports. The Village shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Village shall, by this chapter or such other means of enforcement as the Village may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to Subsection F(2) and (3). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Village to take any other enforcement action, including, but not limited to, suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

H. The Village shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Village with a written statement attesting to the fact that he or she has been so engaged, the Village shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Village shall be permitted to

require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

I. This section shall not limit or impair the right or the obligation of the Village:

(1) To perform such construction inspections as are required by § 86-15, Construction inspections, of this chapter;

(2) To perform such periodic fire safety and property maintenance inspections as are required by § 86-21, Fire safety and property maintenance inspections, of this chapter; and/or

(3) To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Village by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment. § 86-24. Climatic and geographic design criteria.

A. The Superintendent of Buildings shall determine the climatic and geographic design criteria for buildings and structures constructed within this Village as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) Design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) Heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) Flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(a) The accompanying Flood Insurance Rate Map (FIRM);

(b) Flood Boundary and Floodway Map (FBFM); and

(c) Related supporting data along with any revisions thereto.

B. The Superintendent of Buildings shall prepare a written record of the climatic and geographic design criteria determined, pursuant to Subsection A, shall maintain such record within the office of the Superintendent of Buildings, and shall make such record readily available to the public.

§ 86-25. Recordkeeping.

A. The Superintendent of Buildings shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) All applications received, reviewed and approved or denied;

(2) All plans, specifications and construction documents approved;

(3) All building permits, certificates of occupancy, certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;

(4) All inspections and tests performed;

(5) All statements and reports issued;

(6) All complaints received;
(7) All investigations conducted;
(8) All condition assessment reports received;
(9) All fees charged and collected; and
(10) All other features and activities specified in or contemplated by §§ 86-14 through 86-24, inclusive, of this chapter.
B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 86-26. Program review and reporting.
A. The Superintendent of Buildings shall annually submit to Board of Trustees of this Village a written report and summary of all business conducted by the Superintendent of Buildings and the Inspectors, including a report and summary of all transactions and activities described in § 86-25, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.
B. The Superintendent of Buildings shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code.
C. The Superintendent of Buildings shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Village is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§ 86-27. Violations.
A. Orders to remedy.
(1) The Superintendent of Buildings is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. An order to remedy shall be in writing; shall be dated and signed by the Superintendent of Buildings; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:
"The person or entity served with this order to remedy must completely remedy each violation described in this order to remedy by [specify date], which is 30 days after the date of this order to remedy."
(2) The order to remedy may include provisions ordering the person or entity served with such order to remedy (1) to begin to remedy the violations described in the order to remedy immediately, or within some other specified period of time which may be less than 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within 30 days of the date of such order to remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist)

which are authorized by this chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Superintendent of Buildings may deem appropriate, during the period while such violations are being remedied. The Superintendent of Buildings shall cause the order to remedy, or a copy thereof, to be served on the owner of the affected property personally or by first class mail within five days after the date of the order to remedy. The Superintendent of Buildings shall be permitted, but not required, to cause the order to remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by first class mail within five days after the date of the order to remedy; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

B. Appearance tickets. The Superintendent of Buildings and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Penalties. In addition to such other penalties as may be prescribed by State law:

(1) Any person who violates any provision of this chapter or any term, condition, or provision of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Superintendent of Buildings pursuant to any provision of this chapter, shall be punishable by a fine of not more than $1000 per day of violation, or imprisonment not exceeding 15 days, or both; and

(2) Any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Superintendent of Buildings pursuant to any provision of this chapter, shall be liable to pay a civil penalty of not more than $500 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Village.

D. Injunctive relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, certificate of compliance, temporary certificate, stop-work order, operating permit, order to remedy, or other notice or order issued by the Superintendent of Buildings pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, order to remedy or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Board of Trustees of this Village.

E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 86-16, Stop-work orders, of this chapter, in any other section of this chapter, or in

any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 86-16, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.
11. Editor's Note: Former Articles IV, Classification of Structures and Occupancies; V, Building Restrictions in General; VI, Light, Ventilation and Insulation Standards; VII, Means of Egress; VIII, Materials, Loads and Stresses; IX, Construction; X, Safeguards During Construction; XI, Fire-Resistive Construction; and XII, Chimneys and Heating Appliances; of the 1979 Code, adopted 5-9-1966, as amended 5-7-1973, 3-7-1977 by L.L. No. 4-1977, 10-27-1980 by L.L. No. 10-1980, and 1-24-1994 by L.L. No. 1-1994, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 86-28. Fees.
A fee schedule shall be established by resolution of the Board of Trustees of this Village. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, certificates of compliance, temporary certificates, operating permits, fire safety and property maintenance inspections, and other actions of the Superintendent of Buildings described in or contemplated by this chapter.

§ 86-29. Intermunicipal agreements.
The Board of Trustees of this Village may, by resolution, enter into an agreement, in the name of this Village, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 86-30. Partial invalidity. If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

§ 86-31. Inconsistencies.
Where any inconsistencies occur between the provisions of any section of the Code of the Village of Freeport and this article, the more restrictive provisions shall prevail.

§ 86-32. Effective date.
This chapter shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule Law.

E. Section 86-12, definition of "inspector," is revised as indicated:

An inspector appointed pursuant to <u>§ 86-13D of this chapter</u>~~subdivision (d) of section 3 of this local law~~.

F. Former Article III, Definitions; Article IV, Classification of Structures and Occupancies; Article V, Building Restrictions in General; Article VI, Light, Ventilation and Insulation Standards; Article VII, Means of Egress; Article VIII, Materials, Loads and Stresses; Article IX, Construction; Article X, Safeguards During Construction; Article XI, Fire-Resistive Construction; Article XII, Chimneys and Heating Appliances; Article XIII, Special Occupancies; Article XIV, Elevators and Amusement Devices; Article XV, Fire-Extinguishing and -Detecting Equipment; Article XVI, Plumbing and Gas Piping; Article XVII, Multiple Dwellings; Article XVIII, Air-Supported Structures; Article XIX, Interim Development No. 1; Article XX, Interim Development No. 2; Article XXI, Interim Development Law No. 3; are repealed.

Chapter 87, Flood Damage Prevention

A. Section 87-4:

(1) Definition of "area of special flood hazard" is revised to read as follows:

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, Coastal A Zone (a.k.a. "limited of moderate wave action" – LIMWA), 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."

(2) Definition of "design flood elevation" is added as follows:

DESIGN FLOOD ELEVATION — The base flood elevation plus the freeboard requirement.

(3) Definition of "freeboard" is added as follows:

FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater.

B. Section 87-4 is revised to read as follows:

For nonsubstantially damaged or nonsubstantially improved structures. New and replacement electrical equipment, wiring and outlets, switches, junction boxes and panels, heating, ventilating, air conditioning, plumbing connections and other service equipment shall be located two feet 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, unless technically unfeasible. NAVD88 Datum required.

Chapter 88, Vacant Buildings

Article I, Registration

Section 88-3B is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for the annual registration of a vacant building.

Chapter 90, Moving of Buildings

A. Chapter title is revised to read "Moving of Buildings and/or Structures."

B. Section 90-2A is revised to read as follows:

Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance in to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The policy shall also protect the Village, against any damages caused to any street or other public property by reason of such house moving. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage, property damage insurance, and street damage or other public property damage insurance required.

C. Section 90-5, Penalties, is added to read as follows:

Anyone who shall be deemed in violation of this chapter shall be subject to a penalty not to exceed $10,000 or imprisonment of not more than 15 days, or both.

Chapter 91, Outdoor Burning

Section 91-2, Penalties for offenses, is revised to change "$250" to "$1,000."

Chapter 92, Business Hours

Section 92-2, Excepted businesses, is revised to read as follows:

This chapter shall not apply to restaurants, ice cream parlors, bars and grills, billiard parlors, gasoline stations, fishing stations, drugstores, and convenience stores.

Chapter 95, Commercial Building Standards

Chapter 95 is added to read as follows:

ARTICLE I
General Regulations
§ 95-1. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:
COMMERCIAL BUILDING — Any building that is nonresidential.
MIXED-USE BUILDING — Any building that is a mix of residential and nonresidential.
NUISANCE — Embraces public nuisances known at common law or in equity jurisprudence and whatever is dangerous to human life or detrimental to health and whatever building is overcrowded or is not provided with adequate means of ingress and egress or is not sufficiently supported, ventilated, sewered, drained or cleaned and whatever renders the air or human food or drink unwholesome are also severally, in contemplation of this chapter, nuisances. All such nuisances are hereby declared illegal.
OCCUPIED or OCCUPANCY — As applied to any commercial or mixed-use building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or occupancy."

OWNER — The record owner of the title to any premises and also anyone exercising the rights of ownership therein at the time of the making of any order with regard thereto by the Village Board and shall include a lessee of the entire building or structure, other than a single-family private dwelling, or a mortgagee in possession.
PERSONS INTERESTED — The owner, as herein defined, and all other persons interested in the property to which such words refer.
RENTAL PREMISES — Any premises occupied under or by virtue of a rental or lease agreement, verbal or written, or where any sum or thing is paid for occupancy or charge is made for use and/or occupancy or where occupancy is pursuant to a contract of purchase or installment payment contract or free of payment by the occupant where payment is made by another or any other occupancy or arrangement for charge of any kind.
REPAIR — Any alteration, structural change or the performance of any act necessary or requisite to make any building or structure or any part thereof, found by the Village Board or Superintendent of Buildings to be a dangerous building or a substandard building, within the purview of this chapter.
§ 95-2. Dangerous commercial or mixed-use buildings.
All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:
A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle 1/3 of its base.
B. Those which have been damaged or have deteriorated so as to have become, in the judgment of the Village Board, dangerous to the life, health, morals or general welfare of the occupants thereof or to the people of the Village. Any building or structure which,

exclusive of the foundation, shows 33 1/3% or more damage to or deterioration of the supporting members or 50% or more damage to or deterioration of the nonsupporting enclosing or outside walls or coverings shall be deemed a dangerous building.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose. Those having inadequate facilities for ingress or egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication used.

E. Those which have parts thereof which are so attached that they may fall and injure the occupants thereof or members of the public or property.

F. Those buildings existing in violation of any provision of the building code of the Village[1] or any provision of the fire prevention laws or regulations of said Village[2] or other ordinances of the Village.

§ 95-3. Removal or repair of dangerous commercial or mixed-use buildings. All dangerous buildings, within the terms of § 95-2 of this chapter, are hereby declared to be public nuisances and shall be repaired or removed as herein provided.

§ 95-4. Inconsistent provisions.

Whenever the provisions of any local ordinance, resolution or regulation imposes requirements with regard to commercial or mixed-use buildings inconsistent with the terms and provisions of this chapter or any part thereof, the provisions of this chapter shall govern, provided that, should any such ordinance, resolution or regulation impose more stringent requirements with regard to dangerous buildings, as herein defined, than the provisions of this chapter impose, then such more stringent requirements shall be construed to apply.

§ 95-5. Requests for inspections of buildings.

A. Right of inspection; certificate to issue. The owner of any building used, in whole or in part, for human occupancy and against whom no proceedings hereunder are pending with regard to such building may request the Superintendent of Buildings to cause an inspection thereof to be made, whereupon the Superintendent of Buildings shall cause an inspection of such building to be made and if, upon such inspection and a report thereon to the Village Board, it shall be disclosed that the same is not a dangerous building, the Village Board will direct the Superintendent of Buildings to issue a certificate to that effect to such applicant. The issuance of such certificate is not to be construed as a finding that such building is not a dangerous building beyond the date of issuance thereof. Should, however, such inspection disclose said building or structure to be a dangerous building, the Village Board will direct the Superintendent of Buildings to give written notice to the applicant to appear before them on a certain date within 15 days from the date of said notice and shall thereupon proceed in the same manner as prescribed in § 95-7B, C, D, E and F of this chapter. Such notice shall contain the same particulars as are required by § 95-6D hereof.

B. Effect of application for inspection. No qualified owner who has applied for inspection, pursuant to Subsection A of this section, shall be prosecuted under § 95-15 hereof with regard to any building of which inspection has been requested unless he fails to comply with the order of the Village Board made pursuant to Subsection A hereof.

1. Editor's Note: See Ch. 86, Building Construction, of this Code.

2. Editor's Note: See Ch. 115, Fire Prevention, of this Code.

ARTICLE II
Duties of Officials; Administration
§ 95-6. Superintendent of buildings.
The Superintendent of Buildings shall:
A. Inspections, generally. Inspect or cause to be inspected, as often as may be necessary to ensure the enforcement of this chapter, all buildings in the Village for the purpose of determining whether any conditions exist therein which render such places dangerous buildings within the terms of § 95-2 of this chapter and whether any conditions exist therein not in compliance with the standards of this chapter.
B. Inspections upon complaint. Inspect any building, wall or structure about which a complaint is filed by a person to the effect that the same is or may be existing in violation of the terms of this chapter.
C. Issuance of notice to comply. Notify, in writing, the owner of any building found by him to be a dangerous building within the standards set forth in § 95-2 of this chapter and of any building found by him not conforming to the standards set forth in Article III hereof that he must repair or remove said building, in accordance with the terms of the notice and this chapter, or otherwise comply with the standards set forth in this chapter within a reasonable time to be fixed by said notice.
D. Contents of notice. Set forth, in the notice provided for in Subsection C hereof, a description of the building or structure or parts thereof deemed to violate the provisions of this chapter, a statement of the particulars in which the building is dangerous or fails to comply with the standards set forth in Article III hereof and a direction requiring compliance with the standards set forth in this chapter or that the building or structure be put in such condition as to comply with the terms of this chapter or that said building or structure be removed.
E. Report to Village Board. Report to the Village Board any noncompliance with the notice provided for in Subsections C and D.
F. Appearance; testimony at hearings. Appear at all hearings conducted by the Village Board and testify as to the condition of the dangerous building.
G. Institution of actions; proceedings. With the assistance of the Village Counsel, do such acts and take such proceedings as may be required to bring about the repair or removal of buildings as ordered by the Village Board and take such steps as may be required by the provisions of the Village Law § 4-412 to cause the removal or repair of any building which is dangerous or unsafe to the public and to cause the assessment of all costs and expenses incidental thereto against the land on which said buildings are located.
H. Posting notice. Firmly affix a notice, in a conspicuous place, in front of all dangerous buildings immediately after the issuance of the order provided for in § 95-7D of this chapter as follows: This building has been found to be a dangerous building by the Board of Trustees of the Village of Freeport. This notice is to remain on this building until it is repaired or removed or made to comply with the direction which has been given the owner. It is unlawful to remove this notice until such direction has been complied with.
§ 95-7. Board of Trustees.
The Village Board shall:
A. Issuance of notice to appear. Upon receipt of a report of the Superintendent of Buildings as provided for in § 95-6E hereof, give written notice to the persons interested in said building to appear before them on a certain date, within 15 days of the date of notice, to show cause why compliance with the standards set forth in this chapter should not be made or why the building or structure reported to be a dangerous building should

not be repaired or removed in accordance with a statement of particulars set forth in the Superintendent of Buildings' notice provided for by § 95-6C and D of this chapter.

B. Hearing. Hold a hearing and hear testimony as to whatever evidence the persons interested in said building may offer relative to the dangerous building.

C. Written findings. Make a written finding of facts as to whether or not the building in question is a dangerous building within the meaning of § 195-2 hereof.

D. Issuance of orders. Issue an order commanding the persons interested in said building to repair or remove any building found to be a dangerous building within the terms of this chapter or to comply with the standards set forth in this chapter. Such order shall fix the time when compliance therewith shall commence, not more than 10 days after the making thereof, and shall fix a reasonable time within which such compliance shall be so completed. The Village Board may, in its discretion and upon good cause shown, extend the time for full compliance with said order.

E. Effect of noncompliance with order.

(1) If the owner fails to comply with the order provided for in Subsection D hereof or any extension thereof, the Village Board may direct the Superintendent of Buildings to cause such dangerous building or structure to be repaired or removed, as the facts may warrant, under the standards hereinbefore set forth, provided that, before proceeding to repair or to remove or cause the repair or removal of any dangerous or unsafe building, the Superintendent of Buildings may, with the advice and assistance of the Village Counsel, proceed in accordance with the provisions of Village Law § 4-412 and institute appropriate proceedings before a court of competent jurisdiction to obtain an order or judgment directing or authorizing such repair or removal. The Superintendent, of Buildings shall, with the assistance of the Village Counsel, take such legal action as may be necessary to cause the costs of such repair or removal, and all costs and expenses incurred by the Village in connection with said proceedings shall be charged against the land on which the building stands or did stand as a municipal lien, or such costs shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or did stand.

(2) The lien of the Village or any expense incurred with regard to the repair or removal of any dangerous building shall have priority over all other liens and encumbrances, except taxes, assessments and water rates. Except as to the liens imposed for expenses incurred as a result of the repair or removal of any dangerous building, nothing herein contained shall be construed as placing upon the property a lien which supersedes or is superior to the lien of any mortgage with regard to any building and property executed and recorded prior to the existence of such lien.

F. Report to Village Counsel. Report to the Village Counsel the names of all persons not complying with the order provided for in Subsection D hereof.

G. Authority to initiate proceedings. The Village Board may, in the first instance and without service of any notice by the Superintendent of Buildings, give notice to the persons interested in any building, which they have reason to believe may be a dangerous building, to appear before them on a certain date, within 15 days from the date of such notice, to show cause why the building or structure specified in such notice should not be repaired or removed or otherwise made to comply with the provisions of this chapter. Such notice shall contain the same particulars as are required by § 95-6D of this chapter. Upon the return day of said notice, the Village Board shall thereupon proceed in the same manner as prescribed in Subsections B, C, D, E and F of this section.

H. Vacation; amendment of order. The Village Board may from time to time and upon due notice vacate, modify or amend any order made by them, as herein provided, and may, either on their own motion or upon the motion of any person interested, reopen any proceedings in which they have made an order for the purpose of taking further testimony and, upon such rehearing, render any decision and make any order consistent with the provisions of this chapter that they shall deem just and equitable.

§ 95-8. Review of order of Board of Trustees.

Any person deeming himself aggrieved by any order or direction of the Village Board may have the determination reviewed by the Supreme Court in the manner prescribed by the Civil Practice Law and Rules.

§ 95-9. Village Counsel.

The Village Counsel shall:

A. Prosecute violations of orders. Prosecute all persons failing to comply with the terms of any order granted to be given under § 95-7D.

B. Prosecute violations of chapter. Prosecute all persons who shall in any way violate the terms of this chapter.

C. Appear at hearings. Appear at all hearings before the Village Board with regard to dangerous buildings.

D. Institute actions. In his discretion, bring suit to correct all municipal liens, assessments or costs incurred by the Village for repairing or causing to be removed dangerous buildings.

E. Enforcement, generally. Take such other legal action as is necessary to carry out the terms and provisions of this chapter, including actions to abate nuisances, or for the enforcement of this chapter by injunction or otherwise.

§ 95-10. Fire and Police Departments.

The employees of the Fire Department and the employees of the Police Department of the Village shall make a report, in writing, to the Superintendent of Buildings of all buildings and structures which, in the discharge of their respective duties, are found or may be suspected to be dangerous or substandard buildings within the terms of this chapter. Such reports must be delivered to the Superintendent of Buildings within 24 hours of the discovery of such building by an employee of said Fire Department and/or Police Department.

§ 95-11. Service of notices or orders.

All notices or orders required to be given hereunder may be served by delivering to and leaving a copy of the same with the person entitled to such notice. In cases where any such person is absent from the Village, all notices or orders provided for herein shall be sent by registered mail to said person so absent to the last known address of said person or to the last address of said person as shown by the records of the receiver of taxes and/or in the office of the County Clerk of Nassau County. Whenever such service is made by registered mail, a copy of such notice or order shall also be posted in a conspicuous place on the front of the dangerous building or substandard building to which it relates. Such mailing and posting shall be deemed adequate service.

§ 95-12. Nonliability of officials.

No officer, agent or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Village Counsel until the final determination of the proceedings therein.

§ 95-13. Removal or repair of buildings.
The following remedies shall be applied in substance by the Superintendent of Buildings and the Village Board in ordering removal or repair:
A. Repair. If the dangerous building can be reasonably repaired so that it will no longer exist in violation of this chapter, it shall be ordered repaired. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered removed. All repairs are to be performed in a workmanlike manner to the minimum standards of the respective trade.

B. Removal. In all cases where a dangerous building is a fire hazard, existing or erected in violation of any ordinance of this Village or statute of the State of New York, it shall be ordered removed unless such hazard or violation can be cured, in which event the building shall be ordered repaired.
C. Unsafe structures. Any structures or part of a structure or premises that from any cause may at any time become dangerous or unsafe structurally or as a fire hazard shall be repaired and secured or taken down and removed. A vacant building that is unguarded or open at door or window shall be deemed dangerous or unsafe as a fire hazard within the meaning of this section.
§ 95-14. Cumulative nature of remedies.
The several remedies herein provided with respect to the repair or removal of dangerous buildings or of substandard buildings or the assessment and recovery of the cost of repair or removal thereof incurred by the Village and any other remedies, legal or equitable, available shall be deemed cumulative, and any and all thereof may be pursued concurrently or consecutively. The pursuit of any remedy shall not be construed as an election or waiver of the right to pursue any and all of the others.
§ 95-15. Penalties for offenses.
A. Responsibility of owner. The owner of any dangerous building who knowingly permits such dangerous building to be used for commercial purposes or human occupancy or who shall fail to comply with any order of the Village Board to repair or remove said building or otherwise make it comply with the standards set forth in this chapter shall be guilty of a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of not more than $5,000, or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.
B. Effect of a continuing violation. For the purposes of Subsection A of this section, each day during which there is a failure to comply with the provisions of this chapter or of any order issued by the Village Board shall constitute a separate offense.
C. Effect of occupancy. In any prosecution under this section, the fact that any dangerous building or any part of said building was used for commercial purposes or human occupancy shall be presumptive evidence that the same was so used with the knowledge and consent of the owner.
D. Removal of notice. Any person removing the notice provided for in § 95-6H hereof shall be fined a sum not to exceed $250 for each offense.
E. Disposition of penalties. All penalties collected under this chapter shall be the property of the Village, but no provision of this chapter shall be construed to prohibit the Village from creating and maintaining a separate revolving fund out of such penalties, not to exceed the sum of $10,000 and out of which payment may be made for repairs or removals made or caused to be made as provided herein.

ARTICLE III
Stairwells

§ 95-16. Identification of stairwells.
In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.

Chapter 98, Disclosure of Interest

Section 98-4A is revised to read as follows:

It shall be unlawful for any applicant to violate the provisions of this chapter and any violations thereof shall be punishable by a fine not to exceed $1000.

Chapter102, Drains and Bulkheads

Section 102-1 is revised to read as follows:

DRAINS AND BULKHEADS
§ 102-1. Statutory provisions amended.
[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 6-26-1967 by L.L. No. 3-1967. Amendments noted where applicable.]
§ 102-1. Statutory provisions amended.
Section 89, Subdivision 15, of the Village Law is hereby amended by renumbering the existing Subdivision 15 as § 102-1A and adding thereto a new Subsection B, Bulkheads in the Incorporated Village of Freeport.
A. Drains. The Board of Trustees may, for the purpose of arresting and preventing damage to property within the Village resulting from floods or erosion, construct drains, culverts, dams and bulkheads, and dredge channels, and regulate water courses, ponds and watering places within or without the Village. Power and authority is hereby conferred upon the Board of Trustees of a village, in the name of the Village, to acquire property necessary for such public improvements, whether located within or without such village, by purchase or by condemnation in the manner provided by the Condemnation Law. No property shall be acquired or such a public improvement constructed without the corporate limits of a village except with the consent of the governing board or body of the city, town or village in which such property is situated or such public improvement is proposed to be constructed. Such consent may only be given after a public hearing held within such city, town or village pursuant to notice published at least once and at least ten days prior to the hearing in a newspaper having general circulation in the municipality in which the hearing is to be held. Consent given by the governing board or body by any such municipality shall not impose a liability against the city, town or village and the maintenance and repair of any such improvement shall remain the responsibility of the Village making the improvement. The cost of the work, including the acquisition of property, shall be a charge against the Village, except that, in respect of improvements wholly within the Village, or that part thereof located therein, the work may be done wholly at the expense of the Village or of the owners of the property benefited, or partly at the expense of each as a local improvement. The term "property" as used in this section is defined to include lands, structures, rights in lands, including lands under water, riparian rights and any and all other things and rights usually included within the said town, and shall include also easements, rights of way, uses, leases, licenses and any and all interests in such property less than full title.

B. Bulkheads in the Incorporated Village of Freeport. Notwithstanding the preceding subsection, the Board of Trustees of the incorporated Village of Freeport may construct, repair, maintain and care for bulkheads on public waterways in the Incorporated Village of Freeport; any direct and order such work to be done by the owner or occupant of any property abutting such a public waterway where the existing bulkhead or the absence of a bulkhead constitutes a dangerous or unsafe condition; may direct and order any such work to be done by the property owner or occupant of the property in accordance with specifications furnished by the Village and on default may have the same done by contract or performed by the Village; may pay for same from Village funds and assess such total cost against the property benefited; and may provide that the cost of any such work or improvements be paid at a specified time or in annual installments.

Chapter 106, Electricity

A. Section 106-3 is revised to read as follows:

> All electrical wiring, apparatus, fittings, appliances and equipment shall conform in all respects to the regulations for controlling electrical installations for service adopted by the Department, together with the applicable rules and regulations of the National Electrical Code and with the NYS Building Codes current at the time of installation.

B. Section 106-10A(1) is revised to read as follows:

> Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

Chapter 110, Environmental Quality Review

Section 110-6 is revised to change "15 days" to "20 days."

Chapter 115, Fire Prevention

A. Article I is amended to read as follows:

> General Regulations
> [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
> § 115-1. Interference at fires.
> No person shall interfere with, obstruct or hinder any firefighter, or member of the Fire Department while performing their duties at the scene of a fire, emergency or during training or drill. There shall be no interference or obstruction that will hinder the operations of the Fire Department in any way at any time.
> § 115-2. Yielding right-of-way to fire apparatus.

Upon the approach of any fire apparatus, while in response to an alarm, the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall immediately yield the right of way by moving to the right and placing said vehicle close to and parallel with the nearest curb, bringing said vehicle to a complete stop, and remaining there until the fire apparatus has moved from the vicinity.

§ 115-3. Parking near hydrants during alarms.

During any alarm that a fire apparatus is responding to, or operating at, no person operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall stop said vehicle within fifty (50) feet of any fire hydrant that is situated within a 500-foot radius of the alarm.

§ 115-4. Moving vehicles from vicinity of hydrants.

No person, while operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, shall fail to move said vehicle from the vicinity of any fire hydrant upon request to do so from any member of the Fire Department.

§ 115-5. Driving over fire hose.

At no time shall the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, drive said vehicle over any fire hose lying on any street, driveway, sidewalk or pathway of any type at any time unless instructed to do so, only by a member of the Fire Department.

§ 115-6. Obstructing or damaging hydrants.

At no time shall any fire hydrant be obstructed or damaged by any person in any way. No hydrant shall be obstructed from its full use by snow, ice, garbage cans or any substances or materials that are piled or stored in close proximity to said hydrant. See § 201-21 for other rules regarding fire hydrants.

§ 115-7. False alarms.

At no time shall any person willfully give any false alarm of fire or any other type of an emergency by use of phone, cell phone, radio or any type of social media outlet, or other method or device that would create a response from the Fire Department.

§ 115-8. Fire lines, going or remaining within.

The Incident Commander shall establish fire lines to create an area of operation that shall help provide safety to firefighters and civilians; at no time shall any person go into or remain inside of the fire lines without permission of the Incident Commander. Any person within the fire lines without permission shall be removed at the request of the Incident Commander by the Freeport Police Department.

§ 115-9. False indication of membership.

At no time shall any person indicate or make any reference to being a member of the Freeport Fire Department by placing, displaying or maintaining any insignia, emblem, placard or letters on any privately owned and operated motor vehicle, motorcycle, bicycle, scooter or any other mobility device. No person shall have in their possession, any form of identification, card, badge or other instrument indicating membership in the Freeport Fire Department without being approved by and having permission from the Fire Chief, Fire Council and the Board of Fire Commissioners.

1. Editor's Note: Former §§ 115-11, Accessibility of gas stopcock, and 115-12, Accessibility of safety valve for ammonia tank, of the 1979 Code, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 115-10. Fires outside Village limits.

A. Authorized. The Fire Department of the Village or any or more fire companies thereof are hereby authorized and permitted to go to the aid of another city, village, town, county or fire district outside of the Village limits to provide assistance in the extinguishment of

fires or any other emergency or public disaster. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.
B. Power vested in the Chief. The Chief of the Department is empowered to direct that mutual aid be extended to another city, village, town, county or fire district as herein provided. For the purpose of this section, the Chain of Command, as set forth in the Freeport Fire Department By-Laws shall be followed, and that in the absence or disability of the Fire Chief the next highest-ranking officer shall have the power to direct that such mutual aid be extended. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.
C. Privileges of firefighters. While extending such mutual aid, the members of the Fire Department shall have the same immunities and privileges as though they were performing the same duties within the Village.
§ 115-11. through § 115-12. (Reserved)1

Article II is amended to read as follows:

Bureau of Fire Prevention; Fire Safety
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
§ 115-13. Fire Prevention/Safety Bureau.
The Board of Fire Commissioners shall hereby authorize the Fire Prevention/Safety Bureau to operate under the supervision of the Superintendent of the Building Department.
§ 115-14. Fire Prevention/Safety Inspector; Inspector's appointment.
The Board of Fire Commissioners shall appoint as many inspectors as it deems necessary for its proper duties. Inspectors shall be appointed from within the Building Department at the Superintendent's request. Said Board shall adopt rules and regulations as may be necessary for its proper administration.
§ 115-15. Duties of Bureau.
It shall be the duty of the Fire Prevention/Safety Bureau, in cooperation with Nassau County Fire Marshal's Office and the Chief of the Freeport Fire Department, to enforce all laws, codes and ordinances of the State of New York, County of Nassau and the Village of Freeport regarding to, but not limited to, the following:
A. The prevention of fires, education through schools and use of social media outlets to help educate the residents of the Village on fire prevention methods.
B. Fire alarm systems. Assist the Village and the Fire Chief on keeping records on fire alarm system activations and inspections for proper installation, maintenance and licensing.
C. Fire escapes, the maintenance and regulations of fire escapes and exits.
D. Schools, to work with the Freeport school system, as well as preschools, private and parochial schools, and any other educational institute to ensure safe exits that do not cause any interference with, or impede firefighting operations in any way.
E. Commercial and industrial. To coordinate inspections with the Nassau County Fire Marshal's office, this will enable the Fire Department and the Building Department to have a better knowledge of the hazards within these occupancies and how to deal with them during true emergencies.
F. Additional powers. The Fire Prevention/Safety Bureau shall have such other powers and perform such other duties as set forth herein or as directed by the Board of Fire Commissioners, the Superintendent of Buildings or the Fire Chief in regard to conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Freeport.

G. Fire Safety Inspections. It shall be the duty of the Fire Prevention/Safety Bureau to conduct all fire safety inspections regarding new and renewing business licenses.

§ 115-16. Investigation of fires; reports.

A. The Fire Prevention/Safety Bureau shall assist the Fire Chief, when requested to do so, perform an investigation and determine the cause, origin and circumstances of every fire within the Village of Freeport by which property has been damaged or destroyed. If the Bureau is unable to assist, the Fire Chief shall be notified immediately.

B. The Fire Chief shall respond to all fires and emergencies within the Village of Freeport. Immediately upon the occurrence, the Chief shall determine the cause, origin and circumstances of every fire and shall determine whether the fire was the result of carelessness or design. If the Fire Chief has reason to believe that a fire is of suspicious origin, or other reason or factors that the Chief deems necessary, he shall take charge of any physical evidence available and shall immediately notify the authorities designated by law to pursue the investigation, Nassau County Fire Marshal's Office, Nassau County Police Arson/Bomb Squad and Freeport Police. The Fire Chief may also request assistance from the Fire Prevention/Safety Bureau, Superintendent of Buildings and the Village Counsel and, when requested, they shall comply with the full extent of their ability.

C. Report Required. There shall be a report of every incident, including, but not limited to, all fires and emergencies that the Fire Department responds to. The Fire Chief shall prepare and submit a report and statement to the National Fire Incident Reporting System (NFIRS) within seven days of incident.

(1) House fires. Time, date and address/location, any death or injury to civilian or Fire Department member. All damage to house, contents and personal property as well as any other private or public property involved. The cause, origin and circumstances of the fire and whether or not the fire is being investigated by any, and all authorities designated by law.

(2) Vehicle fires. Including, but not limited to, cars, trucks, motorcycles, boats and all electric mobility devices. Time, date and location of incident, any death or injury to civilian or Fire Department member. All damage to vehicle as well as any other private or public property involved. All registration information, including, but not limited to, year make and model, registration number and registered owner and user of vehicle.

(3) All other fires, including, but not limited to. Fence, garbage can, dumpster, grass, tree, mailbox, electric transformer or pole and any other fire that the Fire Department responds to. Time, date and location of incident, any death or injury to civilian or Fire Department member.

(4) Fire Department Units. The Chief shall list all Fire Department units that were notified to respond to and operate at the incident, as well as all mutual aid units operating at or standing by, all police and ambulance service and all other agencies that responded to, and operated at any incident.

(5) Cost of loss. The Chief shall estimate the dollar amount of the total loss as a result of a fire.

(6) Notification. The Chief shall notify the Freeport Police Department to make notification to property owners or responsible caretakers, such as the postmaster, electric and water departments and for when forcible entry is needed to investigate the nature of an alarm. The Chief shall make notification to Fire Com, regardless of the cause and origin of any fire, when there is a death or serious injury to a civilian or anyone involved with the fire, or any type of incident.

§ 115-17. False alarms, nuisance alarms.

A. It shall be the duty of the Fire Chief to determine if an alarm is a false alarm as set forth in § 72-9 of the Code of the Village, and to document said alarms.
B. It shall be the duty of the Fire Chief to determine if an alarm is a nuisance alarm, as set forth in § 72-8 of the Code of the Village, and to document said alarms.
§ 115-18. Inspection of various premises.
Upon direction of the Fire Chief or the Superintendent of Buildings, the Fire Prevention/ Safety Bureau, the Fire Chief, or duly designated inspector shall inspect:
A. All manufacturing plants, and or all places where acetylene or other gases, chemicals, oils, solvents, explosives and inflammable materials are used, stored or sold; the interior of all structures equipped with fire alarm or automatic fire sprinkler systems; and such other places as may be designated by the Fire Chief and the Nassau County Fire Marshal's Office as fire hazards.
B. All premises and thoroughfares, enclosed or unenclosed, except private dwellings, to determine whether there exists any condition conducive to danger from fire, such as improper accumulations of waste paper, boxes, shavings, trash or other types of inflammable or explosive materials, or whether there are obstructions to property, fire escapes, stairs, passageways, doors, windows which may impede Fire Department operations or block the means of egress in the event of a fire. In addition, any structures which, because of disrepair, structural defects or lack of proper installation, are of such nature as to create a danger to life and property in the event of a fire.
C. It shall be the duty of the Fire Chief, while in response to a complaint or upon his own initiative, to enter and to inspect boardinghouses, rooming houses, tourist homes, hotels, motels, boatels and any paying guest houses when there is reason to believe there are fire safety hazards and/or conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the guests and the people of the Village of Freeport.
§ 115-19. Quarterly inspections.
It shall be the duty of the Fire Chief to provide for inspections, as required in § 115-18 of this article, and any other inspection as authorized by the Fire Chief or the Superintendent of the Building Department, to be conducted by the Fire Prevention/Safety Bureau or duly designated inspector, at intervals of no more than three months.
§ 115-20. Violations of safety rules.
Whenever a violation of rules of reasonable safety is found to exist, the Fire Chief shall order the owner or occupant to remove dangerous materials or remedy other hazardous conditions as he may direct within 24 hours.
§ 115-21. Illumination of vestibules in public buildings.
Illumination of vestibules in public buildings to be in accordance with New York State Building Code.
§ 115-22. School fire and lock-down drills.
The principal, teachers or other persons in charge of any public, private, preschool or parochial school or other educational institution shall conduct fire and lock-down drills in accordance with Education Law §§ 807, Subdivisions 1 through 4. The Fire Prevention/ Safety Bureau shall work with the schools to ensure that, during these drills, as well as during true emergencies, there is no interference with Fire Department operations as set forth in §§ 115-1 through 115-6 of the Code of the Village of Freeport, as well as provide for the safety of all students, teachers and all occupants of the building.
2. Editor's Note: Former § 115-23, Signs regarding location of fire alarm boxes, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Former § 115-25, Inspection of tank vehicles, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Section 115-58B(11) is added to read as follows:

Outside tanks in a flood zone as shown on a FEMA FIRM map must be properly anchored on a concrete slab.

Chapter 120, Garbage, Rubbish and Refuse

A. Section 120-1 is revised to read as follows:

§ 120-1. Accumulation of rubbish; growth of weeds; abandoned vehicles; vacant properties. [Amended 11-10-1969; 6-13-1972; 7-23-1973; 4-21-1975 by L.L. No. 3-1975; 11-13-1978 by L.L. No. 19-1978; 1-3-2000 by L.L. No. 1-2000; 7-13-2015 by L.L. No. 5-2015; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
A. It shall be unlawful for any owner of real property within the Village or agent of such owner, person, occupant, firm or corporation lawfully occupying any real property within the Village to permit:
(1) Uncut grass, weeds, brush or any portion of said growth to obtain a height in excess of eight inches.
(2) Rubbish or rubble to accumulate thereon.
(3) Boats, watercraft or motor vehicles or portions thereof to be stored for unreasonable periods of time or abandoned on the premises.

B. The Village Clerk or the Superintendent of Buildings is hereby empowered to notify, in writing, the owner of any such property to cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper. Such notice shall be by ordinary mail properly addressed and posted to the owner of the subject premises as the same appears in the office of the Freeport Village Assessor.
C. Upon failure to comply with the terms of such notice within five days of the date said notice is postmarked, the Village or its agents may cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper and assess the cost together with statutory interest thereof upon the real property upon which said grass, weeds, brush, rubble, motor vehicle or boat is found. The Village Treasurer may provide that the cost of any such work be paid at a specified time or shall be assessable against the property as a tax thereon.
D. Designated vacant properties. For those properties that are deemed vacant wherein due diligence has been performed in ascertaining ownership, and Village records indicate said property is vacant, an initial lot clearance notice will be sent as outlined in § 120- 1C. Thereafter said vacant properties will have lot clearances performed on a two-week rotation or as needed without a five-day notice.

B. Section 120-2(A) is revised to read as follows:

Prohibited. No owner, lessee or occupant of real property shall cause or permit any dried grass, weeds, brush, wastepaper, rags, boxes, barrels or other flammable

or combustible waste material to accumulate or remain on the premises under his control or care.

C. Article IV, Refuse and Disposal District, is repealed.

Chapter 122, Games of Chance

Section 122-3 is revised to update "New York State Racing and Wagering Board" to "New York State Gaming Commission."

Chapter 124, Health and Sanitation

A. Sections 124-3 through 124-6, codified as Article II, Restaurants and Eating Places, are relocated as §§ 165-19 through 165-22.

B. Article IV, Abortions, is repealed.

C. Section 124-14B is revised to read as follows:

Said storage of firewood or woodpile is raised at least six inches off the ground.

Chapter 128, Housing Standards

Article II, Duties of Officials; Administration

A. Section 128-15A is revised to change $1,000 to $4,000.

B. Section 128-15D is revised to read as follows:

Removal of notice. Any person removing the notice provided for in § 128-6H hereof shall be guilty of a violation and, upon conviction thereof, shall be fined a sum not to exceed $250 for each offense.

Article III, Standards for Residence Buildings

C. Section 128-21B is revised to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestrooms on terms, either expressed or implied, is required to furnish heat to the occupants thereof shall supply heat as required by the New York State Property Maintenance Code.

D. Section 128-24, Painting, screening and insect extermination:

(1) Subsection A is revised to read as follows:

Painting. Exterior surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.

(2) Subsection C is revised to read as follows:

Infestation. Grounds, buildings and structures shall be maintained free of insect, raccoon, vermin, and rodent harborage and infestation. Methods used for exterminating insects, raccoon, vermin and rodents shall conform with generally accepted practice. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

Article IV, Rental Premises

E. Section 128-25, Preservation of existing remedies, is revised to read as follows:

Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, county or state or existing requirements of any other provision of local laws or ordinances of the Village or county or state laws and regulations. In the case of a conflict between this article and other regulations, that which sets the more stringent requirement will prevail.

F. Section 128-29A is revised to update the maximum fine from $1,000 to $5,000.

G. Section 128-37B is revised to read as follows:

Owners of premises shall be responsible for proper maintenance, condition and operation of service facilities and for furnishing a hot-water supply, smoke and carbon monoxide detectors and window guards in multiple dwellings or rented premises. Furthermore, owners shall be responsible for making ordinary repairs as ordered by the Superintendent of Buildings, including, but not limited to, the repair or replacement of deteriorated windows and doors, defective plumbing and repair or replacement of outdated electrical systems. No separate charge shall be made for any required safety devices.

H. Section 128-37E is added to read as follows:

Wherever there shall be more than 12 families living in a multiple dwelling in which the owner thereof does not reside, the owner must provide for a janitor, housekeeper or superintendent who shall reside on the premises and have charge of same.

I. Section 128-37F is added to read as follows:

In any multiple dwelling subject to the requirements of § 128-37E, the owner of the property must, by March 1 of each year, provide to the Building Department a list of phone numbers for responsible parties to be contacted in the event that the janitor, housekeeper or superintendent cannot be located on the property.

J. Section 128-38, introductory paragraph, is amended as indicated:

Owners or occupants of dwelling units shall be responsible for compliance with this article in regard to the following:

Article VII, Stairwells

K. Article VII, Stairwells, is added to include new § 128-58, Identification of stairwells, to read as follows:

> *In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.*

Chapter 130, Insurance

Article I, Claims Against Fire Insurance Proceeds

A. Section 130-1, definition of "real property," is revised to read as follows:

> Property upon which there is erected any residential, commercial or industrial building or structure except an owner-occupied single-family residential structure and owner-occupied two-family residential structures.

B. Section 130-2 is revised to change "Superintendent of Insurance" to "Superintendent of Financial Services" and to update the statutory reference "§ 33 of the Insurance Law" to "§ 331 of the Insurance Law."

C. Section 130-3 is revised to update the statutory reference "§ 33-a of the Insurance Law" to "§ 3410 of the Insurance Law."

Chapter 134, Landmarks Preservation

Section 134-14A is revised to update the fine amount from $250 to $1,000.

Chapter 136, Laundromats

Section 136-5A is revised to update the fine amount from $250 to $1,000.

Chapter 138, Licensing of Business

D. Section 138-13A and B are revised to change "of $25" to "as set from time to time by resolution of the Board of Trustees."

E. Section 138-14 is revised to change "of $5" to "as set from time to time by resolution of the Board of Trustees."

F. Section 138-20 is revised to change "of $25" to "as set from time to time by resolution of the Board of Trustees."

G. Section 138-35A is revised to change "$250" to "$1,000."

Chapter 142, Lost and Abandoned Property

Chapter 142 is reorganized to add a new article (Article I, Lost and Abandoned Property on Public Streets, Sidewalks, Municipal Parking Fields, and Municipal Property); all sections of chapter are added to said article.

Chapter 145, Mail Area Assessment District

Chapter 145 is repealed and its number reserved.

Chapter 146, Memorial and Independence Days

Chapter 146 is repealed and its number reserved.

Chapter 155, Peace and Good Order

A. Section 155-8B is revised to read as follows:

> Any person who, without authority, enters or attempts to enter or who trespasses or attempts to trespass or who damages or attempts to damage any private property or any property owned by or under the control of the Village or who willfully violates, upon Village property, any regulation established by or under the authority of the Board of Trustees of the Village to maintain order and to preserve or safeguard said property shall be punishable by a fine not to exceed $1,000 for each offense, and such violation shall constitute disorderly conduct.

B. Section 155-10 is revised to add the following terms and definitions:

> *INTENT TO CONSUME –*
>
> *Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.*
>
> *OPEN BOTTLE, CAN OR OTHER CONTAINER –*
>
> *Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.*

C. Section 155-11A is revised to add the following to the end thereof:

> *This section shall be construed in conjunction with Vehicle and Traffic Law § 1227 as to enforcement on public highways or a right-of-way public highway.*

D. Section 155-14 is revised to change "$250" to "$1,000."

E. Section 155-47.1A is revised to read as follows:

> Fines, imprisonment, and enforcement. Any person violating this article shall be punished by a fine of $500 for the first offense; $1,000 for the second offense; and $1,500 for each subsequent offense.

F. Section 155-47.4B(1) is revised to read as follows:

> In the event that the owner, tenant and/or person in control of such a building, property or personal property shall fail or refuse to remove graffiti from his property, then such person or persons may be notified in writing, mailed to the property address, by the Superintendent of Buildings or his designated agent, that such person shall have a period of up to 48 hours from the receipt of such notice to complete removal or coverage of such graffiti. If weather conditions do not allow for the removal of said graffiti, the Superintendent of Buildings and/or their designated agent shall be permitted to extend the forty-eight-hour time frame for a period of time until weather conditions permit the removal of said graffiti.

G. Section 155-83 is revised to change "$250" to "$1,000."

H. Section 155-93 is revised as follows:

(1) Subsection E is revised to read as follows:

> All temporary storage containers must be placed in a driveway. The storage container shall be set back from any side yard a minimum of three feet, from the front yard by a minimum of three feet, and also be a minimum of three feet away from any structures on the property. In granting the permit, the Superintendent of Buildings, or his duly authorized representative, shall consider the rights of adjacent property owners so that there shall not be any unreasonable deprivation of light, air or reasonable use of adjoining property. In properties without a driveway, a temporary storage container may be placed in the street in front of the property for a period of time not to exceed 72 hours, if, in the sole determination of the Superintendent of Buildings, the placement of the storage container in the street would not cause a dangerous condition.

(2) Subsection H is revised to change "$250" to "$1,000."

Chapter 158, Peddling and Soliciting

A. Section 158-7A is revised to read as follows:

> Generally. An annual fee shall be paid before a license is issued hereunder. All annual licenses shall expire on May 31 and shall thereafter be renewable as provided in § 138-10. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by applicants for hawkers and peddlers licenses or a renewal thereof.

B. Section 158-9J is revised to read as follows:

Enter upon private property for the purpose of carrying or transporting goods, wares or merchandise and/or offering same for sale, except upon the invitation of the owner or occupant. Any person found in violation of this subsection shall be subject to a fine of not more than $1,000.

C. Section 158-11B is revised to change "$250" to "$1,000."

D. Section 158-17 is revised to change "$250" to "$1,000."

Chapter 162, Plumbing

A. Section 162-29(A) is revised to read as follows:

Comprehensive general liability coverage ("CGL"), to include premises operations, contractual liability, completed operations, personal injury, medical payments and fire legal liability. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of coverage required.

B. Section 162-116 is revised to read as follows:

Diameters of branches to any fixtures must not be less than 1/2 inch except when used to supply water closets, cisterns or lavatories. When the material used is pex, brass or copper pipe, the minimum diameter may be 3/8 inch. Branches for flush valves for water closets must not be less than one inch in diameter, and for urinals, not less than 1/2 inch in diameter.

C. Section 162-178 is revised to read as follows:

Each water closet and urinal must be flushed from a separate cistern, the water from which is used for no other purpose, or may be flushed through separate flushometer valves. The floor flange shall be soldered to a copper bend ready for inspection.

D. Section 162-195 is revised to read as follows:

All water service pipe must be copper to the property line.

Chapter 165, Places of Public Assembly

A. Section 165-5 is revised as follows:

(1) Subsection B is revised as indicated:

Annual fees for public assembly licenses shall be a fee as set from time to time by resolution of the Board of Trustees.~~determined pursuant to the following table:~~

~~Capacity in Persons~~	~~Fee Per Year or Fraction Thereof~~
~~1 to 100~~	~~$40.00~~

~~Capacity in Persons~~	~~Fee Per Year or Fraction Thereof~~
~~101 to 300~~	~~125.00~~
~~301 to 600~~	~~150.00~~
~~601 to 1,000~~	~~250.00~~

~~An additional fee of $25 shall be charged for each 100 persons or fraction thereof in e~~ ~~exceed $500 per year.~~

(2) Subsection D is revised as indicated:

The fee required for filing an application under this chapter shall be ~~$25~~an amount as set from time to time by resolution of the Board of Trustees. If the application is disapproved, the filing fee shall be retained to cover the cost of processing. If the application is approved, the filing fee shall be credited and applied to the total fee.

(3) Subsection E is revised as indicated:

The fee for the extension of a temporary license shall be ~~$10~~ an amount as set from time to time by resolution of the Board of Trustees for each 30 days or fraction thereof and shall be payable to the Village Clerk upon application for each extension. Any fees paid for an extension of a temporary license shall be nonreturnable and shall not be applicable to the total fee required.

(4) Subsection F is revised as indicated:

A fee of ~~$10~~ an amount as set from time to time by resolution of the Board of Trustees shall be charged for the replacement or substitute copy of a temporary or approved license or occupancy poster.

B. Section 165-13, introductory paragraph, is revised to read as follows:

All places of public assembly, as defined in § 165-1 of this chapter shall be subject to all provisions of this chapter, including obtaining a license, except that the fee may be waived for:

C. Section 165-16 is revised to change "$250" to "$1,000."

Chapter 167, Real Property Transactions

Section 167-4 is revised as indicated:

Any person, individual, corporation, partnership or organization convicted of violating any provision of this article shall be guilty of a misdemeanor and subject to a ~~fine of not more than $250 and/or imprisonment, or both~~ fine, at a minimum, of $500, up to a maximum of $2,500, and/or 150 days' imprisonment.

Chapter 171, Rooming and Lodging Houses

Chapter 171 is repealed in its entirety.

Chapter 173, Secondhand Dealers

A. Section 173-1B(7) is revised to read as follows:

> Antiques, which shall mean secondhand articles over 75 years of age, having a value of less than $1,000 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

B. Section 173-4 is revised as follows:

(1) Subsection A(1) is revised to read as follows:

> The name and description of the applicant. Individuals operating under a trade name must present a certified copy of the trade name certificate filed in the Nassau County Clerk's office. A partnership conducting a business, whether or not under a trade name, must submit a certified copy of the partnership certificate filed in the Nassau County Clerk's office when the partnership was formed. A corporation must furnish a copy of the filing receipt for the certificate of incorporation from the New York State Secretary of State. A corporation from outside New York State must furnish a copy of its certificate of authority to do business in New York State from the New York State Secretary of State.

(2) Subsection A(4) is revised to read as follows:

> That the applicant is a citizen of the United States and whether citizenship was obtained by birth or naturalization and, if by naturalization, the date and place where obtained. The naturalization certificate may be used as proof of citizenship.

C. Section 173-6 (title and substance) is revised to read as follows:

> Section 173-6. Availability of records.
>
> Every dealer in secondhand articles and all duly licensed dealers in antiques shall maintain all records as required to be kept under this chapter. Said records shall be made available to the Chief of Police or his designee on demand.

Chapter 176, Sewers and Sewage

A. Section 176-2

(1) Subsection B is revised to read as follows:

It shall be unlawful to discharge into any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters.

(2) Subsection C is revised to read as follows:

There being a public sewer physically available to all properties within the boundaries of the Village, it is mandatory that all said properties be connected to said public sewer. No private sewage disposal systems are now allowed, nor shall be allowed, within the sewer district.

B. Section 176-18 is revised to read as follows:

Any person found in violation of this chapter shall be subject to a fine of not more than $1,000, and such person shall be deemed a disorderly person. Each day in which any such offense shall continue shall be deemed a separate offense.

Chapter 180, Streets and Sidewalks

A. Section 180-2 is revised as follows:

(1) Subsection A is revised to read as follows:

It shall be the duty of every property owner and occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition. For failure, upon notice by the Village Clerk of not less than 24 hours, to make such repairs as are specified as to place and manner, the Village Clerk or Superintendent of Public Works may cause the same to be done and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

(2) Subsection B is revised to read as follows:

The Department of Public Works or its agents may construct, build, flag, surface, resurface, alter, repair, grade, regrade, maintain, care for and clean sidewalks, curbs and gutters in public streets. The Department of Public Works may regulate and prescribe the grade, width, materials, construction and other specifications of any such work. The Village Clerk or Superintendent of Public Works may direct and order any such work, repair or improvement to be done by the property owner and occupant of the property and on default may cause the same to be done by the Village and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

(3) Subsection C(1) is revised to read as follows:

The sidewalks and curbs, abutting or in front of every building or lot, and also the gutter and street area adjacent to the curb to a distance of at least 18 inches from the curb, before 10:00 a.m. each day in residential areas of the Incorporated Village of Freeport, shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, except in proper containers and at proper times for collection, by the owner, tenant, occupant or person in charge of each such building or lot.

(4) Subsection D(1) is revised to read as follows:

The sidewalks, curbs and gutters adjacent to and abutting upon each and every commercial, mercantile, business or other establishment in the Incorporated Village of Freeport shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, by the owner, operator or licensee of each such establishment. Each owner, operator or licensee of a commercial, mercantile, business or other establishment shall sweep such sidewalk, curb or gutter, and also the gutter and street area adjacent to the curb to a distance of at least 18 inches from the curb, before 10:00 a.m. each day that such business or establishment is open or operated. All sweepings and other debris shall be collected and removed to private containers by such owner, operator or licensee.

(5) Subsection D(2) is revised to read as follows:

Each person, corporation or business entity violating any provision of this section shall be guilty of a violation punishable by a fine of not more than $250 for a first offense, $500 for a second offense, and $1000 for any subsequent offenses or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment for each such violation.

B. Section 180-5.2A is revised to read as follows:

No person shall deposit a roll-off container in a driveway or within a Village street or right-of-way unless a permit has been issued therefor.

C. Section 180-5.2C(9) is added to read as follows:

No roll-off container may be placed on a soft surface, obstruct any portion of a sidewalk or block any portion of a curb cut.

D. Section 180-5.2C(10) is added to read as follows:

All permits to be issued for a duration of a maximum of 30 days with an option to renew the permit for an additional 30 days upon submission of a new permit application.

E. Section 180-6 is revised to read as follows:

Each application under § 180-5 shall be accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property

damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

F. Section 180-14 is revised to read as follows:

Each application for a permit shall be further accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default of the person to whom the permit is issued or by anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

G. Section 180-28A(1) is revised to read as follows:

Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

H. Section 180-28A(1)(a) and (b) are repealed.

I. Section 180-33.1C is revised to read as follows:

A parking area may be a soft-surface area consisting of bluestone, clamshell or other suitable material, to be reviewed via a Building Permit application to the Freeport Building Department and with final approval by the Site Plan Board. Such soft surface shall provide drainage so that the surface waters do not flow into the public streets, the municipal storm drainage system or upon adjacent properties. The Superintendent of Buildings may, however, permit an overflow from an on-site drainage system to the municipal storm drainage system if he deems it necessary for the proper operation of said parking field.

J. Section 180-39C is revised to read as follows:

Penalties. Any owner who has been notified by the Village Clerk that the trees or shrubs on their premises are in violation of either Subsection A or B hereof and shall fail to correct the condition within five days of the sending of such notice to their last known address by mail shall be in violation of this section, and in addition to the penalties otherwise enforceable, the Village or its agents may thereafter trim offending trees and hedges to correct the prohibited conditions and

assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

K. Section 180-42A is revised to read as follows:

The Superintendent of Public Works will maintain a list of approved trees which will be on file in the Village Clerk's Office.

L. Section 180-145B is revised to read as follows:

Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Village Clerk and issued by an insurance company authorized to do business in this state, running to the Village providing coverage for public liability (for personal injury) and property damage. Such certificate of insurance shall contain a provision that coverage will not be reduced, canceled or nonrenewed unless the Village of Freeport Village Clerk is given at least 10 days' written notice thereof. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence public liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

M. Section 180-50B is revised to read as follows:

For failure, upon notice by the Village Clerk of not less than 48 hours, to trim or remove any tree, including its stump, or any branch or limb of a tree as specified as to place and manner, the Village or its agents may cause the same to be done and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

N. Section 180-51 is revised as indicated:

Any violation of the provisions of this article shall render each offender liable to a ~~fine of not less than $10 nor more than $100 or to be prosecuted as and declared a disorderly person, or both,~~ maximum fine of $1,000 for each offense. In addition, the Village reserves the right to seize, remove or otherwise dispose of any planting in violation thereof.

O. Article VII is repealed.

Chapter 185, Taxation

Article I Tax on Income of Utilities

A. Section 185-1 is revised to update the statutory reference "Village Law Article 6, § 6-640" to "Village Law § 5-530."

B. Section 185-2 is revised to read as follows:

> Words and phrases used in this article, unless otherwise noted, shall have the same meanings as ascribed to them in § 186-a of the Tax Law

C. Section 185-9 is revised to change "shall not be added" to "may be added."

Article III Tax Exemption for Property Improvement for Physically Disabled

D. Sections 185-23 and 185-24 are revised to change "State Board of equalization and Assessment" to "Commissioner, State Board of equalization and Assessment."

Article IV Home Improvement Tax Exemption

E. Section 185-31A is revised to change "State Board of equalization and Assessment" to "Commissioner, State Board of equalization and Assessment."

Chapter 188, Taxicabs

A. Section 188-5 is revised to read as follows:

> No taxicab shall be operated upon the streets of the Village unless there are displayed in such taxicab the taxicab operator's license, with their picture in an illuminated holder in a manner in which it is clearly visible and can readily be observed by all passengers therein, and the rate card and a copy of the Taxicab Rate Zone Map as set forth in § 188-9 hereof.

B. Section 188-13 is revised to read as follows:

> Any person violating any of the provisions of this chapter shall be liable to a fine of not more than $1,000 or by imprisonment for a period not exceeding 15 days or both.

C. Section 188-18 is revised to read as follows:

> No license shall be issued to operate a taxicab or taxicabs unless and until the applicant shall file, with the Village Clerk and have approved by the Claims, an insurance policy or a certificate thereof of standard form, issued by an insurance company for such taxicab or taxicabs and provided minimum coverage for personal injuries or death of any persons and for property damage in any one accident. Such insurance policy or certificate shall provide that the Village will be given 10 days' prior notice of cancellation. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of minimum insurance required.

D. Section 188-22 is revised to read as follows:

> The Village Clerk and Police Department shall keep a record of every taxicab owner's license issued under this article. Such registration shall show the date and number of such licenses and all renewals, suspensions and revocations thereof and a record of each taxicab license, stating the make, model, passenger seating

capacity, name of manufacturer, New York State registration number, motor number and the name and address of the person or persons owning said taxicab. Such registration shall also show each driver's license issued hereunder, showing the name and address of such driver, their New York State chauffeur's license number, the number of his taxicab license issued hereunder and the date of issue and of renewal of such driver's license.

E. Section 188-23 is revised to read as follows:

Every person driving a taxicab licensed under the provisions of this article must be licensed as a taxicab driver.

F. Section 188-24 is revised to read as follows:

§ 188-24. Application for driver's license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every person desiring to obtain a taxicab driver's license shall comply with the following:

A. Applicant for a taxicab driver's license must be over the age of 18.

B. Contents of application. They shall make application for license on a blank furnished by the Village Clerk, which application shall state the full name and residence of the applicant; their place of residence during the five years previous to their present address; their age, height, weight, color of eyes, color of hair, place of birth and whether a citizen of the United States either by birth or naturalization; places of previous employment; whether they are married or single; whether they have been convicted of a felony or misdemeanor; whether they have previously been licensed as a driver or chauffeur and, if so, when, where and whether their license has ever been revoked or suspended and for what cause; and the number of their state driver's license. C. State license. Applicant shall exhibit current New York State Class E license or CDL for inspection.
D. Character reference. They shall file testimonials of at least two reputable persons as to good character and reliability with their application.
E. All applicants for a taxicab driver's license must furnish a certificate from a reputable physician certifying that, in their opinion, the applicant is not afflicted with any disease or infirmity which might make applicant an unsafe or unsatisfactory driver.
F. Photographs. They shall file with their application two photographs, 1 1/2 inches by 1 1/2 inches, taken within 30 days prior to the date of application, and such photo must be a true likeness of the applicant and must show only neck and shoulders and uncovered head. One of the photographs shall be attached to their license and the other shall be filed with their application. Such photographs shall be attached to the license in such a manner that it cannot be removed and another photograph substituted without the probability of detection.
G. Fingerprinting and examination. Applicant shall submit fingerprints to DCJS. Applicant shall be examined by the Chairman of the Board of Police Commissioners or an officer or officers designated as to applicant's knowledge of and compliance with all the provisions of this article, the traffic regulations and geography of the Village and the laws of the State of New York relative to the operation of motor vehicles, and if the result of such examination is not satisfactory, applicant shall be denied a license.

G. Section 188-25 is revised to read as follows:

A license to drive a taxicab shall be issued by the Mayor upon the satisfactory fulfillment of the requirements of §§ 188-23 and 188-24. Such license shall be in such form as to contain a brief description, the photograph and the signature of the licensee. Such license shall be clearly displayed at all times in the taxicab operated by the licensee and in such manner as to be readily examined by the police or passengers.

H. Section 188-27 is revised to read as follows:

Every taxicab driver licensed pursuant to this article shall, within 48 hours, notify the Village Clerk of any change of address or loss of either their taxicab driver's license or their chauffeur's license.

Chapter 197, Abandoned Vehicles

A. Section 197-1 is revised to read as follows:

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to deposit or cause to be permitted to be deposited an abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle, trailer, boat or camper, on any private land within the corporate limits of the Village of Freeport, except when permitted by resolution of the Village Board on findings that the enforcement of this prohibition would cause any of the aforementioned persons occupying the land undue hardship and is not required in the public interest.

B. Section 197-4 is revised to read as indicated:

Any owner, occupant, lessee, agent, tenant or otherwise who shall neglect and refuse to remove said abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked vehicle, cycle or trailer as directed by this section; who shall fail or refuse to comply with the provisions of any notice; or who shall violate any of the provisions of law; or who shall resist or obstruct authorized agents, servants, officers or employees of the Village of Freeport in the removal of any such abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer shall be deemed in violation of this chapter and shall be subject to a penalty not to exceed ~~$100~~ $1,000 for each and every violation. ~~In addition thereto, a violation of this chapter shall constitute disorderly conduct, and a person violating same shall be deemed a disorderly person.~~

Chapter 201, Water

A. Section 201-9G is revised to read as follows:

Size of taps. New and replacement taps shall be one inch or greater. Connections two inches and larger shall have a three-valve cluster. The minimum service line

for residential, commercial and industrial use shall be one inch. For residential use, the size of the tap or multiples thereof and the size of the service shall conform. One-inch connections shall be provided to receive a one-inch meter. For business and industrial use, the size of the tap or multiples thereof, the size of the service and the size of the meter shall conform, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal headers, two gate valves for each meter and angle-type back pressure valves for all but one of the meters.

B. Section 201-11B is revised as indicated:

B. Sizes, main limitations.

(1) Steel mains: ~~three-fourths-inch tap only~~ One-inch tap or larger.

(2) Transite mains~~.~~ : One-inch tap or larger.

~~(a) Three-fourths-inch tap in any size main.~~

~~(b) One-inch tap in an eight-inch main and larger.~~

(3) Cast-iron mains~~.~~: One-inch tap or larger.

~~(a) Three-fourths-inch tap in any size main.~~

~~(b) One-inch tap in a six-inch main and larger.~~

C. Section 201-13 is revised as follows:

(1) Subsection B is revised to read as follows:

Size. For residential installations (single-family dwellings), one-inch fittings shall be provided to receive one-inch meter couplings furnished by the Water Department. For multiple dwellings, business, commercial and industrial installations, the size of the meter shall conform to the size of the water service, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal headers, two gate valves for each meter and back pressure valves for all but one of the meters.

(2) Subsection D is revised to read as follows:

Facilities. The owner shall provide facilities and support for the setting of the meter in each installation or alteration of water service according to the Water Department Ordinance and the Plumbing Code.

D. Section 201-21 is revised as follows:

(1) Subsection C is revised to read as follows:

Charge. The charge for any special permit for the use of any hydrant shall be in accordance with its intended use as determined by the Water Department. The minimum charge shall be $50. The cost of repairing any damage caused to a hydrant by such a user shall be paid to the Water Department by said user at the office of the Village Treasurer.

(2) Subsection D is revised to read as follows:

> Connections. No connection shall be made in hydrant outlets except by valves or couplings which are readily detachable in an emergency. The connection shall have a control valve and backflow device and all connections must be detached immediately after use has ceased and always at the end of the work day.

E. Section 201-22A is repealed and its number reserved.

F. Section 201-34 is added to read as follows:

> *Any person, firm or corporation violating any of the provisions of this chapter shall be subject to the penalties set forth in § 1-14 of the Code of the Village of Freeport.*

Chapter 205, Waterfront Properties and Watercraft

A. Section 205-1, the definition of "pierhead line" is revised to read as follows:

> In all navigable waters within the harbor line where such waters abut property which has been zoned for residential, business, manufacturing or industrial use, in the absence of any other pierhead line fixed by the Village, there is deemed to have been established a pierhead line parallel with the property or bulkhead line adjoining such water and removed from such property or bulkhead line a distance equal to 20% of the width of said navigable water at the point in question, said distance, however, not to exceed 25 feet.

B. Section 205-5 is revised to read as follows:

> The owner, lessee or occupant of waterfront property shall keep the same cleaned and in good repair, and he shall keep the slips adjacent thereto properly dredged so as not to constitute a menace to navigation or to the health and well-being of the community or in any way be a nuisance. The area between the bulkhead line and the pierhead line shall also be the responsibility of the land owner to remove any aquatic vessels, slips, docks, floats or other items that may pose a danger or nuisance to navigable waters.

C. Section 205-8D is added to read as follows:

> *For purposes of calculating buildable area, only the portion of land between the street line and the bulkhead line can be considered for the construction of a primary or secondary structure.*

D. Section 205-9 is revised to read as follows:

> No person shall carry on or conduct a bathing beach or bathing pool in the Village where a charge is made for the use thereof without first having obtained a license in conformity with the provisions of §§ 138-1 through 138-11 of Ch. 138, Licensing of Businesses, and as further provided herein.

E. Section 205-11 is revised to read as follows:

> The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a license to operate a bathing beach or bathing pool.

F. Section 205-13 is repealed.

G. Section 205-17D is revised to read as follows:

> D. Properties owned or operated by the Village of Freeport
>
> [Added 6-3-2013 by L.L. No. 1-2013, amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
>
> (1) No vessel shall be moored or docked at the marina portion of Sea Breeze Park, the boat slips located at the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park without proper authorization, in the form of a placard or permit, from the Village of Freeport. The Board of Trustees, from time to time, shall set the fees for the docking and mooring of vessels at Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park.
>
> (a) Notwithstanding any other provisions of law to the contrary, the failure to have proper authorization to moor or dock a vessel at the Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park shall be a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of $500 for the first infraction, $1,000 for the second infraction, and not more than $1,500 for the third and any violations thereafter or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

H. Section 205-18G is revised to read as follows:

> Penalties. There shall be a fine not to exceed $1,000 for a conviction of any provision of this section.

Chapter 209, Site Plan Review

A. Section 209-4 is revised as follows:

(1) Subsection A is revised to change "Site Plan Review Board" to "Planning Board.

(2) Subsection B(3) is revised as follows:

> Repair and replacement of existing driveways, curb cuts, aprons and sidewalks in which no change is being made to the width or length of the existing driveway.

(3) Subsection B(6) is revised as follows:

Fences which do not extend beyond the front line of the building or principal structure with the exception of fences made of or designed as metallic in nature.

(4) Subsection B(7) is revised as follows:

Decks which are six feet or less above grade.

(5) Subsection B(9) is added as follows:

Residential handicap ramps.

B. Section 209-5 is revised to read as follows:

§ 209-5. Concept plan conferences and preliminary meetings.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. A preliminary conference or conferences may be held between the Planning Board, a representative of the Building Department and the applicant and his/her representatives upon written request to the Clerk of the Planning Board prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, to advise the applicant as to potential problems and concerns and to determine generally the type of information to be shown on and submitted with the site plan. In order to accomplish these objectives, the applicant shall provide the following:

(1) A statement and site map showing the location and dimensions of all structures, buildings, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features on the site, anticipated changes in the site's existing topography and natural features, and, where applicable, measures and features to comply with other applicable state and/or local regulations, including, but not limited to, tidal wetlands, freshwater wetlands and flood hazard areas.

(2) A map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, water bodies, shorelines (with high-water line), easements and other pertinent features.

(3) A topographic or contour map of adequate scale and detail to show site topography.

B. A preliminary meeting is required for all new residential and new commercial construction. The intent of such a meeting is to allow the Planning Board to review the completed application with the applicant and provide feedback in an informal setting prior to the public hearing.

C. Section 209-6 is revised as follows:

(1) Subsection A is revised to read as follows:

All applications for approval of a site plan shall be submitted on a form prescribed by rule or regulation of the Planning Board. Twelve copies of the site plan application and any related information shall be submitted to the Planning Board. No application shall be accepted by the Clerk of the Planning Board unless it is complete. Within 30 days of receipt of the application, the Planning Board shall determine whether said application is complete. If the Planning Board determines that said application is incomplete, it shall promptly notify the applicant wherein said application is deficient.

(2) Subsection C(1) is repealed.

(3) Subsection 209-6C(3)(o) is revised to read as follows:

Approximate locations and dimensions of areas proposed for neighborhood parks, playgrounds or other permanent open space.

D. Section 209-7A(2) is revised to read as follows:

Various on-site structures and uses within the development shall be harmonious and in scale to one another and with the neighborhood. No open design foundation system will be permitted for residential structures within an AE flood zone. Open design foundation systems shall only be permitted in FEMA-designated V (Velocity) zones and FEMA-designated Coastal A Zones, also known as the LIMWA Zone

Chapter 210, Zoning

A. Sections 210-3, 210-171C, D and F, 210-207, 210-300C, and 210-326 are revised to change "Site Plan Review Board" with "Planning Board.

B. Section 210-3 is revised as follows:

(1) Definition of "adjusted grade" is revised to read as follows:

Only in areas mapped in a floodplain by FEMA FIRM maps. Adjusted grade is the average of established grade and the design flood elevation as established by FEMA, the Incorporated Village of Freeport, and the North American Vertical Datum of 1988 (NAVD88).

(2) Definition of "design flood elevation" is added to read as follows:

The base flood elevation plus the freeboard requirement.

(3) Definition of "freeboard" is added to read as follows:

An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard

requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater.

(4) Definition of "lot, plot or parcel" is revised to read as follows:

A portion of land considered as a unit or occupied by a building or a group of buildings which are united by a common interest or use and the customary accessories and open spaces belonging to the same, provided that said portion of land is not dissected by a street, dedicated or not, a public or private way or by any easement over which the public has a right of passage. In the case of a waterfront property for the purpose of calculating buildable area, only the portion of terrestrial land between the streetline and the bulkhead line may be considered for a primary or secondary building.

(5) Definition of "NAVD 1988" is added to read as follows:

North American Vertical Datum of 1988 Plane. Elevation datum currently used by FEMA and the Incorporated Village of Freeport for the determination of flood elevations, FIRM Maps, and mean high tide.

C. Sections 210-4 and 210-260A are revised to change "Marine Apartment-Boatel and Condominium district" to "Marine Apartment-Boatel Condominium and Cooperative District."

D. Section 210-9 is revised to change $1,000 to read $4,000.

E. Sections 210-9.1, 210-9.2, 210-9.3, 210-9.4, 210-9.5, various moratoria, are repealed due to their expiration.

F. Section 210-29F is revised to read as follows:

Customary home occupations, such as the office of a physician, dentist, surgeon, real estate broker or other professional person, provided that such use is incidental to the primary residence use of such professional persons, and provided that such use shall be conducted in the principal building.

G. Section 210-47A is revised to read as follows:

Generally. All buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of more than 35 feet nor have more than three stories, and apartment houses shall not exceed 50 feet in height nor have more than four stories, including the basement.

H. Section 210-170 is revised to read as follows:

On corner lots in any Residence AA, Residence A or Residence Apartment District, no hedge or other structure or plant, other than shade trees, more than three feet in height above established grade, shall be erected, placed or maintained within a triangular area formed by the intersecting street lines and a straight line joining the street lines at points 20 feet distant from the point of intersection and measured along the street lines.

I. Section 210-177B(4) is revised as indicated:

The minimum fine for a violation of this subsection shall be ~~$25~~$250.

J. Section 210-204, definition of "temporary sign" is revised to read as follows:

TEMPORARY SIGN –

A sign which is designed to advertise or announce a particular event or series of events, to solicit political support or to announce the availability for sale of any type of property. Such temporary signs may be maintained for a period of no greater than 60 calendar days.

K. Section 210-204, definition of "wall sign" is revised to read as follows:

WALL SIGN –

Any sign which is attached directly to or painted on the building wall and is parallel to the building wall.

L. Section 210-206A(14) is added to read as follows:

The material of all signs shall be no thinner than 1/4-inch thick, shall be made of solid plastic, metal, or wood, and shall not be of flexible banner-type material.

M. Section 210-221 is revised to read as follows:

§ 210-221. Display of street numerals and business name.

[Added 1-23-1978 by L.L. No. 2-1978; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Any provision of this Code to the contrary notwithstanding, all structures situate within the Village of Freeport shall prominently display the numerals of the street address of said premises. Such numbers are to be clearly visible from the street adjacent thereto.

B. Any provision of this Code to the contrary notwithstanding, all businesses occupying a streetfront within the Village of Freeport shall have a code-compliant sign prominently displaying the business name of said business.

C. Any provision of this Code to the contrary notwithstanding, all businesses within the Village of Freeport containing a rear door shall have the business name and/or address displayed on said rear door.

N. Section 210-223A is revised to read as follows:

Location. Such pool is installed in the rear or side yard of the premises.

O. Section 210-260F and G are repealed.

P. Section 210-272 is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time and may amend a schedule of fees payable by an applicant for a special use permit for an

Artist/Professional Live/Work Overlay District and for the annual compliance inspection provided for in § 210-270 of this chapter.

Q. Section 210-295A is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a petition for a Golden Age Zone Classification.

EXHIBIT L

THESE ARE NOT OFFICIAL MINUTES UNTIL SAME HAVE BEEN APPROVED BY THE MAYOR AND BOARD OF TRUSTEES, AS THEY MAY BE AMENDED OR CORRECTED.

DIRECTIVE

TO: Howard E. Colton, Village Attorney October 8, 2024

FROM: Pamela Walsh Boening, Village Clerk

The following directive is an excerpt from the Minutes of the Board of Trustees Meeting of October 7, 2024:

It was moved by Trustee Squeri, seconded by Deputy Mayor Ellerbe that the following resolution be adopted:

VILLAGE OF FREEPORT
RESOLUTION TO HOLD PUBLIC HEARING
ON PROPOSED LOCAL LAW

WHEREAS the Board of Trustees of the Village of Freeport has entered into a project for the codification of local laws, ordinances and certain resolutions of the Village of Freeport for the purposes of increasing the effectiveness of village governmental administration, providing for greater public awareness of and access to village legislation and protecting the health, safety and welfare of village inhabitants; and

WHEREAS the proposed codification has been published in loose-leaf form and the Board of Trustees now desires to formally effect the adoption of said codification by enactment of a local law;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the Board of Trustees with respect to enactment of the following local law, such public hearing to be held on the 21st day of October, 2024, at 5:30 p.m., in the Municipal Building, Village of Freeport, New York. The proposed local law to be considered is as follows:

LOCAL LAW NO. 1-2024

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF FREEPORT INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF FREEPORT"

Copies of the text of the above-named local law shall be filed in the office of the Village Clerk.

AND BE IT FURTHER RESOLVED that the Village Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

---

cc:

X Auditor	X Electric Utilities	X Registrar
X Assessor	X Fire Dept.	X Rec. Center
X Attorney	X File	X Treasurer
X Bldg. Dept.	X Personnel	X Dep. Treasurer
Board & Comm.	X Police Dept.	X Dep. V. Clerk
X Claims Examiner	X Publicity	OTHER
X Comptroller	X Public Works	
X Court	X Purchasing	

EXHIBIT M

VILLAGE OF FREEPORT

NOTICE OF PUBLIC HEARING

ON PROPOSED LOCAL LAW

PLEASE TAKE NOTICE that, for the purpose of adopting a codification of the local laws, ordinances and certain resolutions of the Village of Freeport, said codification to be known as the "Code of the Village of Freeport," a public hearing will be held by the Board of Trustees at the Municipal Building in the Village of Freeport, on the 21st day of October, 2024, at 5:30 p.m., to consider the enactment of the proposed local law described and summarized below:

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A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF FREEPORT INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF FREEPORT"

This local law:

(1) States the legislative intent of the Board of Trustees in adopting the Code.

(2) Provides for the designation of the local laws, ordinances and certain resolutions of the Village of Freeport as the "Code of the Village of Freeport."

(3) Repeals local laws and ordinances of a general and permanent nature not included in the Code, except as provided.

(4) Saves from repeal certain local laws and ordinances and designates certain matters not affected by repeal.

(5) Retains the meaning and intent of previously adopted legislation.

(6) Provides for the filing of a copy of the Code in the Village Clerk's office.

(7) Provides for certain changes in or additions to the Code.

(8) Provides for minor changes to the zoning code of the Village, including but not limited to changes in fines, change in height permitted in Residence Apartment Districts, changes to the Signs section of the code, change in code regarding

display of street numbers and business names, and permitting pools to be installed in rear and side yards.

(11) Prohibits tampering with Code books, with offenses punishable by a fine of not more than $250 or by imprisonment for not more than 15 days, or both.

(12) Establishes when the local law will take effect.

(13) Provides that the local law will be included in the Code as Chapter 1, Article I.

Copies of the local law described above and of the Code proposed for adoption thereby are on file in the office of the Village Clerk of the Village of Freeport, where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Board of Trustees of the Village of Freeport will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above and, as deemed advisable by said Board, taking action on the enactment of said local law.

DATED: October 7, 2024

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF FREEPORT

PAMELA WALSH BOENING
VILLAGE CLERK

EXHIBIT N

FREEPORT HERALD – October 10, 2024

LEGAL NOTICE
VILLAGE OF FREEPORT
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DATED: October 7, 2024
BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF FREEPORT
PAMELA WALSH BOENING
VILLAGE CLERK
149438

EXHIBIT O

RE: Local Law 1-2024
RETURN TO: Pamela Walsh Boening

AFFIDAVIT OF POSTING

State of New York

County of Nassau

I, Brianna Montes, being duly sworn, deposes and states that on the 11th day of October, 2024 he/she posted copies of the attached notice in the following public places in the **INCORPORATED VILLAGE OF FREEPORT:**

MUNICIPAL BUILDING	**46 North Ocean Avenues**
MEMORIAL LIBRARY	**144 West Merrick Road**

AND FAXED/EMAILED TO THE FOLLOWING LOCATIONS FOR POSTING:

RECREATION CENTER	**130 E. Merrick Road**
FREEPORT HOSE CO. #1	**22 Southside Avenue**
FREEPORT HOSE CO. #2	**15 Broadway**
FREEPORT HOSE CO. #3	**375 South Bayview Avenue**

Bri Montes
Deponent

Sworn to before me this 11 day
of October 2024

Notary Public

LISA M DEBOURG
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DE6294362
Qualified in Nassau County
My Commission Expires December 16, 2025

VILLAGE OF FREEPORT
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ON PROPOSED LOCAL LAW

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(13) Provides that the local law will be included in the Code as Chapter 1, Article I.

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DATED: October 7, 2024

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF FREEPORT

PAMELA WALSH BOENING
VILLAGE CLERK

FREEPORT HERALD – October 10, 2024

LEGAL NOTICE
VILLAGE OF FREEPORT
NOTICE OF PUBLIC HEARING
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DATED: October 7, 2024
BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF FREEPORT
PAMELA WALSH BOENING
VILLAGE CLERK
149438

EXHIBIT P

ARTICLE I
Adoption of Code

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Freeport, as codified and consisting of Chapters 1 through 215, are hereby approved, adopted, and enacted as the Code of the Village of Freeport, hereinafter referred to as the "Code." 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. This local law and the Code adopted hereby shall supersede and replace the 1979 Code of the Village of Freeport, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

A. A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Village of Freeport by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Trustees to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Freeport" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Freeport shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment 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.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

All local laws and ordinances of a general and permanent nature of the Village of Freeport 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.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-5 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 Freeport 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 Freeport 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 Freeport.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Freeport.

E. Any local law or ordinance of the Village of Freeport 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 Freeport or any portion thereof.

F. Any local law or ordinance of the Village of Freeport 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 Freeport 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 Village 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 November 27, 2023.

O. Local Law 1-2019, regarding a tax cap override.

§ 1-7. Changes in previously adopted legislation.

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Freeport, 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.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Village of Freeport in any manner whatsoever which will cause the legislation of the Village of Freeport 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.

§ 1-10. When effective.

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

Village of Freeport
Code Adoption 2024 Local Law

Schedule A
Specific Revisions at Time of Adoption of Code

Chapter 1, General Provisions

Article I, Adoption of Code

A. Section 1-10, Penalties for offenses, is relocated to Art. II, General Penalty.

Article II, General Penalty

B. Article II is added.

Chapter 7, Boards and Commissions

Article VI, Planning Board

Section 7-18B is revised to read as follows:

> The Mayor shall appoint, subject to the approval by the Board of Trustees, two alternate members of the Planning Board. Said alternates shall serve one-year terms. An alternate member shall serve as a full voting member of the Planning Board where absences or conflicts of interest make it impossible to obtain a quorum.

Chapter 8, Tax Cap Override

Chapter 8 is deleted.

Chapter 16, Code of Ethics

A. Section 16-4 is revised to read as follows:

> § 16-4. Standards of conduct. [Amended 11-25-1971 by L.L. No. 2-1974; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
> Every officer or employee of the Incorporated Village of Freeport shall be subject to and abide by the following standards of conduct:
> A. Gifts. They shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value in excess of the amount permitted by General Municipal Law § 805-a, Subdivision 1, 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 them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.
B. Confidential information. They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.
C. Representation before one's agency. They 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 they are an officer, member or employee or of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.
D. Representation before any agency for a contingent fee. They 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 their municipality whereby their compensation is to be 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.
E. Disclosure of interest in legislation. To the extent that they know thereof, a member of the Board of Trustees and any officer or employee of the Incorporated Village of Freeport, 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 or on any matter being considered by any other official, board, agency, commission or officer of the Incorporated Village of Freeport shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

B. Section 16-6 is revised to add the following sentence to the end thereof:

Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

Chapter 27, Liability of Village

Section 27-1 is revised to delete the following from the reference to the General Municipal Law:

(added L. 1945, c. 694, § 1, effective September 1, 1945; amended L. 1950, c. 481, § 1, effective September 1, 1950; amended L. 1976, c. 745, § 2, effective September 1, 1976)

Chapter 42, Personnel Benefits and Regulations.

Article V, Early Retirement Program

Former Art. V, Early Retirement Program, is repealed.

Chapter 46, Police

Article II, Special Policemen

Former Art. II, Special Policemen, is repealed.

Chapter 70, Access to Records

Article I, Village Access to Criminal History Records

A. Sections 70-1 and 70-2 are revised to delete references to "Special Police."

B. Section 70-2, definition of "pernicious offender," is repealed.

C. Section 70-3:

(1) Subsection A(2) is revised to read as follows:

> A separate permit is required for each premises protected by an alarm system, said permit to have a duration of one or three years, depending on the option selected.

(2) Subsection A(3) is revised to read as follows:

> A permit shall expire one or three years from the date of issuance and may be renewed for additional one- or three-year periods, depending on the option selected, by the submission of a renewal application and payment of permit renewal fees as required by this chapter. Subpermits may be issued at any time for up to one or three years, but the duration may not extend beyond the expiration date of the permit.

D. Section 72-4C(2)(c), regarding conviction as a pernicious offender, is repealed.

E. Section 72-6B, Fees, is repealed.

F. Section 72-8A(2) is revised to read as follows:

> Failure to return a report of service repair within said fifteen-day period, which is reasonably satisfactory to the commanding officer, is a violation subject to the penalties under §72-16.

G. Section 72-12A(6) is added to read as follows:

> *Elevators and elevator control rooms.*

H. Section 72-15A and B are repealed and replaced with the following:

> The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for an alarm permit or a renewal thereof.

I. Section 72-16A and B are repealed and replaced with the following:

> A violation of any of the provisions of this chapter shall constitute a violation as said term is defined by the Penal Law of the State of New York and be punishable

as such by a fine of $750 for a first offense, $1,000 for a second offense, and $2,000 for any additional offenses, imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment. Each day's (twenty-four-hour period) continued violation of this chapter shall constitute a separate and distinct additional violation.

Chapter 73, Security Systems

Article I, Security Gates within Business Districts

Section 73-7 is revised to change "$250" to "$1,000."

Chapter 74, Licensing Amusements

A. Section 74-3 is revised to read as follows:

> It shall be unlawful to keep any premises licensed hereunder open for business between the hours of 12:00 midnight and 8:00 a.m., but a bowling alley may be kept open for business at any time, provided that in so doing the peace and quiet of the neighborhood is not disturbed.

B. Section 74-6 is revised to read as follows:

> Before any license shall be issued for any performance or amusement hereunder, a public liability insurance policy shall be filed with the Village Clerk, executed by the applicant and conditioned that the Village will be saved harmless for any injury to person or property because of fault or default by the licensee, said policy to be issued by a bonding company authorized to do business in New York State and in form approved by the Claims Examiner. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of liability insurance required.

C. Section 74-8 is revised to read as follows:

> Under no circumstances shall any of the activities hereunder comprehended be conducted in any portion of the Village zoned for residential purpose or in any other zone within 300 feet of any residence unless the owner thereof grants his consent thereto in writing, which shall be filed with the Village Clerk not less than three days before an exhibition or performance is given.

D. Sections 74-17 through 74-20 are repealed.

E. Section 74-17, Additional license for theater admitting children; Section 74-18, Issuance of license to admit children; Section 74-19, Seating of unaccompanied children; and Section 74-20, Licensing of theater matrons; duties; are repealed.

Chapter 78, Animals and Fowl

A. Section 78-11, Keeping of bees, is repealed.

B. Section 78-12, Penalties for other offenses, is relocated to the end of the chapter and renumbered as § 78-15. As a consequence of this move, §§ 78-13 through 78-15 were moved up and renumbered as §§ 78-12 to 78-14.

C. Section 78-14, which was renumbered as Section 78-13:

(1) Subsection A is revised to read as follows:

> Any dog four months of age or older harbored or otherwise kept within the Village of Freeport shall have a dog license. No license shall be required for any dog which is under the age of four months and which is not at large. The related identification tag shall be suspended from a dog's collar and worn at all times both on and off the dog owner's premises. A license shall be renewed after a period of one year, beginning with the first day of the month following the date of issuance, and shall be renewable annually thereafter prior to the expiration date. All applications for a dog license must be made to the Town of Hempstead.

(2) Subsection C is repealed.

Chapter 82, Bicycles

Sections 82-1, Applicability and purpose, through 82-2, Reports of transfers of ownership, codified as Article I, Licensing and Regulation, are repealed.

Chapter 86, Building Construction

A. Section 86-7A(1) is revised to read as follows:

> It shall be the duty of the superintendent of buildings (or their designee) to examine applications for permits or amendments thereto within a reasonable time after filing.

B. Section 86-7.1, Moratorium on telecommunication towers, is repealed.

C. Section 86-8C is revised to delete "(See § 86-131E.)"

D. Section 86-10M(1)(a) is revised to change $1,000 to $4,000 and/or 15 days in both places.

E. Section 86-11B:

(1) Definition of "commercial building," is revised to read as follows:

> Structures or parts of structures which are not public buildings, institutional buildings or residence buildings, including, among others,

office buildings, mercantile buildings, warehouses, freight depots, car barns, stables, factories, laboratories, smokehouses grain elevators, coal pockets, central station power plants, electric substations, garages, motor vehicle repair shops and gasoline vending stations.

(2) Definition of "frame" is revised to read as follows:

Those in which the structural parts and materials are of wood or other combustible materials or are dependent upon a wood frame for support, including construction having an incombustible veneer or an incombustible covering such as corrugated iron or corrugated asbestos cement composition sheets, except that all columns, footings or other supports of the first floor framing shall be of incombustible materials.

(3) Definition of "institutional building" is revised to read as follows:

Structures or parts of structures in which persons are harbored to receive medical, charitable or other care or treatment or in which persons are held or detained by reason of public or civic duty or for correctional purposes, including, among others, hospitals, asylums, sanitoriums, firehouses, police stations and jails.

(4) Definition of "mercantile building" is revised to read as follows:

A place in which one or more persons are employed, in which goods, wares or merchandise are offered for sale and includes a building, shed or structure or any part thereof occupied in connection with such an establishment. Mercantile buildings include, among others, sales rooms, stores, markets and restaurants.

(5) Definition of "multiple dwelling" is revised to read as follows:

A dwelling which is either rented, leased, let or hired out to be occupied or is occupied as the abode, residence or home of three or more families living independently of each other. For the purpose of this Code, multiple dwellings are divided into two classes, Class A and Class B.

(6) Definition of "multiple dwelling, Class A" is revised to read as follows:

A multiple dwelling which is occupied, as a rule, for residence purposes and not transiently. This class shall be deemed to include tenement houses, flat houses, maisonette apartments, apartment hotels, apartment houses, bachelor apartments, studio apartments, duplex apartments, kitchenette apartments and all other multiple dwellings, except Class B multiple dwellings, whether or not such other multiple dwellings are specifically designated by name.

(7) Definition of "multiple dwelling, Class B" is revised to read as follows:

A multiple dwelling which is occupied, as a rule, transiently as the more or less temporary abode of individuals or families who are lodged with or without meals. This class shall be deemed to include hotels, lodging

houses, rooming houses, boardinghouses, boarding schools, furnished room houses, lodgings, clubhouses, college and school dormitories.

(8) Definition of "public building" is revised to read as follows:

Structures or parts of structures in which persons congregate for civic, political, educational, religious, social or recreational purposes, including, among others, courthouses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, dance halls, theaters, bathhouses, armories and passenger depots.

(9) Definition of "residence building" is revised to read as follows:

Structures or parts of structures in which sleeping accommodations are provided, except such as may for other reasons be classed as public buildings, including, among others, dwellings, multiple dwellings, hotels, lodging houses, dormitories, convents, studios and clubhouses having sleeping accommodations.

F. Former Article IV, Classification of Structures and Occupancies; Article V, Building Restrictions in General; Article VI, Light, Ventilation and Insulation Standards; Article VII, Means of Egress; Article VIII, Materials, Loads and Stresses; Article IX, Construction; Article X, Safeguards During Construction; Article XI, Fire-Resistive Construction; Article XII, Chimneys and Heating Appliances; Article XIII, Special Occupancies; Article XIV, Elevators and Amusement Devices; Article XV, Fire-Extinguishing and -Detecting Equipment; Article XVI, Plumbing and Gas Piping; Article XVII, Multiple Dwellings; Article XVIII, Air-Supported Structures; Article XIX, Interim Development No. 1; Article XX, Interim Development No. 2; Article XXI, Interim Development Law No. 3; are repealed.

Chapter 87, Flood Damage Prevention

A. Section 87-4:

(1) Definition of "area of special flood hazard" is revised to read as follows:

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, Coastal A Zone (a.k.a. "limited of moderate wave action" – LIMWA), 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."

(2) Definition of "design flood elevation" is added as follows:

DESIGN FLOOD ELEVATION — The base flood elevation plus the freeboard requirement.

(3) Definition of "freeboard" is added as follows:

FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater.

B. Section 87-4 is revised to read as follows:

For nonsubstantially damaged or nonsubstantially improved structures. New and replacement electrical equipment, wiring and outlets, switches, junction boxes and panels, heating, ventilating, air conditioning, plumbing connections and other service equipment shall be located two feet 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, unless technically unfeasible. NAVD88 Datum required.

Chapter 88, Vacant Buildings

Article I, Registration

Section 88-3B is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for the annual registration of a vacant building.

Chapter 90, Moving of Buildings

A. Chapter title is revised to read "Moving of Buildings and/or Structures."

B. Section 90-2A is revised to read as follows:

Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance in to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The policy shall also protect the Village, against any damages caused to any street or other public property by reason of such house moving. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage, property damage insurance, and street damage or other public property damage insurance required.

C. Section 90-5, Penalties, is added to read as follows:

Anyone who shall be deemed in violation of this chapter shall be subject to a penalty not to exceed $10,000 or imprisonment of not more than 15 days, or both.

Chapter 91, Outdoor Burning

Section 91-2, Penalties for offenses, is revised to change "$250" to "$1,000."

Chapter 92, Business Hours

Section 92-2, Excepted businesses, is revised to read as follows:

This chapter shall not apply to restaurants, ice cream parlors, bars and grills, billiard parlors, gasoline stations, fishing stations, drugstores, and convenience stores.

Chapter 95, Commercial Building Standards

Chapter 95 is added to read as follows:

ARTICLE I
General Regulations
§ 95-1. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:
COMMERCIAL BUILDING — Any building that is nonresidential.
MIXED-USE BUILDING — Any building that is a mix of residential and nonresidential.
NUISANCE — Embraces public nuisances known at common law or in equity jurisprudence and whatever is dangerous to human life or detrimental to health and whatever building is overcrowded or is not provided with adequate means of ingress and egress or is not sufficiently supported, ventilated, sewered, drained or cleaned and whatever renders the air or human food or drink unwholesome are also severally, in contemplation of this chapter, nuisances. All such nuisances are hereby declared illegal.
OCCUPIED or OCCUPANCY — As applied to any commercial or mixed-use building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or occupancy."

OWNER — The record owner of the title to any premises and also anyone exercising the rights of ownership therein at the time of the making of any order with regard thereto by the Village Board and shall include a lessee of the entire building or structure, other than a single-family private dwelling, or a mortgagee in possession.
PERSONS INTERESTED — The owner, as herein defined, and all other persons interested in the property to which such words refer.
RENTAL PREMISES — Any premises occupied under or by virtue of a rental or lease agreement, verbal or written, or where any sum or thing is paid for occupancy or charge is made for use and/or occupancy or where occupancy is pursuant to a contract of purchase or installment payment contract or free of payment by the occupant where

payment is made by another or any other occupancy or arrangement for charge of any kind.

REPAIR — Any alteration, structural change or the performance of any act necessary or requisite to make any building or structure or any part thereof, found by the Village Board or Superintendent of Buildings to be a dangerous building or a substandard building, within the purview of this chapter.

§ 95-2. Dangerous commercial or mixed-use buildings.

All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle 1/3 of its base.

B. Those which have been damaged or have deteriorated so as to have become, in the judgment of the Village Board, dangerous to the life, health, morals or general welfare of the occupants thereof or to the people of the Village. Any building or structure which, exclusive of the foundation, shows 33 1/3% or more damage to or deterioration of the supporting members or 50% or more damage to or deterioration of the nonsupporting enclosing or outside walls or coverings shall be deemed a dangerous building.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose. Those having inadequate facilities for ingress or egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication used.

E. Those which have parts thereof which are so attached that they may fall and injure the occupants thereof or members of the public or property.

F. Those buildings existing in violation of any provision of the building code of the Village[1] or any provision of the fire prevention laws or regulations of said Village[2] or other ordinances of the Village.

§ 95-3. Removal or repair of dangerous commercial or mixed-use buildings. All dangerous buildings, within the terms of § 95-2 of this chapter, are hereby declared to be public nuisances and shall be repaired or removed as herein provided.

§ 95-4. Inconsistent provisions.

Whenever the provisions of any local ordinance, resolution or regulation imposes requirements with regard to commercial or mixed-use buildings inconsistent with the terms and provisions of this chapter or any part thereof, the provisions of this chapter shall govern, provided that, should any such ordinance, resolution or regulation impose more stringent requirements with regard to dangerous buildings, as herein defined, than the provisions of this chapter impose, then such more stringent requirements shall be construed to apply.

§ 95-5. Requests for inspections of buildings.

A. Right of inspection; certificate to issue. The owner of any building used, in whole or in part, for human occupancy and against whom no proceedings hereunder are pending with regard to such building may request the Superintendent of Buildings to cause an inspection thereof to be made, whereupon the Superintendent of Buildings shall cause an inspection of such building to be made and if, upon such inspection and a report thereon to the Village Board, it shall be disclosed that the same is not a dangerous building, the

Village Board will direct the Superintendent of Buildings to issue a certificate to that effect to such applicant. The issuance of such certificate is not to be construed as a finding that such building is not a dangerous building beyond the date of issuance thereof. Should, however, such inspection disclose said building or structure to be a dangerous building, the Village Board will direct the Superintendent of Buildings to give written notice to the applicant to appear before them on a certain date within 15 days from the date of said notice and shall thereupon proceed in the same manner as prescribed in § 95-7B, C, D, E and F of this chapter. Such notice shall contain the same particulars as are required by § 95-6D hereof.

B. Effect of application for inspection. No qualified owner who has applied for inspection, pursuant to Subsection A of this section, shall be prosecuted under § 95-15 hereof with regard to any building of which inspection has been requested unless he fails to comply with the order of the Village Board made pursuant to Subsection A hereof.

1. Editor's Note: See Ch. 86, Building Construction, of this Code.
2. Editor's Note: See Ch. 115, Fire Prevention, of this Code.

ARTICLE II
Duties of Officials; Administration
§ 95-6. Superintendent of buildings.
The Superintendent of Buildings shall:
A. Inspections, generally. Inspect or cause to be inspected, as often as may be necessary to ensure the enforcement of this chapter, all buildings in the Village for the purpose of determining whether any conditions exist therein which render such places dangerous buildings within the terms of § 95-2 of this chapter and whether any conditions exist therein not in compliance with the standards of this chapter.
B. Inspections upon complaint. Inspect any building, wall or structure about which a complaint is filed by a person to the effect that the same is or may be existing in violation of the terms of this chapter.
C. Issuance of notice to comply. Notify, in writing, the owner of any building found by him to be a dangerous building within the standards set forth in § 95-2 of this chapter and of any building found by him not conforming to the standards set forth in Article III hereof that he must repair or remove said building, in accordance with the terms of the notice and this chapter, or otherwise comply with the standards set forth in this chapter within a reasonable time to be fixed by said notice.
D. Contents of notice. Set forth, in the notice provided for in Subsection C hereof, a description of the building or structure or parts thereof deemed to violate the provisions of this chapter, a statement of the particulars in which the building is dangerous or fails to comply with the standards set forth in Article III hereof and a direction requiring compliance with the standards set forth in this chapter or that the building or structure be put in such condition as to comply with the terms of this chapter or that said building or structure be removed.
E. Report to Village Board. Report to the Village Board any noncompliance with the notice provided for in Subsections C and D.
F. Appearance; testimony at hearings. Appear at all hearings conducted by the Village Board and testify as to the condition of the dangerous building.
G. Institution of actions; proceedings. With the assistance of the Village Counsel, do such acts and take such proceedings as may be required to bring about the repair or removal of buildings as ordered by the Village Board and take such steps as may be required by the provisions of the Village Law § 4-412 to cause the removal or repair of any building

which is dangerous or unsafe to the public and to cause the assessment of all costs and expenses incidental thereto against the land on which said buildings are located.

H. Posting notice. Firmly affix a notice, in a conspicuous place, in front of all dangerous buildings immediately after the issuance of the order provided for in § 95-7D of this chapter as follows: This building has been found to be a dangerous building by the Board of Trustees of the Village of Freeport. This notice is to remain on this building until it is repaired or removed or made to comply with the direction which has been given the owner. It is unlawful to remove this notice until such direction has been complied with.

§ 95-7. Board of Trustees.

The Village Board shall:

A. Issuance of notice to appear. Upon receipt of a report of the Superintendent of Buildings as provided for in § 95-6E hereof, give written notice to the persons interested in said building to appear before them on a certain date, within 15 days of the date of notice, to show cause why compliance with the standards set forth in this chapter should not be made or why the building or structure reported to be a dangerous building should not be repaired or removed in accordance with a statement of particulars set forth in the Superintendent of Buildings' notice provided for by § 95-6C and D of this chapter.

B. Hearing. Hold a hearing and hear testimony as to whatever evidence the persons interested in said building may offer relative to the dangerous building.

C. Written findings. Make a written finding of facts as to whether or not the building in question is a dangerous building within the meaning of § 195-2 hereof.

D. Issuance of orders. Issue an order commanding the persons interested in said building to repair or remove any building found to be a dangerous building within the terms of this chapter or to comply with the standards set forth in this chapter. Such order shall fix the time when compliance therewith shall commence, not more than 10 days after the making thereof, and shall fix a reasonable time within which such compliance shall be so completed. The Village Board may, in its discretion and upon good cause shown, extend the time for full compliance with said order.

E. Effect of noncompliance with order.

(1) If the owner fails to comply with the order provided for in Subsection D hereof or any extension thereof, the Village Board may direct the Superintendent of Buildings to cause such dangerous building or structure to be repaired or removed, as the facts may warrant, under the standards hereinbefore set forth, provided that, before proceeding to repair or to remove or cause the repair or removal of any dangerous or unsafe building, the Superintendent of Buildings may, with the advice and assistance of the Village Counsel, proceed in accordance with the provisions of Village Law § 4-412 and institute appropriate proceedings before a court of competent jurisdiction to obtain an order or judgment directing or authorizing such repair or removal. The Superintendent, of Buildings shall, with the assistance of the Village Counsel, take such legal action as may be necessary to cause the costs of such repair or removal, and all costs and expenses incurred by the Village in connection with said proceedings shall be charged against the land on which the building stands or did stand as a municipal lien, or such costs shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or did stand.

(2) The lien of the Village or any expense incurred with regard to the repair or removal of any dangerous building shall have priority over all other liens and encumbrances, except taxes, assessments and water rates. Except as to the liens imposed for expenses incurred as a result of the repair or removal of any dangerous building, nothing herein

contained shall be construed as placing upon the property a lien which supersedes or is superior to the lien of any mortgage with regard to any building and property executed and recorded prior to the existence of such lien.

F. Report to Village Counsel. Report to the Village Counsel the names of all persons not complying with the order provided for in Subsection D hereof.

G. Authority to initiate proceedings. The Village Board may, in the first instance and without service of any notice by the Superintendent of Buildings, give notice to the persons interested in any building, which they have reason to believe may be a dangerous building, to appear before them on a certain date, within 15 days from the date of such notice, to show cause why the building or structure specified in such notice should not be repaired or removed or otherwise made to comply with the provisions of this chapter. Such notice shall contain the same particulars as are required by § 95-6D of this chapter. Upon the return day of said notice, the Village Board shall thereupon proceed in the same manner as prescribed in Subsections B, C, D, E and F of this section.

H. Vacation; amendment of order. The Village Board may from time to time and upon due notice vacate, modify or amend any order made by them, as herein provided, and may, either on their own motion or upon the motion of any person interested, reopen any proceedings in which they have made an order for the purpose of taking further testimony and, upon such rehearing, render any decision and make any order consistent with the provisions of this chapter that they shall deem just and equitable.

§ 95-8. Review of order of Board of Trustees.

Any person deeming himself aggrieved by any order or direction of the Village Board may have the determination reviewed by the Supreme Court in the manner prescribed by the Civil Practice Law and Rules.

§ 95-9. Village Counsel.

The Village Counsel shall:

A. Prosecute violations of orders. Prosecute all persons failing to comply with the terms of any order granted to be given under § 95-7D.

B. Prosecute violations of chapter. Prosecute all persons who shall in any way violate the terms of this chapter.

C. Appear at hearings. Appear at all hearings before the Village Board with regard to dangerous buildings.

D. Institute actions. In his discretion, bring suit to correct all municipal liens, assessments or costs incurred by the Village for repairing or causing to be removed dangerous buildings.

E. Enforcement, generally. Take such other legal action as is necessary to carry out the terms and provisions of this chapter, including actions to abate nuisances, or for the enforcement of this chapter by injunction or otherwise.

§ 95-10. Fire and Police Departments.

The employees of the Fire Department and the employees of the Police Department of the Village shall make a report, in writing, to the Superintendent of Buildings of all buildings and structures which, in the discharge of their respective duties, are found or may be suspected to be dangerous or substandard buildings within the terms of this chapter. Such reports must be delivered to the Superintendent of Buildings within 24 hours of the discovery of such building by an employee of said Fire Department and/or Police Department.

§ 95-11. Service of notices or orders.

All notices or orders required to be given hereunder may be served by delivering to and leaving a copy of the same with the person entitled to such notice. In cases where any

such person is absent from the Village, all notices or orders provided for herein shall be sent by registered mail to said person so absent to the last known address of said person or to the last address of said person as shown by the records of the receiver of taxes and/or in the office of the County Clerk of Nassau County. Whenever such service is made by registered mail, a copy of such notice or order shall also be posted in a conspicuous place on the front of the dangerous building or substandard building to which it relates. Such mailing and posting shall be deemed adequate service.

§ 95-12. Nonliability of officials.

No officer, agent or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Village Counsel until the final determination of the proceedings therein.

§ 95-13. Removal or repair of buildings.

The following remedies shall be applied in substance by the Superintendent of Buildings and the Village Board in ordering removal or repair:

A. Repair. If the dangerous building can be reasonably repaired so that it will no longer exist in violation of this chapter, it shall be ordered repaired. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered removed. All repairs are to be performed in a workmanlike manner to the minimum standards of the respective trade.

B. Removal. In all cases where a dangerous building is a fire hazard, existing or erected in violation of any ordinance of this Village or statute of the State of New York, it shall be ordered removed unless such hazard or violation can be cured, in which event the building shall be ordered repaired.

C. Unsafe structures. Any structures or part of a structure or premises that from any cause may at any time become dangerous or unsafe structurally or as a fire hazard shall be repaired and secured or taken down and removed. A vacant building that is unguarded or open at door or window shall be deemed dangerous or unsafe as a fire hazard within the meaning of this section.

§ 95-14. Cumulative nature of remedies.

The several remedies herein provided with respect to the repair or removal of dangerous buildings or of substandard buildings or the assessment and recovery of the cost of repair or removal thereof incurred by the Village and any other remedies, legal or equitable, available shall be deemed cumulative, and any and all thereof may be pursued concurrently or consecutively. The pursuit of any remedy shall not be construed as an election or waiver of the right to pursue any and all of the others.

§ 95-15. Penalties for offenses.

A. Responsibility of owner. The owner of any dangerous building who knowingly permits such dangerous building to be used for commercial purposes or human occupancy or who shall fail to comply with any order of the Village Board to repair or remove said building or otherwise make it comply with the standards set forth in this chapter shall be guilty of a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of not more than $5,000, or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

B. Effect of a continuing violation. For the purposes of Subsection A of this section, each day during which there is a failure to comply with the provisions of this chapter or of any order issued by the Village Board shall constitute a separate offense.

C. Effect of occupancy. In any prosecution under this section, the fact that any dangerous building or any part of said building was used for commercial purposes or human occupancy shall be presumptive evidence that the same was so used with the knowledge and consent of the owner.
D. Removal of notice. Any person removing the notice provided for in § 95-6H hereof shall be fined a sum not to exceed $250 for each offense.
E. Disposition of penalties. All penalties collected under this chapter shall be the property of the Village, but no provision of this chapter shall be construed to prohibit the Village from creating and maintaining a separate revolving fund out of such penalties, not to exceed the sum of $10,000 and out of which payment may be made for repairs or removals made or caused to be made as provided herein.

ARTICLE III
Stairwells
§ 95-16. Identification of stairwells.
In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.

Chapter 98, Disclosure of Interest

Section 98-4A is revised to read as follows:

It shall be unlawful for any applicant to violate the provisions of this chapter and any violations thereof shall be punishable by a fine not to exceed $1000.

Chapter102, Drains and Bulkheads

Section 102-1 is revised to read as follows:

DRAINS AND BULKHEADS
§ 102-1. Statutory provisions amended.
[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 6-26-1967 by L.L. No. 3-1967. Amendments noted where applicable.]
§ 102-1. Statutory provisions amended.
Section 89, Subdivision 15, of the Village Law is hereby amended by renumbering the existing Subdivision 15 as § 102-1A and adding thereto a new Subsection B, Bulkheads in the Incorporated Village of Freeport.
A. Drains. The Board of Trustees may, for the purpose of arresting and preventing damage to property within the Village resulting from floods or erosion, construct drains, culverts, dams and bulkheads, and dredge channels, and regulate water courses, ponds and watering places within or without the Village. Power and authority is hereby conferred upon the Board of Trustees of a village, in the name of the Village, to acquire property necessary for such public improvements, whether located within or without such village, by purchase or by condemnation in the manner provided by the Condemnation Law. No property shall be acquired or such a public improvement constructed without the corporate limits of a village except with the consent of the governing board or body of the city, town or village in which such property is situated or such public improvement is proposed to be constructed. Such consent may only be given after a public hearing held

within such city, town or village pursuant to notice published at least once and at least ten days prior to the hearing in a newspaper having general circulation in the municipality in which the hearing is to be held. Consent given by the governing board or body by any such municipality shall not impose a liability against the city, town or village and the maintenance and repair of any such improvement shall remain the responsibility of the Village making the improvement. The cost of the work, including the acquisition of property, shall be a charge against the Village, except that, in respect of improvements wholly within the Village, or that part thereof located therein, the work may be done wholly at the expense of the Village or of the owners of the property benefited, or partly at the expense of each as a local improvement. The term "property" as used in this section is defined to include lands, structures, rights in lands, including lands under water, riparian rights and any and all other things and rights usually included within the said town, and shall include also easements, rights of way, uses, leases, licenses and any and all interests in such property less than full title.

B. Bulkheads in the Incorporated Village of Freeport. Notwithstanding the preceding subsection, the Board of Trustees of the incorporated Village of Freeport may construct, repair, maintain and care for bulkheads on public waterways in the Incorporated Village of Freeport; any direct and order such work to be done by the owner or occupant of any property abutting such a public waterway where the existing bulkhead or the absence of a bulkhead constitutes a dangerous or unsafe condition; may direct and order any such work to be done by the property owner or occupant of the property in accordance with specifications furnished by the Village and on default may have the same done by contract or performed by the Village; may pay for same from Village funds and assess such total cost against the property benefited; and may provide that the cost of any such work or improvements be paid at a specified time or in annual installments.

Chapter 106, Electricity

A. Section 106-3 is revised to read as follows:

> All electrical wiring, apparatus, fittings, appliances and equipment shall conform in all respects to the regulations for controlling electrical installations for service adopted by the Department, together with the applicable rules and regulations of the National Electrical Code and with the NYS Building Codes current at the time of installation.

B. Section 106-10A(1) is revised to read as follows:

> Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

Chapter 110, Environmental Quality Review

Section 110-6 is revised to change "15 days" to "20 days."

Chapter 115, Fire Prevention

A. Article I is amended to read as follows:

General Regulations

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 115-1. Interference at fires.

No person shall interfere with, obstruct or hinder any firefighter, or member of the Fire Department while performing their duties at the scene of a fire, emergency or during training or drill. There shall be no interference or obstruction that will hinder the operations of the Fire Department in any way at any time.

§ 115-2. Yielding right-of-way to fire apparatus.

Upon the approach of any fire apparatus, while in response to an alarm, the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall immediately yield the right of way by moving to the right and placing said vehicle close to and parallel with the nearest curb, bringing said vehicle to a complete stop, and remaining there until the fire apparatus has moved from the vicinity.

§ 115-3. Parking near hydrants during alarms.

During any alarm that a fire apparatus is responding to, or operating at, no person operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall stop said vehicle within fifty (50) feet of any fire hydrant that is situated within a 500-foot radius of the alarm.

§ 115-4. Moving vehicles from vicinity of hydrants.

No person, while operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, shall fail to move said vehicle from the vicinity of any fire hydrant upon request to do so from any member of the Fire Department.

§ 115-5. Driving over fire hose.

At no time shall the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, drive said vehicle over any fire hose lying on any street, driveway, sidewalk or pathway of any type at any time unless instructed to do so, only by a member of the Fire Department.

§ 115-6. Obstructing or damaging hydrants.

At no time shall any fire hydrant be obstructed or damaged by any person in any way. No hydrant shall be obstructed from its full use by snow, ice, garbage cans or any substances or materials that are piled or stored in close proximity to said hydrant. See § 201-21 for other rules regarding fire hydrants.

§ 115-7. False alarms.

At no time shall any person willfully give any false alarm of fire or any other type of an emergency by use of phone, cell phone, radio or any type of social media outlet, or other method or device that would create a response from the Fire Department.

§ 115-8. Fire lines, going or remaining within.

The Incident Commander shall establish fire lines to create an area of operation that shall help provide safety to firefighters and civilians; at no time shall any person go into or remain inside of the fire lines without permission of the Incident Commander. Any person within the fire lines without permission shall be removed at the request of the Incident Commander by the Freeport Police Department.

§ 115-9. False indication of membership.

At no time shall any person indicate or make any reference to being a member of the Freeport Fire Department by placing, displaying or maintaining any insignia, emblem, placard or letters on any privately owned and operated motor vehicle, motorcycle, bicycle, scooter or any other mobility device. No person shall have in their possession, any form of identification, card, badge or other instrument indicating membership in the Freeport Fire Department without being approved by and having permission from the Fire Chief, Fire Council and the Board of Fire Commissioners.

1. Editor's Note: Former §§ 115-11, Accessibility of gas stopcock, and 115-12, Accessibility of safety valve for ammonia tank, of the 1979 Code, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 115-10. Fires outside Village limits.

A. Authorized. The Fire Department of the Village or any or more fire companies thereof are hereby authorized and permitted to go to the aid of another city, village, town, county or fire district outside of the Village limits to provide assistance in the extinguishment of fires or any other emergency or public disaster. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.

B. Power vested in the Chief. The Chief of the Department is empowered to direct that mutual aid be extended to another city, village, town, county or fire district as herein provided. For the purpose of this section, the Chain of Command, as set forth in the Freeport Fire Department By-Laws shall be followed, and that in the absence or disability of the Fire Chief the next highest-ranking officer shall have the power to direct that such mutual aid be extended. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.

C. Privileges of firefighters. While extending such mutual aid, the members of the Fire Department shall have the same immunities and privileges as though they were performing the same duties within the Village.

§ 115-11. through § 115-12. (Reserved)1

Article II is amended to read as follows:

Bureau of Fire Prevention; Fire Safety

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 115-13. Fire Prevention/Safety Bureau.

The Board of Fire Commissioners shall hereby authorize the Fire Prevention/Safety Bureau to operate under the supervision of the Superintendent of the Building Department.

§ 115-14. Fire Prevention/Safety Inspector; Inspector's appointment.

The Board of Fire Commissioners shall appoint as many inspectors as it deems necessary for its proper duties. Inspectors shall be appointed from within the Building Department at the Superintendent's request. Said Board shall adopt rules and regulations as may be necessary for its proper administration.

§ 115-15. Duties of Bureau.

It shall be the duty of the Fire Prevention/Safety Bureau, in cooperation with Nassau County Fire Marshal's Office and the Chief of the Freeport Fire Department, to enforce all laws, codes and ordinances of the State of New York, County of Nassau and the Village of Freeport regarding to, but not limited to, the following:

A. The prevention of fires, education through schools and use of social media outlets to help educate the residents of the Village on fire prevention methods.

B. Fire alarm systems. Assist the Village and the Fire Chief on keeping records on fire alarm system activations and inspections for proper installation, maintenance and licensing.
C. Fire escapes, the maintenance and regulations of fire escapes and exits.
D. Schools, to work with the Freeport school system, as well as preschools, private and parochial schools, and any other educational institute to ensure safe exits that do not cause any interference with, or impede firefighting operations in any way.
E. Commercial and industrial. To coordinate inspections with the Nassau County Fire Marshal's office, this will enable the Fire Department and the Building Department to have a better knowledge of the hazards within these occupancies and how to deal with them during true emergencies.
F. Additional powers. The Fire Prevention/Safety Bureau shall have such other powers and perform such other duties as set forth herein or as directed by the Board of Fire Commissioners, the Superintendent of Buildings or the Fire Chief in regard to conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Freeport.
G. Fire Safety Inspections. It shall be the duty of the Fire Prevention/Safety Bureau to conduct all fire safety inspections regarding new and renewing business licenses.
§ 115-16. Investigation of fires; reports.
A. The Fire Prevention/Safety Bureau shall assist the Fire Chief, when requested to do so, perform an investigation and determine the cause, origin and circumstances of every fire within the Village of Freeport by which property has been damaged or destroyed. If the Bureau is unable to assist, the Fire Chief shall be notified immediately.
B. The Fire Chief shall respond to all fires and emergencies within the Village of Freeport. Immediately upon the occurrence, the Chief shall determine the cause, origin and circumstances of every fire and shall determine whether the fire was the result of carelessness or design. If the Fire Chief has reason to believe that a fire is of suspicious origin, or other reason or factors that the Chief deems necessary, he shall take charge of any physical evidence available and shall immediately notify the authorities designated by law to pursue the investigation, Nassau County Fire Marshal's Office, Nassau County Police Arson/Bomb Squad and Freeport Police. The Fire Chief may also request assistance from the Fire Prevention/Safety Bureau, Superintendent of Buildings and the Village Counsel and, when requested, they shall comply with the full extent of their ability.
C. Report Required. There shall be a report of every incident, including, but not limited to, all fires and emergencies that the Fire Department responds to. The Fire Chief shall prepare and submit a report and statement to the National Fire Incident Reporting System (NFIRS) within seven days of incident.
(1) House fires. Time, date and address/location, any death or injury to civilian or Fire Department member. All damage to house, contents and personal property as well as any other private or public property involved. The cause, origin and circumstances of the fire and whether or not the fire is being investigated by any, and all authorities designated by law.
(2) Vehicle fires. Including, but not limited to, cars, trucks, motorcycles, boats and all electric mobility devices. Time, date and location of incident, any death or injury to civilian or Fire Department member. All damage to vehicle as well as any other private or public property involved. All registration information, including, but not limited to, year make and model, registration number and registered owner and user of vehicle.

(3) All other fires, including, but not limited to. Fence, garbage can, dumpster, grass, tree, mailbox, electric transformer or pole and any other fire that the Fire Department responds to. Time, date and location of incident, any death or injury to civilian or Fire Department member.
(4) Fire Department Units. The Chief shall list all Fire Department units that were notified to respond to and operate at the incident, as well as all mutual aid units operating at or standing by, all police and ambulance service and all other agencies that responded to, and operated at any incident.
(5) Cost of loss. The Chief shall estimate the dollar amount of the total loss as a result of a fire.
(6) Notification. The Chief shall notify the Freeport Police Department to make notification to property owners or responsible caretakers, such as the postmaster, electric and water departments and for when forcible entry is needed to investigate the nature of an alarm. The Chief shall make notification to Fire Com, regardless of the cause and origin of any fire, when there is a death or serious injury to a civilian or anyone involved with the fire, or any type of incident.
§ 115-17. False alarms, nuisance alarms.
A. It shall be the duty of the Fire Chief to determine if an alarm is a false alarm as set forth in § 72-9 of the Code of the Village, and to document said alarms.
B. It shall be the duty of the Fire Chief to determine if an alarm is a nuisance alarm, as set forth in § 72-8 of the Code of the Village, and to document said alarms.
§ 115-18. Inspection of various premises.
Upon direction of the Fire Chief or the Superintendent of Buildings, the Fire Prevention/ Safety Bureau, the Fire Chief, or duly designated inspector shall inspect:
A. All manufacturing plants, and or all places where acetylene or other gases, chemicals, oils, solvents, explosives and inflammable materials are used, stored or sold; the interior of all structures equipped with fire alarm or automatic fire sprinkler systems; and such other places as may be designated by the Fire Chief and the Nassau County Fire Marshal's Office as fire hazards.
B. All premises and thoroughfares, enclosed or unenclosed, except private dwellings, to determine whether there exists any condition conducive to danger from fire, such as improper accumulations of waste paper, boxes, shavings, trash or other types of inflammable or explosive materials, or whether there are obstructions to property, fire escapes, stairs, passageways, doors, windows which may impede Fire Department operations or block the means of egress in the event of a fire. In addition, any structures which, because of disrepair, structural defects or lack of proper installation, are of such nature as to create a danger to life and property in the event of a fire.
C. It shall be the duty of the Fire Chief, while in response to a complaint or upon his own initiative, to enter and to inspect boardinghouses, rooming houses, tourist homes, hotels, motels, boatels and any paying guest houses when there is reason to believe there are fire safety hazards and/or conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the guests and the people of the Village of Freeport.
§ 115-19. Quarterly inspections.
It shall be the duty of the Fire Chief to provide for inspections, as required in § 115-18 of this article, and any other inspection as authorized by the Fire Chief or the Superintendent of the Building Department, to be conducted by the Fire Prevention/Safety Bureau or duly designated inspector, at intervals of no more than three months.
§ 115-20. Violations of safety rules.

Whenever a violation of rules of reasonable safety is found to exist, the Fire Chief shall order the owner or occupant to remove dangerous materials or remedy other hazardous conditions as he may direct within 24 hours.
§ 115-21. Illumination of vestibules in public buildings.
Illumination of vestibules in public buildings to be in accordance with New York State Building Code.
§ 115-22. School fire and lock-down drills.
The principal, teachers or other persons in charge of any public, private, preschool or parochial school or other educational institution shall conduct fire and lock-down drills in accordance with Education Law §§ 807, Subdivisions 1 through 4. The Fire Prevention/ Safety Bureau shall work with the schools to ensure that, during these drills, as well as during true emergencies, there is no interference with Fire Department operations as set forth in §§ 115-1 through 115-6 of the Code of the Village of Freeport, as well as provide for the safety of all students, teachers and all occupants of the building.
2. Editor's Note: Former § 115-23, Signs regarding location of fire alarm boxes, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
3. Editor's Note: Former § 115-25, Inspection of tank vehicles, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Section 115-58B(11) is added to read as follows:

Outside tanks in a flood zone as shown on a FEMA FIRM map must be properly anchored on a concrete slab.

Chapter 120, Garbage, Rubbish and Refuse

A. Section 120-1 is revised to read as follows:

§ 120-1. Accumulation of rubbish; growth of weeds; abandoned vehicles; vacant properties. [Amended 11-10-1969; 6-13-1972; 7-23-1973; 4-21-1975 by L.L. No. 3-1975; 11-13-1978 by L.L. No. 19-1978; 1-3-2000 by L.L. No. 1-2000; 7-13-2015 by L.L. No. 5-2015; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
A. It shall be unlawful for any owner of real property within the Village or agent of such owner, person, occupant, firm or corporation lawfully occupying any real property within the Village to permit:
(1) Uncut grass, weeds, brush or any portion of said growth to obtain a height in excess of eight inches.
(2) Rubbish or rubble to accumulate thereon.
(3) Boats, watercraft or motor vehicles or portions thereof to be stored for unreasonable periods of time or abandoned on the premises.

B. The Village Clerk or the Superintendent of Buildings is hereby empowered to notify, in writing, the owner of any such property to cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper. Such notice shall be by ordinary mail properly addressed and posted to the owner of the subject premises as the same appears in the office of the Freeport Village Assessor.

C. Upon failure to comply with the terms of such notice within five days of the date said notice is postmarked, the Village or its agents may cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper and assess the cost together with statutory interest thereof upon the real property upon which said grass, weeds, brush, rubble, motor vehicle or boat is found. The Village Treasurer may provide that the cost of any such work be paid at a specified time or shall be assessable against the property as a tax thereon.
D. Designated vacant properties. For those properties that are deemed vacant wherein due diligence has been performed in ascertaining ownership, and Village records indicate said property is vacant, an initial lot clearance notice will be sent as outlined in § 120- 1C. Thereafter said vacant properties will have lot clearances performed on a two-week rotation or as needed without a five-day notice.

B. Section 120-2(A) is revised to read as follows:

> Prohibited. No owner, lessee or occupant of real property shall cause or permit any dried grass, weeds, brush, wastepaper, rags, boxes, barrels or other flammable or combustible waste material to accumulate or remain on the premises under his control or care.

C. Article IV, Refuse and Disposal District, is repealed.

Chapter 122, Games of Chance

Section 122-3 is revised to update "New York State Racing and Wagering Board" to "New York State Gaming Commission."

Chapter 124, Health and Sanitation

A. Sections 124-3 through 124-6, codified as Article II, Restaurants and Eating Places, are relocated as §§ 165-19 through 165-22.

B. Article IV, Abortions, is repealed.

C. Section 124-14B is revised to read as follows:

> Said storage of firewood or woodpile is raised at least six inches off the ground.

Chapter 128, Housing Standards

Article II, Duties of Officials; Administration

A. Section 128-15A is revised to change $1,000 to $4,000.

B. Section 128-15D is revised to read as follows:

Removal of notice. Any person removing the notice provided for in § 128-6H hereof shall be guilty of a violation and, upon conviction thereof, shall be fined a sum not to exceed $250 for each offense.

Article III, Standards for Residence Buildings

C. Section 128-21B is revised to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestrooms on terms, either expressed or implied, is required to furnish heat to the occupants thereof shall supply heat as required by the New York State Property Maintenance Code.

D. Section 128-24, Painting, screening and insect extermination:

(1) Subsection A is revised to read as follows:

Painting. Exterior surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.

(2) Subsection C is revised to read as follows:

Infestation. Grounds, buildings and structures shall be maintained free of insect, raccoon, vermin, and rodent harborage and infestation. Methods used for exterminating insects, raccoon, vermin and rodents shall conform with generally accepted practice. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

Article IV, Rental Premises

E. Section 128-25, Preservation of existing remedies, is revised to read as follows:

Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, county or state or existing requirements of any other provision of local laws or ordinances of the Village or county or state laws and regulations. In the case of a conflict between this article and other regulations, that which sets the more stringent requirement will prevail.

F. Section 128-29A is revised to update the maximum fine from $1,000 to $5,000.

G. Section 128-37B is revised to read as follows:

Owners of premises shall be responsible for proper maintenance, condition and operation of service facilities and for furnishing a hot-water supply, smoke and carbon monoxide detectors and window guards in multiple dwellings or rented premises. Furthermore, owners shall be responsible for making ordinary repairs as ordered by the Superintendent of Buildings, including, but not limited to, the repair or replacement of deteriorated windows and doors, defective plumbing and repair or replacement of outdated electrical systems. No separate charge shall be made for any required safety devices.

H. Section 128-37E is added to read as follows:

Wherever there shall be more than 12 families living in a multiple dwelling in which the owner thereof does not reside, the owner must provide for a janitor, housekeeper or superintendent who shall reside on the premises and have charge of same.

I. Section 128-37F is added to read as follows:

In any multiple dwelling subject to the requirements of § 128-37E, the owner of the property must, by March 1 of each year, provide to the Building Department a list of phone numbers for responsible parties to be contacted in the event that the janitor, housekeeper or superintendent cannot be located on the property.

J. Section 128-38, introductory paragraph, is amended as indicated:

Owners or occupants of dwelling units shall be responsible for compliance with this article in regard to the following:

Article VII, Stairwells

K. Article VII, Stairwells, is added to include new § 128-58, Identification of stairwells, to read as follows:

In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.

Chapter 130, Insurance

Article I, Claims Against Fire Insurance Proceeds

A. Section 130-1, definition of "real property," is revised to read as follows:

Property upon which there is erected any residential, commercial or industrial building or structure except an owner-occupied single-family residential structure and owner-occupied two-family residential structures.

B. Section 130-2 is revised to change "Superintendent of Insurance" to "Superintendent of Financial Services" and to update the statutory reference "§ 33 of the Insurance Law" to "§ 331 of the Insurance Law."

C. Section 130-3 is revised to update the statutory reference "§ 33-a of the Insurance Law" to "§ 3410 of the Insurance Law."

Chapter 134, Landmarks Preservation

Section 134-14A is revised to update the fine amount from $250 to $1,000.

Chapter 136, Laundromats

Section 136-5A is revised to update the fine amount from $250 to $1,000.

Chapter 138, Licensing of Business

D. Section 138-13A and B are revised to change "of $25" to "as set from time to time by resolution of the Board of Trustees."

E. Section 138-14 is revised to change "of $5" to "as set from time to time by resolution of the Board of Trustees."

F. Section 138-20 is revised to change "of $25" to "as set from time to time by resolution of the Board of Trustees."

G. Section 138-35A is revised to change "$250" to "$1,000."

Chapter 142, Lost and Abandoned Property

Chapter 142 is reorganized to add a new article (Article I, Lost and Abandoned Property on Public Streets, Sidewalks, Municipal Parking Fields, and Municipal Property); all sections of chapter are added to said article.

Chapter 145, Mail Area Assessment District

Chapter 145 is repealed and its number reserved.

Chapter 146, Memorial and Independence Days

Chapter 146 is repealed and its number reserved.

Chapter 155, Peace and Good Order

A. Section 155-8B is revised to read as follows:

> Any person who, without authority, enters or attempts to enter or who trespasses or attempts to trespass or who damages or attempts to damage any private property or any property owned by or under the control of the Village or who willfully violates, upon Village property, any regulation established by or under the authority of the Board of Trustees of the Village to maintain order and to preserve or safeguard said property shall be punishable by a fine not to exceed $1,000 for each offense, and such violation shall constitute disorderly conduct.

B. Section 155-10 is revised to add the following terms and definitions:

INTENT TO CONSUME –

Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.

OPEN BOTTLE, CAN OR OTHER CONTAINER –

Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.

C. Section 155-11A is revised to add the following to the end thereof:

This section shall be construed in conjunction with Vehicle and Traffic Law § 1227 as to enforcement on public highways or a right-of-way public highway.

D. Section 155-14 is revised to change "$250" to "$1,000."

E. Section 155-47.1A is revised to read as follows:

Fines, imprisonment, and enforcement. Any person violating this article shall be punished by a fine of $500 for the first offense; $1,000 for the second offense; and $1,500 for each subsequent offense.

F. Section 155-47.4B(1) is revised to read as follows:

In the event that the owner, tenant and/or person in control of such a building, property or personal property shall fail or refuse to remove graffiti from his property, then such person or persons may be notified in writing, mailed to the property address, by the Superintendent of Buildings or his designated agent, that such person shall have a period of up to 48 hours from the receipt of such notice to complete removal or coverage of such graffiti. If weather conditions do not allow for the removal of said graffiti, the Superintendent of Buildings and/or their designated agent shall be permitted to extend the forty-eight-hour time frame for a period of time until weather conditions permit the removal of said graffiti.

G. Section 155-83 is revised to change "$250" to "$1,000."

H. Section 155-93 is revised as follows:

(1) Subsection E is revised to read as follows:

All temporary storage containers must be placed in a driveway. The storage container shall be set back from any side yard a minimum of three feet, from the front yard by a minimum of three feet, and also be a minimum of three feet away from any structures on the property. In granting the permit, the Superintendent of Buildings, or his duly authorized representative, shall consider the rights of adjacent property owners so that there shall not be any unreasonable deprivation of light, air or reasonable use of adjoining property. In properties without a driveway, a temporary storage container may be placed in the street in front of the

property for a period of time not to exceed 72 hours, if, in the sole determination of the Superintendent of Buildings, the placement of the storage container in the street would not cause a dangerous condition.

(2) Subsection H is revised to change "$250" to "$1,000."

Chapter 158, Peddling and Soliciting

A. Section 158-7A is revised to read as follows:

Generally. An annual fee shall be paid before a license is issued hereunder. All annual licenses shall expire on May 31 and shall thereafter be renewable as provided in § 138-10. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by applicants for hawkers and peddlers licenses or a renewal thereof.

B. Section 158-9J is revised to read as follows:

Enter upon private property for the purpose of carrying or transporting goods, wares or merchandise and/or offering same for sale, except upon the invitation of the owner or occupant. Any person found in violation of this subsection shall be subject to a fine of not more than $1,000.

C. Section 158-11B is revised to change "$250" to "$1,000."

D. Section 158-17 is revised to change "$250" to "$1,000."

Chapter 162, Plumbing

A. Section 162-29(A) is revised to read as follows:

Comprehensive general liability coverage ("CGL"), to include premises operations, contractual liability, completed operations, personal injury, medical payments and fire legal liability. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of coverage required.

B. Section 162-116 is revised to read as follows:

Diameters of branches to any fixtures must not be less than 1/2 inch except when used to supply water closets, cisterns or lavatories. When the material used is pex, brass or copper pipe, the minimum diameter may be 3/8 inch. Branches for flush valves for water closets must not be less than one inch in diameter, and for urinals, not less than 1/2 inch in diameter.

C. Section 162-178 is revised to read as follows:

Each water closet and urinal must be flushed from a separate cistern, the water from which is used for no other purpose, or may be flushed through separate

flushometer valves. The floor flange shall be soldered to a copper bend ready for inspection.

D. Section 162-195 is revised to read as follows:

All water service pipe must be copper to the property line.

Chapter 165, Places of Public Assembly

A. Section 165-5 is revised as follows:

(1) Subsection B is revised as indicated:

Annual fees for public assembly licenses shall be a fee as set from time to time by resolution of the Board of Trustees.~~determined pursuant to the following table:~~

~~Capacity in Persons~~	~~Fee Per Year or Fraction Thereof~~
~~1 to 100~~	~~$40.00~~
~~101 to 300~~	~~125.00~~
~~301 to 600~~	~~150.00~~
~~601 to 1,000~~	~~250.00~~

~~An additional fee of $25 shall be charged for each 100 persons or fraction thereof in exce exceed $500 per year.~~

(2) Subsection D is revised as indicated:

The fee required for filing an application under this chapter shall be ~~$25~~an amount as set from time to time by resolution of the Board of Trustees. If the application is disapproved, the filing fee shall be retained to cover the cost of processing. If the application is approved, the filing fee shall be credited and applied to the total fee.

(3) Subsection E is revised as indicated:

The fee for the extension of a temporary license shall be ~~$10~~ an amount as set from time to time by resolution of the Board of Trustees for each 30 days or fraction thereof and shall be payable to the Village Clerk upon application for each extension. Any fees paid for an extension of a temporary license shall be nonreturnable and shall not be applicable to the total fee required.

(4) Subsection F is revised as indicated:

A fee of ~~$10~~ an amount as set from time to time by resolution of the Board of Trustees shall be charged for the replacement or substitute copy of a temporary or approved license or occupancy poster.

B. Section 165-13, introductory paragraph, is revised to read as follows:

All places of public assembly, as defined in § 165-1 of this chapter shall be subject to all provisions of this chapter, including obtaining a license, except that the fee may be waived for:

C. Section 165-16 is revised to change "$250" to "$1,000."

Chapter 167, Real Property Transactions

Section 167-4 is revised as indicated:

Any person, individual, corporation, partnership or organization convicted of violating any provision of this article shall be guilty of a misdemeanor and subject to a ~~fine of not more than $250 and/or imprisonment, or both~~ fine, at a minimum, of $500, up to a maximum of $2,500, and/or 150 days' imprisonment.

Chapter 171, Rooming and Lodging Houses

Chapter 171 is repealed in its entirety.

Chapter 173, Secondhand Dealers

A. Section 173-1B(7) is revised to read as follows:

Antiques, which shall mean secondhand articles over 75 years of age, having a value of less than $1,000 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

B. Section 173-4 is revised as follows:

(1) Subsection A(1) is revised to read as follows:

The name and description of the applicant. Individuals operating under a trade name must present a certified copy of the trade name certificate filed in the Nassau County Clerk's office. A partnership conducting a business, whether or not under a trade name, must submit a certified copy of the partnership certificate filed in the Nassau County Clerk's office when the partnership was formed. A corporation must furnish a copy of the filing receipt for the certificate of incorporation from the New York State Secretary of State. A corporation from outside New York State must furnish a copy of its certificate of authority to do business in New York State from the New York State Secretary of State.

(2) Subsection A(4) is revised to read as follows:

That the applicant is a citizen of the United States and whether citizenship was obtained by birth or naturalization and, if by naturalization, the date

and place where obtained. The naturalization certificate may be used as proof of citizenship.

C. Section 173-6 (title and substance) is revised to read as follows:

Section 173-6. Availability of records.

Every dealer in secondhand articles and all duly licensed dealers in antiques shall maintain all records as required to be kept under this chapter. Said records shall be made available to the Chief of Police or his designee on demand.

Chapter 176, Sewers and Sewage

A. Section 176-2

(1) Subsection B is revised to read as follows:

It shall be unlawful to discharge into any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters.

(2) Subsection C is revised to read as follows:

There being a public sewer physically available to all properties within the boundaries of the Village, it is mandatory that all said properties be connected to said public sewer. No private sewage disposal systems are now allowed, nor shall be allowed, within the sewer district.

B. Section 176-18 is revised to read as follows:

Any person found in violation of this chapter shall be subject to a fine of not more than $1,000, and such person shall be deemed a disorderly person. Each day in which any such offense shall continue shall be deemed a separate offense.

Chapter 180, Streets and Sidewalks

A. Section 180-2 is revised as follows:

(1) Subsection A is revised to read as follows:

It shall be the duty of every property owner and occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition. For failure, upon notice by the Village Clerk of not less than 24 hours, to make such repairs as are specified as to place and manner, the Village Clerk or Superintendent of Public Works may cause the same to be done and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

(2) Subsection B is revised to read as follows:

> The Department of Public Works or its agents may construct, build, flag, surface, resurface, alter, repair, grade, regrade, maintain, care for and clean sidewalks, curbs and gutters in public streets. The Department of Public Works may regulate and prescribe the grade, width, materials, construction and other specifications of any such work. The Village Clerk or Superintendent of Public Works may direct and order any such work, repair or improvement to be done by the property owner and occupant of the property and on default may cause the same to be done by the Village and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

(3) Subsection C(1) is revised to read as follows:

> The sidewalks and curbs, abutting or in front of every building or lot, and also the gutter and street area adjacent to the curb to a distance of at least 18 inches from the curb, before 10:00 a.m. each day in residential areas of the Incorporated Village of Freeport, shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, except in proper containers and at proper times for collection, by the owner, tenant, occupant or person in charge of each such building or lot.

(4) Subsection D(1) is revised to read as follows:

> The sidewalks, curbs and gutters adjacent to and abutting upon each and every commercial, mercantile, business or other establishment in the Incorporated Village of Freeport shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, by the owner, operator or licensee of each such establishment. Each owner, operator or licensee of a commercial, mercantile, business or other establishment shall sweep such sidewalk, curb or gutter, and also the gutter and street area adjacent to the curb to a distance of at least 18 inches from the curb, before 10:00 a.m. each day that such business or establishment is open or operated. All sweepings and other debris shall be collected and removed to private containers by such owner, operator or licensee.

(5) Subsection D(2) is revised to read as follows:

> Each person, corporation or business entity violating any provision of this section shall be guilty of a violation punishable by a fine of not more than $250 for a first offense, $500 for a second offense, and $1000 for any subsequent offenses or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment for each such violation.

B. Section 180-5.2A is revised to read as follows:

No person shall deposit a roll-off container in a driveway or within a Village street or right-of-way unless a permit has been issued therefor.

C. Section 180-5.2C(9) is added to read as follows:

No roll-off container may be placed on a soft surface, obstruct any portion of a sidewalk or block any portion of a curb cut.

D. Section 180-5.2C(10) is added to read as follows:

All permits to be issued for a duration of a maximum of 30 days with an option to renew the permit for an additional 30 days upon submission of a new permit application.

E. Section 180-6 is revised to read as follows:

Each application under § 180-5 shall be accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

F. Section 180-14 is revised to read as follows:

Each application for a permit shall be further accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default of the person to whom the permit is issued or by anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

G. Section 180-28A(1) is revised to read as follows:

Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

H. Section 180-28A(1)(a) and (b) are repealed.

I. Section 180-33.1C is revised to read as follows:

A parking area may be a soft-surface area consisting of bluestone, clamshell or other suitable material, to be reviewed via a Building Permit application to the Freeport Building Department and with final approval by the Site Plan Board. Such soft surface shall provide drainage so that the surface waters do not flow into the public streets, the municipal storm drainage system or upon adjacent properties. The Superintendent of Buildings may, however, permit an overflow from an on-site drainage system to the municipal storm drainage system if he deems it necessary for the proper operation of said parking field.

J. Section 180-39C is revised to read as follows:

Penalties. Any owner who has been notified by the Village Clerk that the trees or shrubs on their premises are in violation of either Subsection A or B hereof and shall fail to correct the condition within five days of the sending of such notice to their last known address by mail shall be in violation of this section, and in addition to the penalties otherwise enforceable, the Village or its agents may thereafter trim offending trees and hedges to correct the prohibited conditions and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

K. Section 180-42A is revised to read as follows:

The Superintendent of Public Works will maintain a list of approved trees which will be on file in the Village Clerk's Office.

L. Section 180-145B is revised to read as follows:

Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Village Clerk and issued by an insurance company authorized to do business in this state, running to the Village providing coverage for public liability (for personal injury) and property damage. Such certificate of insurance shall contain a provision that coverage will not be reduced, canceled or nonrenewed unless the Village of Freeport Village Clerk is given at least 10 days' written notice thereof. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence public liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

M. Section 180-50B is revised to read as follows:

For failure, upon notice by the Village Clerk of not less than 48 hours, to trim or remove any tree, including its stump, or any branch or limb of a tree as specified as to place and manner, the Village or its agents may cause the same to be done and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

N. Section 180-51 is revised as indicated:

> Any violation of the provisions of this article shall render each offender liable to a ~~fine of not less than $10 nor more than $100 or to be prosecuted as and declared a disorderly person, or both,~~ maximum fine of $1,000 for each offense. In addition, the Village reserves the right to seize, remove or otherwise dispose of any planting in violation thereof.

O. Article VII is repealed.

Chapter 185, Taxation

Article I Tax on Income of Utilities

A. Section 185-1 is revised to update the statutory reference "Village Law Article 6, § 6-640" to "Village Law § 5-530."

B. Section 185-2 is revised to read as follows:

> Words and phrases used in this article, unless otherwise noted, shall have the same meanings as ascribed to them in § 186-a of the Tax Law

C. Section 185-9 is revised to change "shall not be added" to "may be added."

Article III Tax Exemption for Property Improvement for Physically Disabled

D. Sections 185-23 and 185-24 are revised to change "State Board of equalization and Assessment" to "Commissioner, State Board of equalization and Assessment."

Article IV Home Improvement Tax Exemption

E. Section 185-31A is revised to change "State Board of equalization and Assessment" to "Commissioner, State Board of equalization and Assessment."

Chapter 188, Taxicabs

A. Section 188-5 is revised to read as follows:

> No taxicab shall be operated upon the streets of the Village unless there are displayed in such taxicab the taxicab operator's license, with their picture in an illuminated holder in a manner in which it is clearly visible and can readily be observed by all passengers therein, and the rate card and a copy of the Taxicab Rate Zone Map as set forth in § 188-9 hereof.

B. Section 188-13 is revised to read as follows:

> Any person violating any of the provisions of this chapter shall be liable to a fine of not more than $1,000 or by imprisonment for a period not exceeding 15 days or both.

C. Section 188-18 is revised to read as follows:

No license shall be issued to operate a taxicab or taxicabs unless and until the applicant shall file, with the Village Clerk and have approved by the Claims, an insurance policy or a certificate thereof of standard form, issued by an insurance company for such taxicab or taxicabs and provided minimum coverage for personal injuries or death of any persons and for property damage in any one accident. Such insurance policy or certificate shall provide that the Village will be given 10 days' prior notice of cancellation. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of minimum insurance required.

D. Section 188-22 is revised to read as follows:

The Village Clerk and Police Department shall keep a record of every taxicab owner's license issued under this article. Such registration shall show the date and number of such licenses and all renewals, suspensions and revocations thereof and a record of each taxicab license, stating the make, model, passenger seating capacity, name of manufacturer, New York State registration number, motor number and the name and address of the person or persons owning said taxicab. Such registration shall also show each driver's license issued hereunder, showing the name and address of such driver, their New York State chauffeur's license number, the number of his taxicab license issued hereunder and the date of issue and of renewal of such driver's license.

E. Section 188-23 is revised to read as follows:

Every person driving a taxicab licensed under the provisions of this article must be licensed as a taxicab driver.

F. Section 188-24 is revised to read as follows:

§ 188-24. Application for driver's license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every person desiring to obtain a taxicab driver's license shall comply with the following:

A. Applicant for a taxicab driver's license must be over the age of 18.

B. Contents of application. They shall make application for license on a blank furnished by the Village Clerk, which application shall state the full name and residence of the applicant; their place of residence during the five years previous to their present address; their age, height, weight, color of eyes, color of hair, place of birth and whether a citizen of the United States either by birth or naturalization; places of previous employment; whether they are married or single; whether they have been convicted of a felony or misdemeanor; whether they have previously been licensed as a driver or chauffeur and, if so, when, where and whether their license has ever been revoked or suspended and for what cause; and the number of their state driver's license. C. State license. Applicant shall exhibit current New York State Class E license or CDL for inspection.
D. Character reference. They shall file testimonials of at least two reputable persons as to good character and reliability with their application.
E. All applicants for a taxicab driver's license must furnish a certificate from a reputable physician certifying that, in their opinion, the applicant is not afflicted with any disease or infirmity which might make applicant an unsafe or unsatisfactory driver.

F. Photographs. They shall file with their application two photographs, 1 1/2 inches by 1 1/2 inches, taken within 30 days prior to the date of application, and such photo must be a true likeness of the applicant and must show only neck and shoulders and uncovered head. One of the photographs shall be attached to their license and the other shall be filed with their application. Such photographs shall be attached to the license in such a manner that it cannot be removed and another photograph substituted without the probability of detection.

G. Fingerprinting and examination. Applicant shall submit fingerprints to DCJS. Applicant shall be examined by the Chairman of the Board of Police Commissioners or an officer or officers designated as to applicant's knowledge of and compliance with all the provisions of this article, the traffic regulations and geography of the Village and the laws of the State of New York relative to the operation of motor vehicles, and if the result of such examination is not satisfactory, applicant shall be denied a license.

G. Section 188-25 is revised to read as follows:

A license to drive a taxicab shall be issued by the Mayor upon the satisfactory fulfillment of the requirements of §§ 188-23 and 188-24. Such license shall be in such form as to contain a brief description, the photograph and the signature of the licensee. Such license shall be clearly displayed at all times in the taxicab operated by the licensee and in such manner as to be readily examined by the police or passengers.

H. Section 188-27 is revised to read as follows:

Every taxicab driver licensed pursuant to this article shall, within 48 hours, notify the Village Clerk of any change of address or loss of either their taxicab driver's license or their chauffeur's license.

Chapter 197, Abandoned Vehicles

A. Section 197-1 is revised to read as follows:

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to deposit or cause to be permitted to be deposited an abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle, trailer, boat or camper, on any private land within the corporate limits of the Village of Freeport, except when permitted by resolution of the Village Board on findings that the enforcement of this prohibition would cause any of the aforementioned persons occupying the land undue hardship and is not required in the public interest.

B. Section 197-4 is revised to read as indicated:

Any owner, occupant, lessee, agent, tenant or otherwise who shall neglect and refuse to remove said abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked vehicle, cycle or trailer as directed by this section; who shall fail or refuse to comply with the provisions of any notice; or who shall violate any of the provisions of law; or who shall resist or

obstruct authorized agents, servants, officers or employees of the Village of Freeport in the removal of any such abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer shall be deemed in violation of this chapter and shall be subject to a penalty not to exceed ~~$100~~ $1,000 for each and every violation. ~~In addition thereto, a violation of this chapter shall constitute disorderly conduct, and a person violating same shall be deemed a disorderly person.~~

Chapter 201, Water

A. Section 201-9G is revised to read as follows:

Size of taps. New and replacement taps shall be one inch or greater. Connections two inches and larger shall have a three-valve cluster. The minimum service line for residential, commercial and industrial use shall be one inch. For residential use, the size of the tap or multiples thereof and the size of the service shall conform. One-inch connections shall be provided to receive a one-inch meter. For business and industrial use, the size of the tap or multiples thereof, the size of the service and the size of the meter shall conform, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal headers, two gate valves for each meter and angle-type back pressure valves for all but one of the meters.

B. Section 201-11B is revised as indicated:

B. Sizes, main limitations.

(1) Steel mains: ~~three-fourths-inch tap only~~ One-inch tap or larger.

(2) Transite mains~~.~~ : One-inch tap or larger.

~~(a) Three-fourths-inch tap in any size main.~~

~~(b) One-inch tap in an eight-inch main and larger.~~

(3) Cast-iron mains~~.~~ : One-inch tap or larger.

~~(a) Three-fourths-inch tap in any size main.~~

~~(b) One-inch tap in a six-inch main and larger.~~

C. Section 201-13 is revised as follows:

(1) Subsection B is revised to read as follows:

Size. For residential installations (single-family dwellings), one-inch fittings shall be provided to receive one-inch meter couplings furnished by the Water Department. For multiple dwellings, business, commercial and industrial installations, the size of the meter shall conform to the size of the water service, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters

shall include horizontal headers, two gate valves for each meter and back pressure valves for all but one of the meters.

(2) Subsection D is revised to read as follows:

Facilities. The owner shall provide facilities and support for the setting of the meter in each installation or alteration of water service according to the Water Department Ordinance and the Plumbing Code.

D. Section 201-21 is revised as follows:

(1) Subsection C is revised to read as follows:

Charge. The charge for any special permit for the use of any hydrant shall be in accordance with its intended use as determined by the Water Department. The minimum charge shall be $50. The cost of repairing any damage caused to a hydrant by such a user shall be paid to the Water Department by said user at the office of the Village Treasurer.

(2) Subsection D is revised to read as follows:

Connections. No connection shall be made in hydrant outlets except by valves or couplings which are readily detachable in an emergency. The connection shall have a control valve and backflow device and all connections must be detached immediately after use has ceased and always at the end of the work day.

E. Section 201-22A is repealed and its number reserved.

F. Section 201-34 is added to read as follows:

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to the penalties set forth in § 1-14 of the Code of the Village of Freeport.

Chapter 205, Waterfront Properties and Watercraft

A. Section 205-1, the definition of "pierhead line" is revised to read as follows:

In all navigable waters within the harbor line where such waters abut property which has been zoned for residential, business, manufacturing or industrial use, in the absence of any other pierhead line fixed by the Village, there is deemed to have been established a pierhead line parallel with the property or bulkhead line adjoining such water and removed from such property or bulkhead line a distance equal to 20% of the width of said navigable water at the point in question, said distance, however, not to exceed 25 feet.

B. Section 205-5 is revised to read as follows:

The owner, lessee or occupant of waterfront property shall keep the same cleaned and in good repair, and he shall keep the slips adjacent thereto properly dredged

so as not to constitute a menace to navigation or to the health and well-being of the community or in any way be a nuisance. The area between the bulkhead line and the pierhead line shall also be the responsibility of the land owner to remove any aquatic vessels, slips, docks, floats or other items that may pose a danger or nuisance to navigable waters.

C. Section 205-8D is added to read as follows:

For purposes of calculating buildable area, only the portion of land between the street line and the bulkhead line can be considered for the construction of a primary or secondary structure.

D. Section 205-9 is revised to read as follows:

No person shall carry on or conduct a bathing beach or bathing pool in the Village where a charge is made for the use thereof without first having obtained a license in conformity with the provisions of §§ 138-1 through 138-11 of Ch. 138, Licensing of Businesses, and as further provided herein.

E. Section 205-11 is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a license to operate a bathing beach or bathing pool.

F. Section 205-13 is repealed.

G. Section 205-17D is revised to read as follows:

D. Properties owned or operated by the Village of Freeport

[Added 6-3-2013 by L.L. No. 1-2013, amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

(1) No vessel shall be moored or docked at the marina portion of Sea Breeze Park, the boat slips located at the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park without proper authorization, in the form of a placard or permit, from the Village of Freeport. The Board of Trustees, from time to time, shall set the fees for the docking and mooring of vessels at Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park.

(a) Notwithstanding any other provisions of law to the contrary, the failure to have proper authorization to moor or dock a vessel at the Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park shall be a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of $500 for the first infraction, $1,000 for the second infraction, and not more than $1,500 for the third and any violations thereafter or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

H. Section 205-18G is revised to read as follows:

Penalties. There shall be a fine not to exceed $1,000 for a conviction of any provision of this section.

Chapter 209, Site Plan Review

A. Section 209-4 is revised as follows:

(1) Subsection A is revised to change "Site Plan Review Board" to "Planning Board.

(2) Subsection B(3) is revised as follows:

Repair and replacement of existing driveways, curb cuts, aprons and sidewalks in which no change is being made to the width or length of the existing driveway.

(3) Subsection B(6) is revised as follows:

Fences which do not extend beyond the front line of the building or principal structure with the exception of fences made of or designed as metallic in nature.

(4) Subsection B(7) is revised as follows:

Decks which are six feet or less above grade.

(5) Subsection B(9) is added as follows:

Residential handicap ramps.

B. Section 209-5 is revised to read as follows:

§ 209-5. Concept plan conferences and preliminary meetings.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. A preliminary conference or conferences may be held between the Planning Board, a representative of the Building Department and the applicant and his/her representatives upon written request to the Clerk of the Planning Board prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, to advise the applicant as to potential problems and concerns and to determine generally the type of information to be shown on and submitted with the site plan. In order to accomplish these objectives, the applicant shall provide the following:

(1) A statement and site map showing the location and dimensions of all structures, buildings, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features on the site, anticipated changes in the site's existing topography and natural features, and, where applicable, measures and features to comply with other applicable state and/or local

regulations, including, but not limited to, tidal wetlands, freshwater wetlands and flood hazard areas.

(2) A map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, water bodies, shorelines (with high-water line), easements and other pertinent features.

(3) A topographic or contour map of adequate scale and detail to show site topography.

B. A preliminary meeting is required for all new residential and new commercial construction. The intent of such a meeting is to allow the Planning Board to review the completed application with the applicant and provide feedback in an informal setting prior to the public hearing.

C. Section 209-6 is revised as follows:

(1) Subsection A is revised to read as follows:

All applications for approval of a site plan shall be submitted on a form prescribed by rule or regulation of the Planning Board. Twelve copies of the site plan application and any related information shall be submitted to the Planning Board. No application shall be accepted by the Clerk of the Planning Board unless it is complete. Within 30 days of receipt of the application, the Planning Board shall determine whether said application is complete. If the Planning Board determines that said application is incomplete, it shall promptly notify the applicant wherein said application is deficient.

(2) Subsection C(1) is repealed.

(3) Subsection 209-6C(3)(o) is revised to read as follows:

Approximate locations and dimensions of areas proposed for neighborhood parks, playgrounds or other permanent open space.

D. Section 209-7A(2) is revised to read as follows:

Various on-site structures and uses within the development shall be harmonious and in scale to one another and with the neighborhood. No open design foundation system will be permitted for residential structures within an AE flood zone. Open design foundation systems shall only be permitted in FEMA-designated V (Velocity) zones and FEMA-designated Coastal A Zones, also known as the LIMWA Zone

Chapter 210, Zoning

A. Sections 210-3, 210-171C, D and F, 210-207, 210-300C, and 210-326 are revised to change "Site Plan Review Board" with "Planning Board.

B. Section 210-3 is revised as follows:

(1) Definition of "adjusted grade" is revised to read as follows:

Only in areas mapped in a floodplain by FEMA FIRM maps. Adjusted grade is the average of established grade and the design flood elevation as established by FEMA, the Incorporated Village of Freeport, and the North American Vertical Datum of 1988 (NAVD88).

(2) Definition of "design flood elevation" is added to read as follows:

The base flood elevation plus the freeboard requirement.

(3) Definition of "freeboard" is added to read as follows:

An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater.

(4) Definition of "lot, plot or parcel" is revised to read as follows:

A portion of land considered as a unit or occupied by a building or a group of buildings which are united by a common interest or use and the customary accessories and open spaces belonging to the same, provided that said portion of land is not dissected by a street, dedicated or not, a public or private way or by any easement over which the public has a right of passage. In the case of a waterfront property for the purpose of calculating buildable area, only the portion of terrestrial land between the streetline and the bulkhead line may be considered for a primary or secondary building.

(5) Definition of "NAVD 1988" is added to read as follows:

North American Vertical Datum of 1988 Plane. Elevation datum currently used by FEMA and the Incorporated Village of Freeport for the determination of flood elevations, FIRM Maps, and mean high tide.

C. Sections 210-4 and 210-260A are revised to change "Marine Apartment-Boatel and Condominium district" to "Marine Apartment-Boatel Condominium and Cooperative District."

D. Section 210-9 is revised to change $1,000 to read $4,000.

E. Sections 210-9.1, 210-9.2, 210-9.3, 210-9.4, 210-9.5, various moratoria, are repealed due to their expiration.

F. Section 210-29F is revised to read as follows:

Customary home occupations, such as the office of a physician, dentist, surgeon, real estate broker or other professional person, provided that such use is incidental to the primary residence use of such professional persons, and provided that such use shall be conducted in the principal building.

G. Section 210-47A is revised to read as follows:

Generally. All buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of more than 35 feet nor have more than three stories, and apartment houses shall not exceed 50 feet in height nor have more than four stories, including the basement.

H. Section 210-170 is revised to read as follows:

On corner lots in any Residence AA, Residence A or Residence Apartment District, no hedge or other structure or plant, other than shade trees, more than three feet in height above established grade, shall be erected, placed or maintained within a triangular area formed by the intersecting street lines and a straight line joining the street lines at points 20 feet distant from the point of intersection and measured along the street lines.

I. Section 210-177B(4) is revised as indicated:

The minimum fine for a violation of this subsection shall be ~~$25~~$250.

J. Section 210-204, definition of "temporary sign" is revised to read as follows:

TEMPORARY SIGN –

A sign which is designed to advertise or announce a particular event or series of events, to solicit political support or to announce the availability for sale of any type of property. Such temporary signs may be maintained for a period of no greater than 60 calendar days.

K. Section 210-204, definition of "wall sign" is revised to read as follows:

WALL SIGN –

Any sign which is attached directly to or painted on the building wall and is parallel to the building wall.

L. Section 210-206A(14) is added to read as follows:

The material of all signs shall be no thinner than 1/4-inch thick, shall be made of solid plastic, metal, or wood, and shall not be of flexible banner-type material.

M. Section 210-221 is revised to read as follows:

§ 210-221. Display of street numerals and business name.

[Added 1-23-1978 by L.L. No. 2-1978; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Any provision of this Code to the contrary notwithstanding, all structures situate within the Village of Freeport shall prominently display the numerals of the street address of said premises. Such numbers are to be clearly visible from the street adjacent thereto.

B. Any provision of this Code to the contrary notwithstanding, all businesses occupying a streetfront within the Village of Freeport shall have a code-compliant sign prominently displaying the business name of said business.

C. Any provision of this Code to the contrary notwithstanding, all businesses within the Village of Freeport containing a rear door shall have the business name and/or address displayed on said rear door.

N. Section 210-223A is revised to read as follows:

Location. Such pool is installed in the rear or side yard of the premises.

O. Section 210-260F and G are repealed.

P. Section 210-272 is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time and may amend a schedule of fees payable by an applicant for a special use permit for an Artist/Professional Live/Work Overlay District and for the annual compliance inspection provided for in § 210-270 of this chapter.

Q. Section 210-295A is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a petition for a Golden Age Zone Classification.

Village of Freeport
Code Adoption 2024 Local Law

Schedule B
Additional Specific Revisions at Time of Adoption of Code

Chapter 86
Remove Table of Height and Area Limits, which was part of now-removed 86-17A1
Remove Tables I and II for Allowable Working Stresses, which was part of now-removed 86-53F4.

Chapter 124, Health and Sanitation
Article III, Fumigation
Section 124-8 is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.

Chapter 138, Licensing of Business
Article III, Special Sales
Section 138-18B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 138-19B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 138-22 is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.

Chapter 151, Pawnbrokers
Section 151-4B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.

Chapter 188, Taxicabs
Article II, Licenses
Section 188-15B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-24G is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-30B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-30C is revised to replace references to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-31 is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-32B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.

Chapter 205. Waterfront Properties and Watercraft
Article III, Boats and Vessels

Section 205-17B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 205-20 is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.

EXHIBIT Q

VILLAGE OF FREEPORT

RESOLUTION TO ENACT LOCAL LAW NO. 1-2024

WHEREAS a public hearing was held the 23rd day of September, 2024 and continued on the 21st day of October, 2024 by the Board of Trustees of the Village of Freeport, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York;

WHEREAS at said public hearing the Board of Trustees considered the enactment of proposed Local Law No. 1-2024, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF FREEPORT INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF FREEPORT"; and

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1-2024 be enacted as follows:

(copy of local law attached)

VOTE OF BOARD OF TRUSTEES

AYE:
NO:

DATE:

ARTICLE I
Adoption of Code

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Freeport, as codified and consisting of Chapters 1 through 215, are hereby approved, adopted, and enacted as the Code of the Village of Freeport, hereinafter referred to as the "Code." 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. This local law and the Code adopted hereby shall supersede and replace the 1979 Code of the Village of Freeport, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

A. A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Village of Freeport by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Trustees to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Freeport" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Freeport shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment 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.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

All local laws and ordinances of a general and permanent nature of the Village of Freeport 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.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-5 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 Freeport 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 Freeport 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 Freeport.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Freeport.

E. Any local law or ordinance of the Village of Freeport 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 Freeport or any portion thereof.

F. Any local law or ordinance of the Village of Freeport 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 Freeport 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 Village 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 November 27, 2023.

O. Local Law 1-2019, regarding a tax cap override.

§ 1-7. Changes in previously adopted legislation.

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Freeport, 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.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Village of Freeport in any manner whatsoever which will cause the legislation of the Village of Freeport 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.

§ 1-10. When effective.

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

Village of Freeport
Code Adoption 2024 Local Law

Schedule A
Specific Revisions at Time of Adoption of Code

Chapter 1, General Provisions

Article I, Adoption of Code

A. Section 1-10, Penalties for offenses, is relocated to Art. II, General Penalty.

Article II, General Penalty

B. Article II is added.

Chapter 7, Boards and Commissions

Article VI, Planning Board

Section 7-18B is revised to read as follows:

> The Mayor shall appoint, subject to the approval by the Board of Trustees, two alternate members of the Planning Board. Said alternates shall serve one-year terms. An alternate member shall serve as a full voting member of the Planning Board where absences or conflicts of interest make it impossible to obtain a quorum.

Chapter 8, Tax Cap Override

Chapter 8 is deleted.

Chapter 16, Code of Ethics

A. Section 16-4 is revised to read as follows:

> § 16-4. Standards of conduct. [Amended 11-25-1971 by L.L. No. 2-1974; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
> Every officer or employee of the Incorporated Village of Freeport shall be subject to and abide by the following standards of conduct:
> A. Gifts. They shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value in excess of the amount permitted by General Municipal Law § 805-a, Subdivision 1, 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 them or could reasonably be expected to influence them in the performance of their official duties or was intended as a reward for any official action on their part.

B. Confidential information. They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.

C. Representation before one's agency. They 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 they are an officer, member or employee or of any municipal agency over which they have jurisdiction or to which they have the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. They 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 their municipality whereby their compensation is to be 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.

E. Disclosure of interest in legislation. To the extent that they know thereof, a member of the Board of Trustees and any officer or employee of the Incorporated Village of Freeport, 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 or on any matter being considered by any other official, board, agency, commission or officer of the Incorporated Village of Freeport shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation.

B. Section 16-6 is revised to add the following sentence to the end thereof:

Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

Chapter 27, Liability of Village

Section 27-1 is revised to delete the following from the reference to the General Municipal Law:

(added L. 1945, c. 694, § 1, effective September 1, 1945; amended L. 1950, c. 481, § 1, effective September 1, 1950; amended L. 1976, c. 745, § 2, effective September 1, 1976)

Chapter 42, Personnel Benefits and Regulations.

Article V, Early Retirement Program

Former Art. V, Early Retirement Program, is repealed.

Chapter 46, Police

Article II, Special Policemen

Former Art. II, Special Policemen, is repealed.

Chapter 70, Access to Records

Article I, Village Access to Criminal History Records

A. Sections 70-1 and 70-2 are revised to delete references to "Special Police."

B. Section 70-2, definition of "pernicious offender," is repealed.

C. Section 70-3:

(1) Subsection A(2) is revised to read as follows:

> A separate permit is required for each premises protected by an alarm system, said permit to have a duration of one or three years, depending on the option selected.

(2) Subsection A(3) is revised to read as follows:

> A permit shall expire one or three years from the date of issuance and may be renewed for additional one- or three-year periods, depending on the option selected, by the submission of a renewal application and payment of permit renewal fees as required by this chapter. Subpermits may be issued at any time for up to one or three years, but the duration may not extend beyond the expiration date of the permit.

D. Section 72-4C(2)(c), regarding conviction as a pernicious offender, is repealed.

E. Section 72-6B, Fees, is repealed.

F. Section 72-8A(2) is revised to read as follows:

> Failure to return a report of service repair within said fifteen-day period, which is reasonably satisfactory to the commanding officer, is a violation subject to the penalties under §72-16.

G. Section 72-12A(6) is added to read as follows:

> *Elevators and elevator control rooms.*

H. Section 72-15A and B are repealed and replaced with the following:

> The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for an alarm permit or a renewal thereof.

I. Section 72-16A and B are repealed and replaced with the following:

> A violation of any of the provisions of this chapter shall constitute a violation as said term is defined by the Penal Law of the State of New York and be punishable

as such by a fine of $750 for a first offense, $1,000 for a second offense, and $2,000 for any additional offenses, imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment. Each day's (twenty-four-hour period) continued violation of this chapter shall constitute a separate and distinct additional violation.

Chapter 73, Security Systems

Article I, Security Gates within Business Districts

Section 73-7 is revised to change "$250" to "$1,000."

Chapter 74, Licensing Amusements

A. Section 74-3 is revised to read as follows:

> It shall be unlawful to keep any premises licensed hereunder open for business between the hours of 12:00 midnight and 8:00 a.m., but a bowling alley may be kept open for business at any time, provided that in so doing the peace and quiet of the neighborhood is not disturbed.

B. Section 74-6 is revised to read as follows:

> Before any license shall be issued for any performance or amusement hereunder, a public liability insurance policy shall be filed with the Village Clerk, executed by the applicant and conditioned that the Village will be saved harmless for any injury to person or property because of fault or default by the licensee, said policy to be issued by a bonding company authorized to do business in New York State and in form approved by the Claims Examiner. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of liability insurance required.

C. Section 74-8 is revised to read as follows:

> Under no circumstances shall any of the activities hereunder comprehended be conducted in any portion of the Village zoned for residential purpose or in any other zone within 300 feet of any residence unless the owner thereof grants his consent thereto in writing, which shall be filed with the Village Clerk not less than three days before an exhibition or performance is given.

D. Sections 74-17 through 74-20 are repealed.

E. Section 74-17, Additional license for theater admitting children; Section 74-18, Issuance of license to admit children; Section 74-19, Seating of unaccompanied children; and Section 74-20, Licensing of theater matrons; duties; are repealed.

Chapter 78, Animals and Fowl

A. Section 78-11, Keeping of bees, is repealed.

B. Section 78-12, Penalties for other offenses, is relocated to the end of the chapter and renumbered as § 78-15. As a consequence of this move, §§ 78-13 through 78-15 were moved up and renumbered as §§ 78-12 to 78-14.

C. Section 78-14, which was renumbered as Section 78-13:

(1) Subsection A is revised to read as follows:

> Any dog four months of age or older harbored or otherwise kept within the Village of Freeport shall have a dog license. No license shall be required for any dog which is under the age of four months and which is not at large. The related identification tag shall be suspended from a dog's collar and worn at all times both on and off the dog owner's premises. A license shall be renewed after a period of one year, beginning with the first day of the month following the date of issuance, and shall be renewable annually thereafter prior to the expiration date. All applications for a dog license must be made to the Town of Hempstead.

(2) Subsection C is repealed.

Chapter 82, Bicycles

Sections 82-1, Applicability and purpose, through 82-2, Reports of transfers of ownership, codified as Article I, Licensing and Regulation, are repealed.

Chapter 86, Building Construction

A. Section 86-7A(1) is revised to read as follows:

> It shall be the duty of the superintendent of buildings (or their designee) to examine applications for permits or amendments thereto within a reasonable time after filing.

B. Section 86-7.1, Moratorium on telecommunication towers, is repealed.

C. Section 86-8C is revised to delete "(See § 86-131E.)"

D. Section 86-10M(1)(a) is revised to change $1,000 to $4,000 and/or 15 days in both places.

E. Section 86-11B:

(1) Definition of "commercial building," is revised to read as follows:

> Structures or parts of structures which are not public buildings, institutional buildings or residence buildings, including, among others,

office buildings, mercantile buildings, warehouses, freight depots, car barns, stables, factories, laboratories, smokehouses grain elevators, coal pockets, central station power plants, electric substations, garages, motor vehicle repair shops and gasoline vending stations.

(2) Definition of "frame" is revised to read as follows:

Those in which the structural parts and materials are of wood or other combustible materials or are dependent upon a wood frame for support, including construction having an incombustible veneer or an incombustible covering such as corrugated iron or corrugated asbestos cement composition sheets, except that all columns, footings or other supports of the first floor framing shall be of incombustible materials.

(3) Definition of "institutional building" is revised to read as follows:

Structures or parts of structures in which persons are harbored to receive medical, charitable or other care or treatment or in which persons are held or detained by reason of public or civic duty or for correctional purposes, including, among others, hospitals, asylums, sanitoriums, firehouses, police stations and jails.

(4) Definition of "mercantile building" is revised to read as follows:

A place in which one or more persons are employed, in which goods, wares or merchandise are offered for sale and includes a building, shed or structure or any part thereof occupied in connection with such an establishment. Mercantile buildings include, among others, sales rooms, stores, markets and restaurants.

(5) Definition of "multiple dwelling" is revised to read as follows:

A dwelling which is either rented, leased, let or hired out to be occupied or is occupied as the abode, residence or home of three or more families living independently of each other. For the purpose of this Code, multiple dwellings are divided into two classes, Class A and Class B.

(6) Definition of "multiple dwelling, Class A" is revised to read as follows:

A multiple dwelling which is occupied, as a rule, for residence purposes and not transiently. This class shall be deemed to include tenement houses, flat houses, maisonette apartments, apartment hotels, apartment houses, bachelor apartments, studio apartments, duplex apartments, kitchenette apartments and all other multiple dwellings, except Class B multiple dwellings, whether or not such other multiple dwellings are specifically designated by name.

(7) Definition of "multiple dwelling, Class B" is revised to read as follows:

A multiple dwelling which is occupied, as a rule, transiently as the more or less temporary abode of individuals or families who are lodged with or without meals. This class shall be deemed to include hotels, lodging

houses, rooming houses, boardinghouses, boarding schools, furnished room houses, lodgings, clubhouses, college and school dormitories.

(8) Definition of "public building" is revised to read as follows:

Structures or parts of structures in which persons congregate for civic, political, educational, religious, social or recreational purposes, including, among others, courthouses, schools, colleges, libraries, museums, exhibition buildings, lecture halls, churches, assembly halls, lodge rooms, dance halls, theaters, bathhouses, armories and passenger depots.

(9) Definition of "residence building" is revised to read as follows:

Structures or parts of structures in which sleeping accommodations are provided, except such as may for other reasons be classed as public buildings, including, among others, dwellings, multiple dwellings, hotels, lodging houses, dormitories, convents, studios and clubhouses having sleeping accommodations.

F. Former Article IV, Classification of Structures and Occupancies; Article V, Building Restrictions in General; Article VI, Light, Ventilation and Insulation Standards; Article VII, Means of Egress; Article VIII, Materials, Loads and Stresses; Article IX, Construction; Article X, Safeguards During Construction; Article XI, Fire-Resistive Construction; Article XII, Chimneys and Heating Appliances; Article XIII, Special Occupancies; Article XIV, Elevators and Amusement Devices; Article XV, Fire-Extinguishing and -Detecting Equipment; Article XVI, Plumbing and Gas Piping; Article XVII, Multiple Dwellings; Article XVIII, Air-Supported Structures; Article XIX, Interim Development No. 1; Article XX, Interim Development No. 2; Article XXI, Interim Development Law No. 3; are repealed.

Chapter 87, Flood Damage Prevention

A. Section 87-4:

(1) Definition of "area of special flood hazard" is revised to read as follows:

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, Coastal A Zone (a.k.a. "limited of moderate wave action" – LIMWA), 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."

(2) Definition of "design flood elevation" is added as follows:

DESIGN FLOOD ELEVATION — The base flood elevation plus the freeboard requirement.

(3) Definition of "freeboard" is added as follows:

FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater.

B. Section 87-4 is revised to read as follows:

For nonsubstantially damaged or nonsubstantially improved structures. New and replacement electrical equipment, wiring and outlets, switches, junction boxes and panels, heating, ventilating, air conditioning, plumbing connections and other service equipment shall be located two feet 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, unless technically unfeasible. NAVD88 Datum required.

Chapter 88, Vacant Buildings

Article I, Registration

Section 88-3B is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for the annual registration of a vacant building.

Chapter 90, Moving of Buildings

A. Chapter title is revised to read "Moving of Buildings and/or Structures."

B. Section 90-2A is revised to read as follows:

Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance in to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The policy shall also protect the Village, against any damages caused to any street or other public property by reason of such house moving. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage, property damage insurance, and street damage or other public property damage insurance required.

C. Section 90-5, Penalties, is added to read as follows:

Anyone who shall be deemed in violation of this chapter shall be subject to a penalty not to exceed $10,000 or imprisonment of not more than 15 days, or both.

Chapter 91, Outdoor Burning

Section 91-2, Penalties for offenses, is revised to change "$250" to "$1,000."

Chapter 92, Business Hours

Section 92-2, Excepted businesses, is revised to read as follows:

This chapter shall not apply to restaurants, ice cream parlors, bars and grills, billiard parlors, gasoline stations, fishing stations, drugstores, and convenience stores.

Chapter 95, Commercial Building Standards

Chapter 95 is added to read as follows:

ARTICLE I
General Regulations
§ 95-1. Definitions.
As used in this chapter, the following terms shall have the meanings indicated:
COMMERCIAL BUILDING — Any building that is nonresidential.
MIXED-USE BUILDING — Any building that is a mix of residential and nonresidential.
NUISANCE — Embraces public nuisances known at common law or in equity jurisprudence and whatever is dangerous to human life or detrimental to health and whatever building is overcrowded or is not provided with adequate means of ingress and egress or is not sufficiently supported, ventilated, sewered, drained or cleaned and whatever renders the air or human food or drink unwholesome are also severally, in contemplation of this chapter, nuisances. All such nuisances are hereby declared illegal.
OCCUPIED or OCCUPANCY — As applied to any commercial or mixed-use building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or occupancy."

OWNER — The record owner of the title to any premises and also anyone exercising the rights of ownership therein at the time of the making of any order with regard thereto by the Village Board and shall include a lessee of the entire building or structure, other than a single-family private dwelling, or a mortgagee in possession.
PERSONS INTERESTED — The owner, as herein defined, and all other persons interested in the property to which such words refer.
RENTAL PREMISES — Any premises occupied under or by virtue of a rental or lease agreement, verbal or written, or where any sum or thing is paid for occupancy or charge is made for use and/or occupancy or where occupancy is pursuant to a contract of purchase or installment payment contract or free of payment by the occupant where

payment is made by another or any other occupancy or arrangement for charge of any kind.

REPAIR — Any alteration, structural change or the performance of any act necessary or requisite to make any building or structure or any part thereof, found by the Village Board or Superintendent of Buildings to be a dangerous building or a substandard building, within the purview of this chapter.

§ 95-2. Dangerous commercial or mixed-use buildings.

All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle 1/3 of its base.

B. Those which have been damaged or have deteriorated so as to have become, in the judgment of the Village Board, dangerous to the life, health, morals or general welfare of the occupants thereof or to the people of the Village. Any building or structure which, exclusive of the foundation, shows 33 1/3% or more damage to or deterioration of the supporting members or 50% or more damage to or deterioration of the nonsupporting enclosing or outside walls or coverings shall be deemed a dangerous building.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose. Those having inadequate facilities for ingress or egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication used.

E. Those which have parts thereof which are so attached that they may fall and injure the occupants thereof or members of the public or property.

F. Those buildings existing in violation of any provision of the building code of the Village[1] or any provision of the fire prevention laws or regulations of said Village[2] or other ordinances of the Village.

§ 95-3. Removal or repair of dangerous commercial or mixed-use buildings. All dangerous buildings, within the terms of § 95-2 of this chapter, are hereby declared to be public nuisances and shall be repaired or removed as herein provided.

§ 95-4. Inconsistent provisions.

Whenever the provisions of any local ordinance, resolution or regulation imposes requirements with regard to commercial or mixed-use buildings inconsistent with the terms and provisions of this chapter or any part thereof, the provisions of this chapter shall govern, provided that, should any such ordinance, resolution or regulation impose more stringent requirements with regard to dangerous buildings, as herein defined, than the provisions of this chapter impose, then such more stringent requirements shall be construed to apply.

§ 95-5. Requests for inspections of buildings.

A. Right of inspection; certificate to issue. The owner of any building used, in whole or in part, for human occupancy and against whom no proceedings hereunder are pending with regard to such building may request the Superintendent of Buildings to cause an inspection thereof to be made, whereupon the Superintendent of Buildings shall cause an inspection of such building to be made and if, upon such inspection and a report thereon to the Village Board, it shall be disclosed that the same is not a dangerous building, the

Village Board will direct the Superintendent of Buildings to issue a certificate to that effect to such applicant. The issuance of such certificate is not to be construed as a finding that such building is not a dangerous building beyond the date of issuance thereof. Should, however, such inspection disclose said building or structure to be a dangerous building, the Village Board will direct the Superintendent of Buildings to give written notice to the applicant to appear before them on a certain date within 15 days from the date of said notice and shall thereupon proceed in the same manner as prescribed in § 95-7B, C, D, E and F of this chapter. Such notice shall contain the same particulars as are required by § 95-6D hereof.

B. Effect of application for inspection. No qualified owner who has applied for inspection, pursuant to Subsection A of this section, shall be prosecuted under § 95-15 hereof with regard to any building of which inspection has been requested unless he fails to comply with the order of the Village Board made pursuant to Subsection A hereof.

1. Editor's Note: See Ch. 86, Building Construction, of this Code.
2. Editor's Note: See Ch. 115, Fire Prevention, of this Code.

ARTICLE II
Duties of Officials; Administration
§ 95-6. Superintendent of buildings.
The Superintendent of Buildings shall:
A. Inspections, generally. Inspect or cause to be inspected, as often as may be necessary to ensure the enforcement of this chapter, all buildings in the Village for the purpose of determining whether any conditions exist therein which render such places dangerous buildings within the terms of § 95-2 of this chapter and whether any conditions exist therein not in compliance with the standards of this chapter.
B. Inspections upon complaint. Inspect any building, wall or structure about which a complaint is filed by a person to the effect that the same is or may be existing in violation of the terms of this chapter.
C. Issuance of notice to comply. Notify, in writing, the owner of any building found by him to be a dangerous building within the standards set forth in § 95-2 of this chapter and of any building found by him not conforming to the standards set forth in Article III hereof that he must repair or remove said building, in accordance with the terms of the notice and this chapter, or otherwise comply with the standards set forth in this chapter within a reasonable time to be fixed by said notice.
D. Contents of notice. Set forth, in the notice provided for in Subsection C hereof, a description of the building or structure or parts thereof deemed to violate the provisions of this chapter, a statement of the particulars in which the building is dangerous or fails to comply with the standards set forth in Article III hereof and a direction requiring compliance with the standards set forth in this chapter or that the building or structure be put in such condition as to comply with the terms of this chapter or that said building or structure be removed.
E. Report to Village Board. Report to the Village Board any noncompliance with the notice provided for in Subsections C and D.
F. Appearance; testimony at hearings. Appear at all hearings conducted by the Village Board and testify as to the condition of the dangerous building.
G. Institution of actions; proceedings. With the assistance of the Village Counsel, do such acts and take such proceedings as may be required to bring about the repair or removal of buildings as ordered by the Village Board and take such steps as may be required by the provisions of the Village Law § 4-412 to cause the removal or repair of any building

which is dangerous or unsafe to the public and to cause the assessment of all costs and expenses incidental thereto against the land on which said buildings are located.

H. Posting notice. Firmly affix a notice, in a conspicuous place, in front of all dangerous buildings immediately after the issuance of the order provided for in § 95-7D of this chapter as follows: This building has been found to be a dangerous building by the Board of Trustees of the Village of Freeport. This notice is to remain on this building until it is repaired or removed or made to comply with the direction which has been given the owner. It is unlawful to remove this notice until such direction has been complied with.

§ 95-7. Board of Trustees.

The Village Board shall:

A. Issuance of notice to appear. Upon receipt of a report of the Superintendent of Buildings as provided for in § 95-6E hereof, give written notice to the persons interested in said building to appear before them on a certain date, within 15 days of the date of notice, to show cause why compliance with the standards set forth in this chapter should not be made or why the building or structure reported to be a dangerous building should not be repaired or removed in accordance with a statement of particulars set forth in the Superintendent of Buildings' notice provided for by § 95-6C and D of this chapter.

B. Hearing. Hold a hearing and hear testimony as to whatever evidence the persons interested in said building may offer relative to the dangerous building.

C. Written findings. Make a written finding of facts as to whether or not the building in question is a dangerous building within the meaning of § 195-2 hereof.

D. Issuance of orders. Issue an order commanding the persons interested in said building to repair or remove any building found to be a dangerous building within the terms of this chapter or to comply with the standards set forth in this chapter. Such order shall fix the time when compliance therewith shall commence, not more than 10 days after the making thereof, and shall fix a reasonable time within which such compliance shall be so completed. The Village Board may, in its discretion and upon good cause shown, extend the time for full compliance with said order.

E. Effect of noncompliance with order.

(1) If the owner fails to comply with the order provided for in Subsection D hereof or any extension thereof, the Village Board may direct the Superintendent of Buildings to cause such dangerous building or structure to be repaired or removed, as the facts may warrant, under the standards hereinbefore set forth, provided that, before proceeding to repair or to remove or cause the repair or removal of any dangerous or unsafe building, the Superintendent of Buildings may, with the advice and assistance of the Village Counsel, proceed in accordance with the provisions of Village Law § 4-412 and institute appropriate proceedings before a court of competent jurisdiction to obtain an order or judgment directing or authorizing such repair or removal. The Superintendent, of Buildings shall, with the assistance of the Village Counsel, take such legal action as may be necessary to cause the costs of such repair or removal, and all costs and expenses incurred by the Village in connection with said proceedings shall be charged against the land on which the building stands or did stand as a municipal lien, or such costs shall be added to the tax roll as an assessment or shall be levied as a special tax against the land upon which the building stands or did stand.

(2) The lien of the Village or any expense incurred with regard to the repair or removal of any dangerous building shall have priority over all other liens and encumbrances, except taxes, assessments and water rates. Except as to the liens imposed for expenses incurred as a result of the repair or removal of any dangerous building, nothing herein

contained shall be construed as placing upon the property a lien which supersedes or is superior to the lien of any mortgage with regard to any building and property executed and recorded prior to the existence of such lien.

F. Report to Village Counsel. Report to the Village Counsel the names of all persons not complying with the order provided for in Subsection D hereof.

G. Authority to initiate proceedings. The Village Board may, in the first instance and without service of any notice by the Superintendent of Buildings, give notice to the persons interested in any building, which they have reason to believe may be a dangerous building, to appear before them on a certain date, within 15 days from the date of such notice, to show cause why the building or structure specified in such notice should not be repaired or removed or otherwise made to comply with the provisions of this chapter. Such notice shall contain the same particulars as are required by § 95-6D of this chapter. Upon the return day of said notice, the Village Board shall thereupon proceed in the same manner as prescribed in Subsections B, C, D, E and F of this section.

H. Vacation; amendment of order. The Village Board may from time to time and upon due notice vacate, modify or amend any order made by them, as herein provided, and may, either on their own motion or upon the motion of any person interested, reopen any proceedings in which they have made an order for the purpose of taking further testimony and, upon such rehearing, render any decision and make any order consistent with the provisions of this chapter that they shall deem just and equitable.

§ 95-8. Review of order of Board of Trustees.

Any person deeming himself aggrieved by any order or direction of the Village Board may have the determination reviewed by the Supreme Court in the manner prescribed by the Civil Practice Law and Rules.

§ 95-9. Village Counsel.

The Village Counsel shall:

A. Prosecute violations of orders. Prosecute all persons failing to comply with the terms of any order granted to be given under § 95-7D.

B. Prosecute violations of chapter. Prosecute all persons who shall in any way violate the terms of this chapter.

C. Appear at hearings. Appear at all hearings before the Village Board with regard to dangerous buildings.

D. Institute actions. In his discretion, bring suit to correct all municipal liens, assessments or costs incurred by the Village for repairing or causing to be removed dangerous buildings.

E. Enforcement, generally. Take such other legal action as is necessary to carry out the terms and provisions of this chapter, including actions to abate nuisances, or for the enforcement of this chapter by injunction or otherwise.

§ 95-10. Fire and Police Departments.

The employees of the Fire Department and the employees of the Police Department of the Village shall make a report, in writing, to the Superintendent of Buildings of all buildings and structures which, in the discharge of their respective duties, are found or may be suspected to be dangerous or substandard buildings within the terms of this chapter. Such reports must be delivered to the Superintendent of Buildings within 24 hours of the discovery of such building by an employee of said Fire Department and/or Police Department.

§ 95-11. Service of notices or orders.

All notices or orders required to be given hereunder may be served by delivering to and leaving a copy of the same with the person entitled to such notice. In cases where any

such person is absent from the Village, all notices or orders provided for herein shall be sent by registered mail to said person so absent to the last known address of said person or to the last address of said person as shown by the records of the receiver of taxes and/or in the office of the County Clerk of Nassau County. Whenever such service is made by registered mail, a copy of such notice or order shall also be posted in a conspicuous place on the front of the dangerous building or substandard building to which it relates. Such mailing and posting shall be deemed adequate service.

§ 95-12. Nonliability of officials.

No officer, agent or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Village Counsel until the final determination of the proceedings therein.

§ 95-13. Removal or repair of buildings.

The following remedies shall be applied in substance by the Superintendent of Buildings and the Village Board in ordering removal or repair:

A. Repair. If the dangerous building can be reasonably repaired so that it will no longer exist in violation of this chapter, it shall be ordered repaired. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered removed. All repairs are to be performed in a workmanlike manner to the minimum standards of the respective trade.

B. Removal. In all cases where a dangerous building is a fire hazard, existing or erected in violation of any ordinance of this Village or statute of the State of New York, it shall be ordered removed unless such hazard or violation can be cured, in which event the building shall be ordered repaired.

C. Unsafe structures. Any structures or part of a structure or premises that from any cause may at any time become dangerous or unsafe structurally or as a fire hazard shall be repaired and secured or taken down and removed. A vacant building that is unguarded or open at door or window shall be deemed dangerous or unsafe as a fire hazard within the meaning of this section.

§ 95-14. Cumulative nature of remedies.

The several remedies herein provided with respect to the repair or removal of dangerous buildings or of substandard buildings or the assessment and recovery of the cost of repair or removal thereof incurred by the Village and any other remedies, legal or equitable, available shall be deemed cumulative, and any and all thereof may be pursued concurrently or consecutively. The pursuit of any remedy shall not be construed as an election or waiver of the right to pursue any and all of the others.

§ 95-15. Penalties for offenses.

A. Responsibility of owner. The owner of any dangerous building who knowingly permits such dangerous building to be used for commercial purposes or human occupancy or who shall fail to comply with any order of the Village Board to repair or remove said building or otherwise make it comply with the standards set forth in this chapter shall be guilty of a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of not more than $5,000, or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

B. Effect of a continuing violation. For the purposes of Subsection A of this section, each day during which there is a failure to comply with the provisions of this chapter or of any order issued by the Village Board shall constitute a separate offense.

C. Effect of occupancy. In any prosecution under this section, the fact that any dangerous building or any part of said building was used for commercial purposes or human occupancy shall be presumptive evidence that the same was so used with the knowledge and consent of the owner.
D. Removal of notice. Any person removing the notice provided for in § 95-6H hereof shall be fined a sum not to exceed $250 for each offense.
E. Disposition of penalties. All penalties collected under this chapter shall be the property of the Village, but no provision of this chapter shall be construed to prohibit the Village from creating and maintaining a separate revolving fund out of such penalties, not to exceed the sum of $10,000 and out of which payment may be made for repairs or removals made or caused to be made as provided herein.

ARTICLE III
Stairwells
§ 95-16. Identification of stairwells.
In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.

Chapter 98, Disclosure of Interest

Section 98-4A is revised to read as follows:

It shall be unlawful for any applicant to violate the provisions of this chapter and any violations thereof shall be punishable by a fine not to exceed $1000.

Chapter102, Drains and Bulkheads

Section 102-1 is revised to read as follows:

DRAINS AND BULKHEADS
§ 102-1. Statutory provisions amended.
[HISTORY: Adopted by the Board of Trustees of the Village of Freeport 6-26-1967 by L.L. No. 3-1967. Amendments noted where applicable.]
§ 102-1. Statutory provisions amended.
Section 89, Subdivision 15, of the Village Law is hereby amended by renumbering the existing Subdivision 15 as § 102-1A and adding thereto a new Subsection B, Bulkheads in the Incorporated Village of Freeport.
A. Drains. The Board of Trustees may, for the purpose of arresting and preventing damage to property within the Village resulting from floods or erosion, construct drains, culverts, dams and bulkheads, and dredge channels, and regulate water courses, ponds and watering places within or without the Village. Power and authority is hereby conferred upon the Board of Trustees of a village, in the name of the Village, to acquire property necessary for such public improvements, whether located within or without such village, by purchase or by condemnation in the manner provided by the Condemnation Law. No property shall be acquired or such a public improvement constructed without the corporate limits of a village except with the consent of the governing board or body of the city, town or village in which such property is situated or such public improvement is proposed to be constructed. Such consent may only be given after a public hearing held

within such city, town or village pursuant to notice published at least once and at least ten days prior to the hearing in a newspaper having general circulation in the municipality in which the hearing is to be held. Consent given by the governing board or body by any such municipality shall not impose a liability against the city, town or village and the maintenance and repair of any such improvement shall remain the responsibility of the Village making the improvement. The cost of the work, including the acquisition of property, shall be a charge against the Village, except that, in respect of improvements wholly within the Village, or that part thereof located therein, the work may be done wholly at the expense of the Village or of the owners of the property benefited, or partly at the expense of each as a local improvement. The term "property" as used in this section is defined to include lands, structures, rights in lands, including lands under water, riparian rights and any and all other things and rights usually included within the said town, and shall include also easements, rights of way, uses, leases, licenses and any and all interests in such property less than full title.

B. Bulkheads in the Incorporated Village of Freeport. Notwithstanding the preceding subsection, the Board of Trustees of the incorporated Village of Freeport may construct, repair, maintain and care for bulkheads on public waterways in the Incorporated Village of Freeport; any direct and order such work to be done by the owner or occupant of any property abutting such a public waterway where the existing bulkhead or the absence of a bulkhead constitutes a dangerous or unsafe condition; may direct and order any such work to be done by the property owner or occupant of the property in accordance with specifications furnished by the Village and on default may have the same done by contract or performed by the Village; may pay for same from Village funds and assess such total cost against the property benefited; and may provide that the cost of any such work or improvements be paid at a specified time or in annual installments.

Chapter 106, Electricity

A. Section 106-3 is revised to read as follows:

> All electrical wiring, apparatus, fittings, appliances and equipment shall conform in all respects to the regulations for controlling electrical installations for service adopted by the Department, together with the applicable rules and regulations of the National Electrical Code and with the NYS Building Codes current at the time of installation.

B. Section 106-10A(1) is revised to read as follows:

> Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

Chapter 110, Environmental Quality Review

Section 110-6 is revised to change "15 days" to "20 days."

Chapter 115, Fire Prevention

A. Article I is amended to read as follows:

General Regulations

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 115-1. Interference at fires.

No person shall interfere with, obstruct or hinder any firefighter, or member of the Fire Department while performing their duties at the scene of a fire, emergency or during training or drill. There shall be no interference or obstruction that will hinder the operations of the Fire Department in any way at any time.

§ 115-2. Yielding right-of-way to fire apparatus.

Upon the approach of any fire apparatus, while in response to an alarm, the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall immediately yield the right of way by moving to the right and placing said vehicle close to and parallel with the nearest curb, bringing said vehicle to a complete stop, and remaining there until the fire apparatus has moved from the vicinity.

§ 115-3. Parking near hydrants during alarms.

During any alarm that a fire apparatus is responding to, or operating at, no person operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device shall stop said vehicle within fifty (50) feet of any fire hydrant that is situated within a 500-foot radius of the alarm.

§ 115-4. Moving vehicles from vicinity of hydrants.

No person, while operating any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, shall fail to move said vehicle from the vicinity of any fire hydrant upon request to do so from any member of the Fire Department.

§ 115-5. Driving over fire hose.

At no time shall the operator of any motor vehicle, motorcycle, bicycle, scooter or any other mobility device, drive said vehicle over any fire hose lying on any street, driveway, sidewalk or pathway of any type at any time unless instructed to do so, only by a member of the Fire Department.

§ 115-6. Obstructing or damaging hydrants.

At no time shall any fire hydrant be obstructed or damaged by any person in any way. No hydrant shall be obstructed from its full use by snow, ice, garbage cans or any substances or materials that are piled or stored in close proximity to said hydrant. See § 201-21 for other rules regarding fire hydrants.

§ 115-7. False alarms.

At no time shall any person willfully give any false alarm of fire or any other type of an emergency by use of phone, cell phone, radio or any type of social media outlet, or other method or device that would create a response from the Fire Department.

§ 115-8. Fire lines, going or remaining within.

The Incident Commander shall establish fire lines to create an area of operation that shall help provide safety to firefighters and civilians; at no time shall any person go into or remain inside of the fire lines without permission of the Incident Commander. Any person within the fire lines without permission shall be removed at the request of the Incident Commander by the Freeport Police Department.

§ 115-9. False indication of membership.

At no time shall any person indicate or make any reference to being a member of the Freeport Fire Department by placing, displaying or maintaining any insignia, emblem, placard or letters on any privately owned and operated motor vehicle, motorcycle, bicycle, scooter or any other mobility device. No person shall have in their possession, any form of identification, card, badge or other instrument indicating membership in the Freeport Fire Department without being approved by and having permission from the Fire Chief, Fire Council and the Board of Fire Commissioners.

1. Editor's Note: Former §§ 115-11, Accessibility of gas stopcock, and 115-12, Accessibility of safety valve for ammonia tank, of the 1979 Code, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 115-10. Fires outside Village limits.

A. Authorized. The Fire Department of the Village or any or more fire companies thereof are hereby authorized and permitted to go to the aid of another city, village, town, county or fire district outside of the Village limits to provide assistance in the extinguishment of fires or any other emergency or public disaster. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.

B. Power vested in the Chief. The Chief of the Department is empowered to direct that mutual aid be extended to another city, village, town, county or fire district as herein provided. For the purpose of this section, the Chain of Command, as set forth in the Freeport Fire Department By-Laws shall be followed, and that in the absence or disability of the Fire Chief the next highest-ranking officer shall have the power to direct that such mutual aid be extended. The current Nassau County Mutual Aid Agreement (M.O.U.) shall be followed when its policies apply.

C. Privileges of firefighters. While extending such mutual aid, the members of the Fire Department shall have the same immunities and privileges as though they were performing the same duties within the Village.

§ 115-11. through § 115-12. (Reserved)1

Article II is amended to read as follows:

Bureau of Fire Prevention; Fire Safety

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 115-13. Fire Prevention/Safety Bureau.

The Board of Fire Commissioners shall hereby authorize the Fire Prevention/Safety Bureau to operate under the supervision of the Superintendent of the Building Department.

§ 115-14. Fire Prevention/Safety Inspector; Inspector's appointment.

The Board of Fire Commissioners shall appoint as many inspectors as it deems necessary for its proper duties. Inspectors shall be appointed from within the Building Department at the Superintendent's request. Said Board shall adopt rules and regulations as may be necessary for its proper administration.

§ 115-15. Duties of Bureau.

It shall be the duty of the Fire Prevention/Safety Bureau, in cooperation with Nassau County Fire Marshal's Office and the Chief of the Freeport Fire Department, to enforce all laws, codes and ordinances of the State of New York, County of Nassau and the Village of Freeport regarding to, but not limited to, the following:

A. The prevention of fires, education through schools and use of social media outlets to help educate the residents of the Village on fire prevention methods.

B. Fire alarm systems. Assist the Village and the Fire Chief on keeping records on fire alarm system activations and inspections for proper installation, maintenance and licensing.
C. Fire escapes, the maintenance and regulations of fire escapes and exits.
D. Schools, to work with the Freeport school system, as well as preschools, private and parochial schools, and any other educational institute to ensure safe exits that do not cause any interference with, or impede firefighting operations in any way.
E. Commercial and industrial. To coordinate inspections with the Nassau County Fire Marshal's office, this will enable the Fire Department and the Building Department to have a better knowledge of the hazards within these occupancies and how to deal with them during true emergencies.
F. Additional powers. The Fire Prevention/Safety Bureau shall have such other powers and perform such other duties as set forth herein or as directed by the Board of Fire Commissioners, the Superintendent of Buildings or the Fire Chief in regard to conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Village of Freeport.
G. Fire Safety Inspections. It shall be the duty of the Fire Prevention/Safety Bureau to conduct all fire safety inspections regarding new and renewing business licenses.
§ 115-16. Investigation of fires; reports.
A. The Fire Prevention/Safety Bureau shall assist the Fire Chief, when requested to do so, perform an investigation and determine the cause, origin and circumstances of every fire within the Village of Freeport by which property has been damaged or destroyed. If the Bureau is unable to assist, the Fire Chief shall be notified immediately.
B. The Fire Chief shall respond to all fires and emergencies within the Village of Freeport. Immediately upon the occurrence, the Chief shall determine the cause, origin and circumstances of every fire and shall determine whether the fire was the result of carelessness or design. If the Fire Chief has reason to believe that a fire is of suspicious origin, or other reason or factors that the Chief deems necessary, he shall take charge of any physical evidence available and shall immediately notify the authorities designated by law to pursue the investigation, Nassau County Fire Marshal's Office, Nassau County Police Arson/Bomb Squad and Freeport Police. The Fire Chief may also request assistance from the Fire Prevention/Safety Bureau, Superintendent of Buildings and the Village Counsel and, when requested, they shall comply with the full extent of their ability.
C. Report Required. There shall be a report of every incident, including, but not limited to, all fires and emergencies that the Fire Department responds to. The Fire Chief shall prepare and submit a report and statement to the National Fire Incident Reporting System (NFIRS) within seven days of incident.
(1) House fires. Time, date and address/location, any death or injury to civilian or Fire Department member. All damage to house, contents and personal property as well as any other private or public property involved. The cause, origin and circumstances of the fire and whether or not the fire is being investigated by any, and all authorities designated by law.
(2) Vehicle fires. Including, but not limited to, cars, trucks, motorcycles, boats and all electric mobility devices. Time, date and location of incident, any death or injury to civilian or Fire Department member. All damage to vehicle as well as any other private or public property involved. All registration information, including, but not limited to, year make and model, registration number and registered owner and user of vehicle.

(3) All other fires, including, but not limited to. Fence, garbage can, dumpster, grass, tree, mailbox, electric transformer or pole and any other fire that the Fire Department responds to. Time, date and location of incident, any death or injury to civilian or Fire Department member.
(4) Fire Department Units. The Chief shall list all Fire Department units that were notified to respond to and operate at the incident, as well as all mutual aid units operating at or standing by, all police and ambulance service and all other agencies that responded to, and operated at any incident.
(5) Cost of loss. The Chief shall estimate the dollar amount of the total loss as a result of a fire.
(6) Notification. The Chief shall notify the Freeport Police Department to make notification to property owners or responsible caretakers, such as the postmaster, electric and water departments and for when forcible entry is needed to investigate the nature of an alarm. The Chief shall make notification to Fire Com, regardless of the cause and origin of any fire, when there is a death or serious injury to a civilian or anyone involved with the fire, or any type of incident.
§ 115-17. False alarms, nuisance alarms.
A. It shall be the duty of the Fire Chief to determine if an alarm is a false alarm as set forth in § 72-9 of the Code of the Village, and to document said alarms.
B. It shall be the duty of the Fire Chief to determine if an alarm is a nuisance alarm, as set forth in § 72-8 of the Code of the Village, and to document said alarms.
§ 115-18. Inspection of various premises.
Upon direction of the Fire Chief or the Superintendent of Buildings, the Fire Prevention/ Safety Bureau, the Fire Chief, or duly designated inspector shall inspect:
A. All manufacturing plants, and or all places where acetylene or other gases, chemicals, oils, solvents, explosives and inflammable materials are used, stored or sold; the interior of all structures equipped with fire alarm or automatic fire sprinkler systems; and such other places as may be designated by the Fire Chief and the Nassau County Fire Marshal's Office as fire hazards.
B. All premises and thoroughfares, enclosed or unenclosed, except private dwellings, to determine whether there exists any condition conducive to danger from fire, such as improper accumulations of waste paper, boxes, shavings, trash or other types of inflammable or explosive materials, or whether there are obstructions to property, fire escapes, stairs, passageways, doors, windows which may impede Fire Department operations or block the means of egress in the event of a fire. In addition, any structures which, because of disrepair, structural defects or lack of proper installation, are of such nature as to create a danger to life and property in the event of a fire.
C. It shall be the duty of the Fire Chief, while in response to a complaint or upon his own initiative, to enter and to inspect boardinghouses, rooming houses, tourist homes, hotels, motels, boatels and any paying guest houses when there is reason to believe there are fire safety hazards and/or conditions that are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the guests and the people of the Village of Freeport.
§ 115-19. Quarterly inspections.
It shall be the duty of the Fire Chief to provide for inspections, as required in § 115-18 of this article, and any other inspection as authorized by the Fire Chief or the Superintendent of the Building Department, to be conducted by the Fire Prevention/Safety Bureau or duly designated inspector, at intervals of no more than three months.
§ 115-20. Violations of safety rules.

Whenever a violation of rules of reasonable safety is found to exist, the Fire Chief shall order the owner or occupant to remove dangerous materials or remedy other hazardous conditions as he may direct within 24 hours.
§ 115-21. Illumination of vestibules in public buildings.
Illumination of vestibules in public buildings to be in accordance with New York State Building Code.
§ 115-22. School fire and lock-down drills.
The principal, teachers or other persons in charge of any public, private, preschool or parochial school or other educational institution shall conduct fire and lock-down drills in accordance with Education Law §§ 807, Subdivisions 1 through 4. The Fire Prevention/ Safety Bureau shall work with the schools to ensure that, during these drills, as well as during true emergencies, there is no interference with Fire Department operations as set forth in §§ 115-1 through 115-6 of the Code of the Village of Freeport, as well as provide for the safety of all students, teachers and all occupants of the building.
2. Editor's Note: Former § 115-23, Signs regarding location of fire alarm boxes, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
3. Editor's Note: Former § 115-25, Inspection of tank vehicles, of the 1979 Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Section 115-58B(11) is added to read as follows:

Outside tanks in a flood zone as shown on a FEMA FIRM map must be properly anchored on a concrete slab.

Chapter 120, Garbage, Rubbish and Refuse

A. Section 120-1 is revised to read as follows:

§ 120-1. Accumulation of rubbish; growth of weeds; abandoned vehicles; vacant properties. [Amended 11-10-1969; 6-13-1972; 7-23-1973; 4-21-1975 by L.L. No. 3-1975; 11-13-1978 by L.L. No. 19-1978; 1-3-2000 by L.L. No. 1-2000; 7-13-2015 by L.L. No. 5-2015; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
A. It shall be unlawful for any owner of real property within the Village or agent of such owner, person, occupant, firm or corporation lawfully occupying any real property within the Village to permit:
(1) Uncut grass, weeds, brush or any portion of said growth to obtain a height in excess of eight inches.
(2) Rubbish or rubble to accumulate thereon.
(3) Boats, watercraft or motor vehicles or portions thereof to be stored for unreasonable periods of time or abandoned on the premises.

B. The Village Clerk or the Superintendent of Buildings is hereby empowered to notify, in writing, the owner of any such property to cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper. Such notice shall be by ordinary mail properly addressed and posted to the owner of the subject premises as the same appears in the office of the Freeport Village Assessor.

C. Upon failure to comply with the terms of such notice within five days of the date said notice is postmarked, the Village or its agents may cut, trim or remove said grass, weeds, brush, rubbish, rubble, abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer, boat, watercraft or camper and assess the cost together with statutory interest thereof upon the real property upon which said grass, weeds, brush, rubble, motor vehicle or boat is found. The Village Treasurer may provide that the cost of any such work be paid at a specified time or shall be assessable against the property as a tax thereon.
D. Designated vacant properties. For those properties that are deemed vacant wherein due diligence has been performed in ascertaining ownership, and Village records indicate said property is vacant, an initial lot clearance notice will be sent as outlined in § 120- 1C. Thereafter said vacant properties will have lot clearances performed on a two-week rotation or as needed without a five-day notice.

B. Section 120-2(A) is revised to read as follows:

Prohibited. No owner, lessee or occupant of real property shall cause or permit any dried grass, weeds, brush, wastepaper, rags, boxes, barrels or other flammable or combustible waste material to accumulate or remain on the premises under his control or care.

C. Article IV, Refuse and Disposal District, is repealed.

Chapter 122, Games of Chance

Section 122-3 is revised to update "New York State Racing and Wagering Board" to "New York State Gaming Commission."

Chapter 124, Health and Sanitation

A. Sections 124-3 through 124-6, codified as Article II, Restaurants and Eating Places, are relocated as §§ 165-19 through 165-22.

B. Article IV, Abortions, is repealed.

C. Section 124-14B is revised to read as follows:

Said storage of firewood or woodpile is raised at least six inches off the ground.

Chapter 128, Housing Standards

Article II, Duties of Officials; Administration

A. Section 128-15A is revised to change $1,000 to $4,000.

B. Section 128-15D is revised to read as follows:

Removal of notice. Any person removing the notice provided for in § 128-6H hereof shall be guilty of a violation and, upon conviction thereof, shall be fined a sum not to exceed $250 for each offense.

Article III, Standards for Residence Buildings

C. Section 128-21B is revised to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestrooms on terms, either expressed or implied, is required to furnish heat to the occupants thereof shall supply heat as required by the New York State Property Maintenance Code.

D. Section 128-24, Painting, screening and insect extermination:

(1) Subsection A is revised to read as follows:

Painting. Exterior surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative.

(2) Subsection C is revised to read as follows:

Infestation. Grounds, buildings and structures shall be maintained free of insect, raccoon, vermin, and rodent harborage and infestation. Methods used for exterminating insects, raccoon, vermin and rodents shall conform with generally accepted practice. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.

Article IV, Rental Premises

E. Section 128-25, Preservation of existing remedies, is revised to read as follows:

Nothing in this article shall be deemed to abolish, impair, supersede or replace existing remedies of the Village, county or state or existing requirements of any other provision of local laws or ordinances of the Village or county or state laws and regulations. In the case of a conflict between this article and other regulations, that which sets the more stringent requirement will prevail.

F. Section 128-29A is revised to update the maximum fine from $1,000 to $5,000.

G. Section 128-37B is revised to read as follows:

Owners of premises shall be responsible for proper maintenance, condition and operation of service facilities and for furnishing a hot-water supply, smoke and carbon monoxide detectors and window guards in multiple dwellings or rented premises. Furthermore, owners shall be responsible for making ordinary repairs as ordered by the Superintendent of Buildings, including, but not limited to, the repair or replacement of deteriorated windows and doors, defective plumbing and repair or replacement of outdated electrical systems. No separate charge shall be made for any required safety devices.

H. Section 128-37E is added to read as follows:

Wherever there shall be more than 12 families living in a multiple dwelling in which the owner thereof does not reside, the owner must provide for a janitor, housekeeper or superintendent who shall reside on the premises and have charge of same.

I. Section 128-37F is added to read as follows:

In any multiple dwelling subject to the requirements of § 128-37E, the owner of the property must, by March 1 of each year, provide to the Building Department a list of phone numbers for responsible parties to be contacted in the event that the janitor, housekeeper or superintendent cannot be located on the property.

J. Section 128-38, introductory paragraph, is amended as indicated:

Owners or occupants of dwelling units shall be responsible for compliance with this article in regard to the following:

Article VII, Stairwells

K. Article VII, Stairwells, is added to include new § 128-58, Identification of stairwells, to read as follows:

In all buildings containing multiple stairways, such stairway doors must be conspicuously labeled A, B, C, etc., so as to allow differentiation between stairwells in emergency situations.

Chapter 130, Insurance

Article I, Claims Against Fire Insurance Proceeds

A. Section 130-1, definition of "real property," is revised to read as follows:

Property upon which there is erected any residential, commercial or industrial building or structure except an owner-occupied single-family residential structure and owner-occupied two-family residential structures.

B. Section 130-2 is revised to change "Superintendent of Insurance" to "Superintendent of Financial Services" and to update the statutory reference "§ 33 of the Insurance Law" to "§ 331 of the Insurance Law."

C. Section 130-3 is revised to update the statutory reference "§ 33-a of the Insurance Law" to "§ 3410 of the Insurance Law."

Chapter 134, Landmarks Preservation

Section 134-14A is revised to update the fine amount from $250 to $1,000.

Chapter 136, Laundromats

Section 136-5A is revised to update the fine amount from $250 to $1,000.

Chapter 138, Licensing of Business

D. Section 138-13A and B are revised to change "of $25" to "as set from time to time by resolution of the Board of Trustees."

E. Section 138-14 is revised to change "of $5" to "as set from time to time by resolution of the Board of Trustees."

F. Section 138-20 is revised to change "of $25" to "as set from time to time by resolution of the Board of Trustees."

G. Section 138-35A is revised to change "$250" to "$1,000."

Chapter 142, Lost and Abandoned Property

Chapter 142 is reorganized to add a new article (Article I, Lost and Abandoned Property on Public Streets, Sidewalks, Municipal Parking Fields, and Municipal Property); all sections of chapter are added to said article.

Chapter 145, Mail Area Assessment District

Chapter 145 is repealed and its number reserved.

Chapter 146, Memorial and Independence Days

Chapter 146 is repealed and its number reserved.

Chapter 155, Peace and Good Order

A. Section 155-8B is revised to read as follows:

> Any person who, without authority, enters or attempts to enter or who trespasses or attempts to trespass or who damages or attempts to damage any private property or any property owned by or under the control of the Village or who willfully violates, upon Village property, any regulation established by or under the authority of the Board of Trustees of the Village to maintain order and to preserve or safeguard said property shall be punishable by a fine not to exceed $1,000 for each offense, and such violation shall constitute disorderly conduct.

B. Section 155-10 is revised to add the following terms and definitions:

INTENT TO CONSUME –

Includes any of the following: drinking from the container; possession with movement of the container to the mouth; and any circumstances evidencing an intent to ultimately consume in any public place.

OPEN BOTTLE, CAN OR OTHER CONTAINER –

Any bottle, can, glass or other receptacle suitable for or used to hold any liquid, which has been uncapped, uncorked, the tab removed or the top sliced, cut or broken, or its original condition altered in such a way that the liquid can flow out of it.

C. Section 155-11A is revised to add the following to the end thereof:

This section shall be construed in conjunction with Vehicle and Traffic Law § 1227 as to enforcement on public highways or a right-of-way public highway.

D. Section 155-14 is revised to change "$250" to "$1,000."

E. Section 155-47.1A is revised to read as follows:

Fines, imprisonment, and enforcement. Any person violating this article shall be punished by a fine of $500 for the first offense; $1,000 for the second offense; and $1,500 for each subsequent offense.

F. Section 155-47.4B(1) is revised to read as follows:

In the event that the owner, tenant and/or person in control of such a building, property or personal property shall fail or refuse to remove graffiti from his property, then such person or persons may be notified in writing, mailed to the property address, by the Superintendent of Buildings or his designated agent, that such person shall have a period of up to 48 hours from the receipt of such notice to complete removal or coverage of such graffiti. If weather conditions do not allow for the removal of said graffiti, the Superintendent of Buildings and/or their designated agent shall be permitted to extend the forty-eight-hour time frame for a period of time until weather conditions permit the removal of said graffiti.

G. Section 155-83 is revised to change "$250" to "$1,000."

H. Section 155-93 is revised as follows:

(1) Subsection E is revised to read as follows:

All temporary storage containers must be placed in a driveway. The storage container shall be set back from any side yard a minimum of three feet, from the front yard by a minimum of three feet, and also be a minimum of three feet away from any structures on the property. In granting the permit, the Superintendent of Buildings, or his duly authorized representative, shall consider the rights of adjacent property owners so that there shall not be any unreasonable deprivation of light, air or reasonable use of adjoining property. In properties without a driveway, a temporary storage container may be placed in the street in front of the

property for a period of time not to exceed 72 hours, if, in the sole determination of the Superintendent of Buildings, the placement of the storage container in the street would not cause a dangerous condition.

(2) Subsection H is revised to change "$250" to "$1,000."

Chapter 158, Peddling and Soliciting

A. Section 158-7A is revised to read as follows:

Generally. An annual fee shall be paid before a license is issued hereunder. All annual licenses shall expire on May 31 and shall thereafter be renewable as provided in § 138-10. The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by applicants for hawkers and peddlers licenses or a renewal thereof.

B. Section 158-9J is revised to read as follows:

Enter upon private property for the purpose of carrying or transporting goods, wares or merchandise and/or offering same for sale, except upon the invitation of the owner or occupant. Any person found in violation of this subsection shall be subject to a fine of not more than $1,000.

C. Section 158-11B is revised to change "$250" to "$1,000."

D. Section 158-17 is revised to change "$250" to "$1,000."

Chapter 162, Plumbing

A. Section 162-29(A) is revised to read as follows:

Comprehensive general liability coverage ("CGL"), to include premises operations, contractual liability, completed operations, personal injury, medical payments and fire legal liability. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of coverage required.

B. Section 162-116 is revised to read as follows:

Diameters of branches to any fixtures must not be less than 1/2 inch except when used to supply water closets, cisterns or lavatories. When the material used is pex, brass or copper pipe, the minimum diameter may be 3/8 inch. Branches for flush valves for water closets must not be less than one inch in diameter, and for urinals, not less than 1/2 inch in diameter.

C. Section 162-178 is revised to read as follows:

Each water closet and urinal must be flushed from a separate cistern, the water from which is used for no other purpose, or may be flushed through separate

flushometer valves. The floor flange shall be soldered to a copper bend ready for inspection.

D. Section 162-195 is revised to read as follows:

All water service pipe must be copper to the property line.

Chapter 165, Places of Public Assembly

A. Section 165-5 is revised as follows:

(1) Subsection B is revised as indicated:

Annual fees for public assembly licenses shall be a fee as set from time to time by resolution of the Board of Trustees.~~determined pursuant to the following table:~~

~~Capacity in Persons~~	~~Fee Per Year or Fraction Thereof~~
~~1 to 100~~	~~$40.00~~
~~101 to 300~~	~~125.00~~
~~301 to 600~~	~~150.00~~
~~601 to 1,000~~	~~250.00~~

~~An additional fee of $25 shall be charged for each 100 persons or fraction thereof in exce exceed $500 per year.~~

(2) Subsection D is revised as indicated:

The fee required for filing an application under this chapter shall be ~~$25~~an amount as set from time to time by resolution of the Board of Trustees. If the application is disapproved, the filing fee shall be retained to cover the cost of processing. If the application is approved, the filing fee shall be credited and applied to the total fee.

(3) Subsection E is revised as indicated:

The fee for the extension of a temporary license shall be ~~$10~~ an amount as set from time to time by resolution of the Board of Trustees for each 30 days or fraction thereof and shall be payable to the Village Clerk upon application for each extension. Any fees paid for an extension of a temporary license shall be nonreturnable and shall not be applicable to the total fee required.

(4) Subsection F is revised as indicated:

A fee of ~~$10~~ an amount as set from time to time by resolution of the Board of Trustees shall be charged for the replacement or substitute copy of a temporary or approved license or occupancy poster.

B. Section 165-13, introductory paragraph, is revised to read as follows:

All places of public assembly, as defined in § 165-1 of this chapter shall be subject to all provisions of this chapter, including obtaining a license, except that the fee may be waived for:

C. Section 165-16 is revised to change "$250" to "$1,000."

Chapter 167, Real Property Transactions

Section 167-4 is revised as indicated:

Any person, individual, corporation, partnership or organization convicted of violating any provision of this article shall be guilty of a misdemeanor and subject to a ~~fine of not more than $250 and/or imprisonment, or both~~ fine, at a minimum, of $500, up to a maximum of $2,500, and/or 150 days' imprisonment.

Chapter 171, Rooming and Lodging Houses

Chapter 171 is repealed in its entirety.

Chapter 173, Secondhand Dealers

A. Section 173-1B(7) is revised to read as follows:

Antiques, which shall mean secondhand articles over 75 years of age, having a value of less than $1,000 and void of any means of identification. Identification shall mean articles which are serialized, monogrammed, initialed or distinctly marked.

B. Section 173-4 is revised as follows:

(1) Subsection A(1) is revised to read as follows:

The name and description of the applicant. Individuals operating under a trade name must present a certified copy of the trade name certificate filed in the Nassau County Clerk's office. A partnership conducting a business, whether or not under a trade name, must submit a certified copy of the partnership certificate filed in the Nassau County Clerk's office when the partnership was formed. A corporation must furnish a copy of the filing receipt for the certificate of incorporation from the New York State Secretary of State. A corporation from outside New York State must furnish a copy of its certificate of authority to do business in New York State from the New York State Secretary of State.

(2) Subsection A(4) is revised to read as follows:

That the applicant is a citizen of the United States and whether citizenship was obtained by birth or naturalization and, if by naturalization, the date

and place where obtained. The naturalization certificate may be used as proof of citizenship.

C. Section 173-6 (title and substance) is revised to read as follows:

Section 173-6. Availability of records.

Every dealer in secondhand articles and all duly licensed dealers in antiques shall maintain all records as required to be kept under this chapter. Said records shall be made available to the Chief of Police or his designee on demand.

Chapter 176, Sewers and Sewage

A. Section 176-2

(1) Subsection B is revised to read as follows:

It shall be unlawful to discharge into any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or other polluted waters.

(2) Subsection C is revised to read as follows:

There being a public sewer physically available to all properties within the boundaries of the Village, it is mandatory that all said properties be connected to said public sewer. No private sewage disposal systems are now allowed, nor shall be allowed, within the sewer district.

B. Section 176-18 is revised to read as follows:

Any person found in violation of this chapter shall be subject to a fine of not more than $1,000, and such person shall be deemed a disorderly person. Each day in which any such offense shall continue shall be deemed a separate offense.

Chapter 180, Streets and Sidewalks

A. Section 180-2 is revised as follows:

(1) Subsection A is revised to read as follows:

It shall be the duty of every property owner and occupant to keep the sidewalk and curb adjoining his premises in safe, passable condition. For failure, upon notice by the Village Clerk of not less than 24 hours, to make such repairs as are specified as to place and manner, the Village Clerk or Superintendent of Public Works may cause the same to be done and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

(2) Subsection B is revised to read as follows:

The Department of Public Works or its agents may construct, build, flag, surface, resurface, alter, repair, grade, regrade, maintain, care for and clean sidewalks, curbs and gutters in public streets. The Department of Public Works may regulate and prescribe the grade, width, materials, construction and other specifications of any such work. The Village Clerk or Superintendent of Public Works may direct and order any such work, repair or improvement to be done by the property owner and occupant of the property and on default may cause the same to be done by the Village and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

(3) Subsection C(1) is revised to read as follows:

The sidewalks and curbs, abutting or in front of every building or lot, and also the gutter and street area adjacent to the curb to a distance of at least 18 inches from the curb, before 10:00 a.m. each day in residential areas of the Incorporated Village of Freeport, shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, except in proper containers and at proper times for collection, by the owner, tenant, occupant or person in charge of each such building or lot.

(4) Subsection D(1) is revised to read as follows:

The sidewalks, curbs and gutters adjacent to and abutting upon each and every commercial, mercantile, business or other establishment in the Incorporated Village of Freeport shall be kept clean and clear of any litter, leaves, weeds, garbage, trash, refuse or other debris, by the owner, operator or licensee of each such establishment. Each owner, operator or licensee of a commercial, mercantile, business or other establishment shall sweep such sidewalk, curb or gutter, and also the gutter and street area adjacent to the curb to a distance of at least 18 inches from the curb, before 10:00 a.m. each day that such business or establishment is open or operated. All sweepings and other debris shall be collected and removed to private containers by such owner, operator or licensee.

(5) Subsection D(2) is revised to read as follows:

Each person, corporation or business entity violating any provision of this section shall be guilty of a violation punishable by a fine of not more than $250 for a first offense, $500 for a second offense, and $1000 for any subsequent offenses or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment for each such violation.

B. Section 180-5.2A is revised to read as follows:

No person shall deposit a roll-off container in a driveway or within a Village street or right-of-way unless a permit has been issued therefor.

C. Section 180-5.2C(9) is added to read as follows:

No roll-off container may be placed on a soft surface, obstruct any portion of a sidewalk or block any portion of a curb cut.

D. Section 180-5.2C(10) is added to read as follows:

All permits to be issued for a duration of a maximum of 30 days with an option to renew the permit for an additional 30 days upon submission of a new permit application.

E. Section 180-6 is revised to read as follows:

Each application under § 180-5 shall be accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default by the person to whom the permit is issued or anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

F. Section 180-14 is revised to read as follows:

Each application for a permit shall be further accompanied by a certificate of insurance, in form approved by the Claims Examiner and issued by an insurance company authorized to do business in this state, running to the Village and guaranteeing that the applicant has provided public liability coverage and property damage insurance to save the Village harmless from all claims, actions and proceedings brought by any person for injury to person or property resulting from or occasioned by any fault or default of the person to whom the permit is issued or by anyone acting thereunder on his behalf. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of public liability coverage and property damage insurance required.

G. Section 180-28A(1) is revised to read as follows:

Comprehensive personal liability and property damage liability coverage, including deletion of the U-exclusion (underground property damage hazard). The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence personal injury liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

H. Section 180-28A(1)(a) and (b) are repealed.

I. Section 180-33.1C is revised to read as follows:

A parking area may be a soft-surface area consisting of bluestone, clamshell or other suitable material, to be reviewed via a Building Permit application to the Freeport Building Department and with final approval by the Site Plan Board. Such soft surface shall provide drainage so that the surface waters do not flow into the public streets, the municipal storm drainage system or upon adjacent properties. The Superintendent of Buildings may, however, permit an overflow from an on-site drainage system to the municipal storm drainage system if he deems it necessary for the proper operation of said parking field.

J. Section 180-39C is revised to read as follows:

Penalties. Any owner who has been notified by the Village Clerk that the trees or shrubs on their premises are in violation of either Subsection A or B hereof and shall fail to correct the condition within five days of the sending of such notice to their last known address by mail shall be in violation of this section, and in addition to the penalties otherwise enforceable, the Village or its agents may thereafter trim offending trees and hedges to correct the prohibited conditions and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

K. Section 180-42A is revised to read as follows:

The Superintendent of Public Works will maintain a list of approved trees which will be on file in the Village Clerk's Office.

L. Section 180-145B is revised to read as follows:

Insurance. Each application shall be accompanied by a certificate of insurance, in form approved by the Village Clerk and issued by an insurance company authorized to do business in this state, running to the Village providing coverage for public liability (for personal injury) and property damage. Such certificate of insurance shall contain a provision that coverage will not be reduced, canceled or nonrenewed unless the Village of Freeport Village Clerk is given at least 10 days' written notice thereof. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of per occurrence public liability and property damage liability coverage required, including the alternate option for a combined single limit personal injury and property damage liability policy.

M. Section 180-50B is revised to read as follows:

For failure, upon notice by the Village Clerk of not less than 48 hours, to trim or remove any tree, including its stump, or any branch or limb of a tree as specified as to place and manner, the Village or its agents may cause the same to be done and assess the cost together with statutory interest thereof against the adjoining land. The Village Treasurer may provide that the cost of any such work be paid at a specified time, in annual installments or shall be assessable against the property as a tax thereon.

N. Section 180-51 is revised as indicated:

> Any violation of the provisions of this article shall render each offender liable to a ~~fine of not less than $10 nor more than $100 or to be prosecuted as and declared a disorderly person, or both,~~ maximum fine of $1,000 for each offense. In addition, the Village reserves the right to seize, remove or otherwise dispose of any planting in violation thereof.

O. Article VII is repealed.

Chapter 185, Taxation

Article I Tax on Income of Utilities

A. Section 185-1 is revised to update the statutory reference "Village Law Article 6, § 6-640" to "Village Law § 5-530."

B. Section 185-2 is revised to read as follows:

> Words and phrases used in this article, unless otherwise noted, shall have the same meanings as ascribed to them in § 186-a of the Tax Law

C. Section 185-9 is revised to change "shall not be added" to "may be added."

Article III Tax Exemption for Property Improvement for Physically Disabled

D. Sections 185-23 and 185-24 are revised to change "State Board of equalization and Assessment" to "Commissioner, State Board of equalization and Assessment."

Article IV Home Improvement Tax Exemption

E. Section 185-31A is revised to change "State Board of equalization and Assessment" to "Commissioner, State Board of equalization and Assessment."

Chapter 188, Taxicabs

A. Section 188-5 is revised to read as follows:

> No taxicab shall be operated upon the streets of the Village unless there are displayed in such taxicab the taxicab operator's license, with their picture in an illuminated holder in a manner in which it is clearly visible and can readily be observed by all passengers therein, and the rate card and a copy of the Taxicab Rate Zone Map as set forth in § 188-9 hereof.

B. Section 188-13 is revised to read as follows:

> Any person violating any of the provisions of this chapter shall be liable to a fine of not more than $1,000 or by imprisonment for a period not exceeding 15 days or both.

C. Section 188-18 is revised to read as follows:

No license shall be issued to operate a taxicab or taxicabs unless and until the applicant shall file, with the Village Clerk and have approved by the Claims, an insurance policy or a certificate thereof of standard form, issued by an insurance company for such taxicab or taxicabs and provided minimum coverage for personal injuries or death of any persons and for property damage in any one accident. Such insurance policy or certificate shall provide that the Village will be given 10 days' prior notice of cancellation. The Board of Trustees by resolution shall adopt and from time to time may amend the amount of minimum insurance required.

D. Section 188-22 is revised to read as follows:

The Village Clerk and Police Department shall keep a record of every taxicab owner's license issued under this article. Such registration shall show the date and number of such licenses and all renewals, suspensions and revocations thereof and a record of each taxicab license, stating the make, model, passenger seating capacity, name of manufacturer, New York State registration number, motor number and the name and address of the person or persons owning said taxicab. Such registration shall also show each driver's license issued hereunder, showing the name and address of such driver, their New York State chauffeur's license number, the number of his taxicab license issued hereunder and the date of issue and of renewal of such driver's license.

E. Section 188-23 is revised to read as follows:

Every person driving a taxicab licensed under the provisions of this article must be licensed as a taxicab driver.

F. Section 188-24 is revised to read as follows:

§ 188-24. Application for driver's license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Every person desiring to obtain a taxicab driver's license shall comply with the following:

A. Applicant for a taxicab driver's license must be over the age of 18.

B. Contents of application. They shall make application for license on a blank furnished by the Village Clerk, which application shall state the full name and residence of the applicant; their place of residence during the five years previous to their present address; their age, height, weight, color of eyes, color of hair, place of birth and whether a citizen of the United States either by birth or naturalization; places of previous employment; whether they are married or single; whether they have been convicted of a felony or misdemeanor; whether they have previously been licensed as a driver or chauffeur and, if so, when, where and whether their license has ever been revoked or suspended and for what cause; and the number of their state driver's license. C. State license. Applicant shall exhibit current New York State Class E license or CDL for inspection.
D. Character reference. They shall file testimonials of at least two reputable persons as to good character and reliability with their application.
E. All applicants for a taxicab driver's license must furnish a certificate from a reputable physician certifying that, in their opinion, the applicant is not afflicted with any disease or infirmity which might make applicant an unsafe or unsatisfactory driver.

F. Photographs. They shall file with their application two photographs, 1 1/2 inches by 1 1/2 inches, taken within 30 days prior to the date of application, and such photo must be a true likeness of the applicant and must show only neck and shoulders and uncovered head. One of the photographs shall be attached to their license and the other shall be filed with their application. Such photographs shall be attached to the license in such a manner that it cannot be removed and another photograph substituted without the probability of detection.

G. Fingerprinting and examination. Applicant shall submit fingerprints to DCJS. Applicant shall be examined by the Chairman of the Board of Police Commissioners or an officer or officers designated as to applicant's knowledge of and compliance with all the provisions of this article, the traffic regulations and geography of the Village and the laws of the State of New York relative to the operation of motor vehicles, and if the result of such examination is not satisfactory, applicant shall be denied a license.

G. Section 188-25 is revised to read as follows:

A license to drive a taxicab shall be issued by the Mayor upon the satisfactory fulfillment of the requirements of §§ 188-23 and 188-24. Such license shall be in such form as to contain a brief description, the photograph and the signature of the licensee. Such license shall be clearly displayed at all times in the taxicab operated by the licensee and in such manner as to be readily examined by the police or passengers.

H. Section 188-27 is revised to read as follows:

Every taxicab driver licensed pursuant to this article shall, within 48 hours, notify the Village Clerk of any change of address or loss of either their taxicab driver's license or their chauffeur's license.

Chapter 197, Abandoned Vehicles

A. Section 197-1 is revised to read as follows:

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to deposit or cause to be permitted to be deposited an abandoned, unregistered, junked, discarded, inoperable, dismantled or partially dismantled or wrecked motor vehicle, cycle, trailer, boat or camper, on any private land within the corporate limits of the Village of Freeport, except when permitted by resolution of the Village Board on findings that the enforcement of this prohibition would cause any of the aforementioned persons occupying the land undue hardship and is not required in the public interest.

B. Section 197-4 is revised to read as indicated:

Any owner, occupant, lessee, agent, tenant or otherwise who shall neglect and refuse to remove said abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked vehicle, cycle or trailer as directed by this section; who shall fail or refuse to comply with the provisions of any notice; or who shall violate any of the provisions of law; or who shall resist or

obstruct authorized agents, servants, officers or employees of the Village of Freeport in the removal of any such abandoned, junked, discarded, inoperable, unregistered, dismantled or partially dismantled or wrecked motor vehicle, cycle or trailer shall be deemed in violation of this chapter and shall be subject to a penalty not to exceed ~~$100~~ $1,000 for each and every violation. ~~In addition thereto, a violation of this chapter shall constitute disorderly conduct, and a person violating same shall be deemed a disorderly person.~~

Chapter 201, Water

A. Section 201-9G is revised to read as follows:

Size of taps. New and replacement taps shall be one inch or greater. Connections two inches and larger shall have a three-valve cluster. The minimum service line for residential, commercial and industrial use shall be one inch. For residential use, the size of the tap or multiples thereof and the size of the service shall conform. One-inch connections shall be provided to receive a one-inch meter. For business and industrial use, the size of the tap or multiples thereof, the size of the service and the size of the meter shall conform, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal headers, two gate valves for each meter and angle-type back pressure valves for all but one of the meters.

B. Section 201-11B is revised as indicated:

B. Sizes, main limitations.

(1) Steel mains: ~~three-fourths-inch tap only~~ One-inch tap or larger.

(2) Transite mains~~.~~ : One-inch tap or larger.

~~(a) Three-fourths-inch tap in any size main.~~

~~(b) One-inch tap in an eight-inch main and larger.~~

(3) Cast-iron mains~~.~~ : One-inch tap or larger.

~~(a) Three-fourths-inch tap in any size main.~~

~~(b) One-inch tap in a six-inch main and larger.~~

C. Section 201-13 is revised as follows:

(1) Subsection B is revised to read as follows:

Size. For residential installations (single-family dwellings), one-inch fittings shall be provided to receive one-inch meter couplings furnished by the Water Department. For multiple dwellings, business, commercial and industrial installations, the size of the meter shall conform to the size of the water service, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters

shall include horizontal headers, two gate valves for each meter and back pressure valves for all but one of the meters.

(2) Subsection D is revised to read as follows:

Facilities. The owner shall provide facilities and support for the setting of the meter in each installation or alteration of water service according to the Water Department Ordinance and the Plumbing Code.

D. Section 201-21 is revised as follows:

(1) Subsection C is revised to read as follows:

Charge. The charge for any special permit for the use of any hydrant shall be in accordance with its intended use as determined by the Water Department. The minimum charge shall be $50. The cost of repairing any damage caused to a hydrant by such a user shall be paid to the Water Department by said user at the office of the Village Treasurer.

(2) Subsection D is revised to read as follows:

Connections. No connection shall be made in hydrant outlets except by valves or couplings which are readily detachable in an emergency. The connection shall have a control valve and backflow device and all connections must be detached immediately after use has ceased and always at the end of the work day.

E. Section 201-22A is repealed and its number reserved.

F. Section 201-34 is added to read as follows:

Any person, firm or corporation violating any of the provisions of this chapter shall be subject to the penalties set forth in § 1-14 of the Code of the Village of Freeport.

Chapter 205, Waterfront Properties and Watercraft

A. Section 205-1, the definition of "pierhead line" is revised to read as follows:

In all navigable waters within the harbor line where such waters abut property which has been zoned for residential, business, manufacturing or industrial use, in the absence of any other pierhead line fixed by the Village, there is deemed to have been established a pierhead line parallel with the property or bulkhead line adjoining such water and removed from such property or bulkhead line a distance equal to 20% of the width of said navigable water at the point in question, said distance, however, not to exceed 25 feet.

B. Section 205-5 is revised to read as follows:

The owner, lessee or occupant of waterfront property shall keep the same cleaned and in good repair, and he shall keep the slips adjacent thereto properly dredged

so as not to constitute a menace to navigation or to the health and well-being of the community or in any way be a nuisance. The area between the bulkhead line and the pierhead line shall also be the responsibility of the land owner to remove any aquatic vessels, slips, docks, floats or other items that may pose a danger or nuisance to navigable waters.

C. Section 205-8D is added to read as follows:

For purposes of calculating buildable area, only the portion of land between the street line and the bulkhead line can be considered for the construction of a primary or secondary structure.

D. Section 205-9 is revised to read as follows:

No person shall carry on or conduct a bathing beach or bathing pool in the Village where a charge is made for the use thereof without first having obtained a license in conformity with the provisions of §§ 138-1 through 138-11 of Ch. 138, Licensing of Businesses, and as further provided herein.

E. Section 205-11 is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a license to operate a bathing beach or bathing pool.

F. Section 205-13 is repealed.

G. Section 205-17D is revised to read as follows:

D. Properties owned or operated by the Village of Freeport

[Added 6-3-2013 by L.L. No. 1-2013, amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

(1) No vessel shall be moored or docked at the marina portion of Sea Breeze Park, the boat slips located at the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park without proper authorization, in the form of a placard or permit, from the Village of Freeport. The Board of Trustees, from time to time, shall set the fees for the docking and mooring of vessels at Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park.

(a) Notwithstanding any other provisions of law to the contrary, the failure to have proper authorization to moor or dock a vessel at the Sea Breeze Park Marina, the Esplanade, the Guy Lombardo Avenue Marina or Cow Meadow Park shall be a violation, as said term is defined under the Penal Law of the State of New York, and be subject to a fine of $500 for the first infraction, $1,000 for the second infraction, and not more than $1,500 for the third and any violations thereafter or by imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

H. Section 205-18G is revised to read as follows:

Penalties. There shall be a fine not to exceed $1,000 for a conviction of any provision of this section.

Chapter 209, Site Plan Review

A. Section 209-4 is revised as follows:

(1) Subsection A is revised to change "Site Plan Review Board" to "Planning Board.

(2) Subsection B(3) is revised as follows:

Repair and replacement of existing driveways, curb cuts, aprons and sidewalks in which no change is being made to the width or length of the existing driveway.

(3) Subsection B(6) is revised as follows:

Fences which do not extend beyond the front line of the building or principal structure with the exception of fences made of or designed as metallic in nature.

(4) Subsection B(7) is revised as follows:

Decks which are six feet or less above grade.

(5) Subsection B(9) is added as follows:

Residential handicap ramps.

B. Section 209-5 is revised to read as follows:

§ 209-5. Concept plan conferences and preliminary meetings.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. A preliminary conference or conferences may be held between the Planning Board, a representative of the Building Department and the applicant and his/her representatives upon written request to the Clerk of the Planning Board prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, to advise the applicant as to potential problems and concerns and to determine generally the type of information to be shown on and submitted with the site plan. In order to accomplish these objectives, the applicant shall provide the following:

(1) A statement and site map showing the location and dimensions of all structures, buildings, parking areas, access signs (with descriptions), existing and proposed vegetation and other planned features on the site, anticipated changes in the site's existing topography and natural features, and, where applicable, measures and features to comply with other applicable state and/or local

regulations, including, but not limited to, tidal wetlands, freshwater wetlands and flood hazard areas.

(2) A map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, water bodies, shorelines (with high-water line), easements and other pertinent features.

(3) A topographic or contour map of adequate scale and detail to show site topography.

B. A preliminary meeting is required for all new residential and new commercial construction. The intent of such a meeting is to allow the Planning Board to review the completed application with the applicant and provide feedback in an informal setting prior to the public hearing.

C. Section 209-6 is revised as follows:

(1) Subsection A is revised to read as follows:

All applications for approval of a site plan shall be submitted on a form prescribed by rule or regulation of the Planning Board. Twelve copies of the site plan application and any related information shall be submitted to the Planning Board. No application shall be accepted by the Clerk of the Planning Board unless it is complete. Within 30 days of receipt of the application, the Planning Board shall determine whether said application is complete. If the Planning Board determines that said application is incomplete, it shall promptly notify the applicant wherein said application is deficient.

(2) Subsection C(1) is repealed.

(3) Subsection 209-6C(3)(o) is revised to read as follows:

Approximate locations and dimensions of areas proposed for neighborhood parks, playgrounds or other permanent open space.

D. Section 209-7A(2) is revised to read as follows:

Various on-site structures and uses within the development shall be harmonious and in scale to one another and with the neighborhood. No open design foundation system will be permitted for residential structures within an AE flood zone. Open design foundation systems shall only be permitted in FEMA-designated V (Velocity) zones and FEMA-designated Coastal A Zones, also known as the LIMWA Zone

Chapter 210, Zoning

A. Sections 210-3, 210-171C, D and F, 210-207, 210-300C, and 210-326 are revised to change "Site Plan Review Board" with "Planning Board.

B. Section 210-3 is revised as follows:

(1) Definition of "adjusted grade" is revised to read as follows:

Only in areas mapped in a floodplain by FEMA FIRM maps. Adjusted grade is the average of established grade and the design flood elevation as established by FEMA, the Incorporated Village of Freeport, and the North American Vertical Datum of 1988 (NAVD88).

(2) Definition of "design flood elevation" is added to read as follows:

The base flood elevation plus the freeboard requirement.

(3) Definition of "freeboard" is added to read as follows:

An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations. The freeboard requirement for the Village is four feet or two feet above the State of New York freeboard requirement, whichever is greater.

(4) Definition of "lot, plot or parcel" is revised to read as follows:

A portion of land considered as a unit or occupied by a building or a group of buildings which are united by a common interest or use and the customary accessories and open spaces belonging to the same, provided that said portion of land is not dissected by a street, dedicated or not, a public or private way or by any easement over which the public has a right of passage. In the case of a waterfront property for the purpose of calculating buildable area, only the portion of terrestrial land between the streetline and the bulkhead line may be considered for a primary or secondary building.

(5) Definition of "NAVD 1988" is added to read as follows:

North American Vertical Datum of 1988 Plane. Elevation datum currently used by FEMA and the Incorporated Village of Freeport for the determination of flood elevations, FIRM Maps, and mean high tide.

C. Sections 210-4 and 210-260A are revised to change "Marine Apartment-Boatel and Condominium district" to "Marine Apartment-Boatel Condominium and Cooperative District."

D. Section 210-9 is revised to change $1,000 to read $4,000.

E. Sections 210-9.1, 210-9.2, 210-9.3, 210-9.4, 210-9.5, various moratoria, are repealed due to their expiration.

F. Section 210-29F is revised to read as follows:

Customary home occupations, such as the office of a physician, dentist, surgeon, real estate broker or other professional person, provided that such use is incidental to the primary residence use of such professional persons, and provided that such use shall be conducted in the principal building.

G. Section 210-47A is revised to read as follows:

Generally. All buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of more than 35 feet nor have more than three stories, and apartment houses shall not exceed 50 feet in height nor have more than four stories, including the basement.

H. Section 210-170 is revised to read as follows:

On corner lots in any Residence AA, Residence A or Residence Apartment District, no hedge or other structure or plant, other than shade trees, more than three feet in height above established grade, shall be erected, placed or maintained within a triangular area formed by the intersecting street lines and a straight line joining the street lines at points 20 feet distant from the point of intersection and measured along the street lines.

I. Section 210-177B(4) is revised as indicated:

The minimum fine for a violation of this subsection shall be ~~$25~~$250.

J. Section 210-204, definition of "temporary sign" is revised to read as follows:

TEMPORARY SIGN –

A sign which is designed to advertise or announce a particular event or series of events, to solicit political support or to announce the availability for sale of any type of property. Such temporary signs may be maintained for a period of no greater than 60 calendar days.

K. Section 210-204, definition of "wall sign" is revised to read as follows:

WALL SIGN –

Any sign which is attached directly to or painted on the building wall and is parallel to the building wall.

L. Section 210-206A(14) is added to read as follows:

The material of all signs shall be no thinner than 1/4-inch thick, shall be made of solid plastic, metal, or wood, and shall not be of flexible banner-type material.

M. Section 210-221 is revised to read as follows:

§ 210-221. Display of street numerals and business name.

[Added 1-23-1978 by L.L. No. 2-1978; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Any provision of this Code to the contrary notwithstanding, all structures situate within the Village of Freeport shall prominently display the numerals of the street address of said premises. Such numbers are to be clearly visible from the street adjacent thereto.

B. Any provision of this Code to the contrary notwithstanding, all businesses occupying a streetfront within the Village of Freeport shall have a code-compliant sign prominently displaying the business name of said business.

C. Any provision of this Code to the contrary notwithstanding, all businesses within the Village of Freeport containing a rear door shall have the business name and/or address displayed on said rear door.

N. Section 210-223A is revised to read as follows:

Location. Such pool is installed in the rear or side yard of the premises.

O. Section 210-260F and G are repealed.

P. Section 210-272 is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time and may amend a schedule of fees payable by an applicant for a special use permit for an Artist/Professional Live/Work Overlay District and for the annual compliance inspection provided for in § 210-270 of this chapter.

Q. Section 210-295A is revised to read as follows:

The Board of Trustees by resolution shall adopt and from time to time may amend a schedule of fees payable by an applicant for a petition for a Golden Age Zone Classification.

Village of Freeport
Code Adoption 2024 Local Law

Schedule B
Additional Specific Revisions at Time of Adoption of Code

Chapter 86
Remove Table of Height and Area Limits, which was part of now-removed 86-17A1
Remove Tables I and II for Allowable Working Stresses, which was part of now-removed 86-53F4.

Chapter 124, Health and Sanitation
Article III, Fumigation
Section 124-8 is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.

Chapter 138, Licensing of Business
Article III, Special Sales
Section 138-18B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 138-19B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 138-22 is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.

Chapter 151, Pawnbrokers
Section 151-4B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.

Chapter 188, Taxicabs
Article II, Licenses
Section 188-15B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-24G is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-30B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-30C is revised to replace references to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-31 is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 188-32B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.

Chapter 205. Waterfront Properties and Watercraft
Article III, Boats and Vessels

Section 205-17B is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.
Section 205-20 is revised to replace reference to Chairman of the Board of Police Commissioners with Chief of Police.